387.1 PURPOSE AND SCOPE
To outline the University’s policy for employing benefited employees.

387.2 POLICY
The Office of Human Resources is the official University entity for benefited staff employment. This policy covers benefited exempt (including faculty) and non-exempt employees. Faculty have additional requirements under Faculty Code (see policies 401-407 for more information).

The Office of Human Resources works with the Office of Equity to ensure nondiscriminatory, equal opportunity practices in recruiting, screening, and/or testing applicants for employment. For more information on the University’s commitment to affirmative action and equal opportunity, refer to Policy 303: Affirmative Action/Equal Opportunity.

All search committee chairs shall receive and review materials from the Office of Equity related to conducting equitable searches. Search committee chairs are responsible to share that information with the committee prior to beginning the applicant review process. Additionally, all advertisements must include the University’s Notice of Non-discrimination.

Utah State University is committed to hiring only United States citizens or non-citizens lawfully authorized to work in the United States.

All newly hired benefited employees will be subject to a criminal background check (see Policy 386: Background Checks for more information). All offers of benefited employment should be contingent upon successful completion of a criminal background check.

Costs (such as advertising, employment agency fees, interview and recruitment travel, long-distance telephone charges, etc.) are the responsibility of the hiring department and must be authorized in advance by the department head/director.

More than one person may be hired from one job requisition if the title and minimum qualifications are the same, the job responsibilities are similar, and funding is available. Each position must have its own unique University position number.
The committee chair is responsible for notifying all applicants about the status of the position in a timely manner. This includes communicating with applicants, ensuring applicant statuses are updated in the applicant tracking system (ATS), and closing the job requisition in the ATS.

Documents and notes concerning applicants that are not captured in the applicant tracking system must be retained in either paper or electronic form by the hiring department for three years after the job requisition closes.

Department personnel may make an offer to another member of the applicant pool if it is within 3 months of the job requisition close date.

A former employee of Utah State University may be rehired into his/her former position without a competitive hiring process if:

- the rehire occurs within 12 months of termination;
- the former employee’s position was not filled in the interim; and
- the employee does not receive more than a 5% increase from their previous salary in that position. Salary increases may not exceed the limits of the assigned salary grade. For additional information refer to Policy 384: Wage and Salary Administration.

2.1 Advertisement of Positions

2.1.1 Exempt Positions

Positions that are classified as exempt are required to be advertised for a minimum of 14 calendar days on the University’s employment website. Requests to reduce this requirement must be submitted to the Office of Human Resources for approval.

All exempt positions are required to be advertised nationally through the Office of Human Resources in order to attract a broad and diverse applicant pool and meet government immigration requirements for employees seeking permanent residency.

2.1.2 Non-Exempt Positions

Positions that are classified as non-exempt are required to be advertised for a minimum of 7 calendar days on the University’s employment website. Requests to reduce this requirement must be submitted to the Office of Human Resources for approval.

A competitive search is not required when a position is changed from non-benefited hourly to a benefited position within a department and:

- the position for which the hourly employee was originally hired was filled through a competitive process (either through the Office of Human Resources or Career Services); and
- the employee has been employed in the hourly position for at least six months;
- the job responsibilities have not substantially changed, the employee meets the minimum requirements of the benefited position, and the employee does not receive more than a 5% pay increase; and
- there is an available university position number or an approved new position request.

387.3 RELATED USU POLICIES

- Policy 303: Affirmative Action/Equal Opportunity
- Policy 384: Wage and Salary Administration
- Policy 386: Background Checks
- Policy 388: Retention, Disposition, Access, and Confidentiality of Applicant Information
• Policy 392: Employment of Relatives
• Policy 395: Introductory Period of Employment
• Policy 398: Reduction-in-Force
• Policy 399: Termination of Exempt and Non-Exempt Staff
• Policy 401: Composition and Authority of the Faculty
• Policy 402: The Faculty Senate and Its Committees
• Policy 403: Academic Freedom and Professional Responsibility
• Policy 404: Faculty Appointments
• Policy 405: Tenured and Term Appointments: Evaluation, Promotion and Retention
• Policy 406: Program Discontinuance, Financial Exigency and Financial Crisis
• Policy 407: Academic Due Process: Sanctions and Hearing Procedures

387.4 DEFINITIONS

4.1 Benefited Employee

An employee is considered benefit eligible (i.e. eligible for all USU benefits) if they are budgeted to work at least 20 hours a week and their position is budgeted for employee benefits. Affordable Care Act (ACA) eligible employees are not considered fully benefited employees as they are only eligible for medical coverage.

4.2 Exempt Employee

An employee who, based on salary and duties performed, is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). (Note: Faculty, under FLSA, are considered exempt employees.)

4.3 Fair Labor Standards Act (FLSA)

Federal law establishing overtime pay, minimum wage, and child labor requirements affecting full-time and part-time employees.

4.4 Non–Exempt Employee

An employee who, based on salary and duties performed, is not exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and must be compensated at a rate of one and one-half times the employee’s regular pay rate for hours worked over 40 in a workweek.

Information below is not included as part of the contents of the official Policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the President, subject to review by the USU Policy Committee.

POLICY HISTORY

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