Departments employ temporary staff due to vacancies in permanent positions or for additional, short-term labor. Departments have two ways to hire temporary employees at the School:

- Hire temporary staff directly.
- Receive temporary staff through an outside temporary agency.

The policy applies to all temporary employment, SPA and EPA.

All temporary appointments must be handled through Human Resources. Hiring departments must work with Human Resources to identify direct hires, confirm eligibility for hire, determine qualifications and hiring hourly rates.

Advertising Vacancies

Departments may advertise for temporary positions on the School's website, the Office of State Personnel's website and or in local newspapers. Advertising for temporary employment is not required.

Temporary Agencies

Human Resources will assist the hiring department in recruitment for temporary appointments through a temporary agency. A "Notification of or Request for Temporary Employment" form must be completed and forwarded to Human Resources. Based on the information provided on the request form, Human Resources will work with the temporary agency to meet the temporary employee needs of the hiring department. Human Resources will notify the hiring department of the availability of and beginning date of employment for the temporary request.

Temporary Appointments

A temporary appointment is an employment status of limited duration not to exceed 6 months without approval. The appointment can be from a one day to a 6 month period. If the appointment must exceed 6 months, the appointment must be approved by Human Resources. The temporary appointments can not exceed 12 consecutive months.

Departments may submit an extension request to the Director of Human Resources if the appointment is needed beyond 6 months. If approved by the Director, the temporary appointment may be extended up to a maximum of 6 additional months.
When a temporary appointment has been for 12 consecutive months, the employee's appointment must be terminated. The employee cannot be hired into another temporary appointment with the School for at least 31 calendar days.

**Retirees**

State policy allows retirees in temporary appointments to work beyond 12 consecutive months so long as the employee certifies that he/she is not available for or seeking permanent work and has benefits through his/her retirement plan. Employees who retire from the State of North Carolina and receive a pension through the State are limited in the salary amount they can continue to receive as a temporary employee for the State. State retirees should contact the North Carolina Teachers’ and State Employees’ Retirement System (TSERS) for information on income limits.

Retirees can not return to work for 6 months from the date of State Retirement. This is a decision made by the Teachers’ and States’ Retirement Systems.

**Age Limitations**

The School does not practice or condone age discrimination. Limitations are enforced only where specific age constitutes a bona fide occupational qualification.

- Persons must be at least 16 years of age in order to be considered for temporary employment. NCSSM Students can not work under the Temporary Appointment Policy unless it is during an extended weekend or summer break.
- Law enforcement officers must be at least 21 years of age.
- There is no maximum age for employment.

For employees under the age of 18, the specific duties to be performed must comply with the Child Labor provisions of the Fair Labor Standards Act. Employees under age 18 may not work more than nine hours per day, 48 hours per week, or six consecutive days per week; nor may they work before 6:00 a.m. or past 12:00 midnight.

Employees under age 18 may not work in occupations declared hazardous by the Secretary of Labor. Of particular interest to all departments are the "Hazardous Orders" prohibiting the employment of minors 16 and 17 years of age in such activities as:

- truck driving (operator or helper);
- roofing operations;
- operating any hazardous equipment or machinery; or
- handling, storing, or being exposed to radioactive substances or ionizing radiation.
Violations of this policy may result in penalties or fines from the Federal and/or State Department of Labor.

Application Forms

Departments are required to have applicants for direct-hire temporary employment complete the "Application for Staff Employment" or provide a Resume and applicable Supplemental Forms. (see Offering Employment Documentation)

Interviewing

Interviews of applicants for temporary appointments must adhere to the guidelines for interviews established for permanent employment. Interviewing is not required for direct-hire temporary appointments.

Anti-Nepotism

Relatives (as defined below) of current employees (permanent or temporary) may not be employed within the same department without review by and notice to Human Resources. If relatives are considered for employment, it is necessary for the department head to certify that such action will not result in one family member supervising another member of the immediate family. No family member may occupy a position which has influence over another employment, salary administration, or other related management or personnel consideration.

Relatives are as follows: wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, granddaughter, and step-, half-, and in-law relations of this same list. Employment restrictions might also include others living within the employee's household or otherwise so closely identified with the employee as to suggest the potential for difficulty in the employment relationship. Relatives (or other closely affiliated persons) of current employees are not given preference in employment. It is the responsibility of the hiring department to verify and assure that this policy on employment of relatives is followed by completing an "Anti-Nepotism Certificate" and sending the completed form to Human Resources.

Reference Checks

Departments are strongly encouraged to complete reference checks and credentials verification (if applicable) for all final candidates for temporary appointments.

Criminal Conviction Checking

The satisfactory completion of a criminal conviction check is required for all final candidates for temporary appointments.
OFFERING TEMPORARY EMPLOYMENT

Documentation

Departments must verify the identity and eligibility of temporary employees for employment by having them complete the appropriate documentation, including:

- Application or Resume
- Pre-Services Checklist
- Conditions of Employment Temporary Appointment Acceptance
- Federal Form I-9: (Provide supporting documentation)
- Tax withholding forms (W-4 and NC-4)
- Criminal Conviction Check
- Direct Deposit

Departments must provide this documentation to Human Resources along with the Request for Temporary Appointment and Temporary Appointment Classification Documentation. Human Resources will initiate the personnel action that enters the temporary employee information in the State’s BEACON System.

Orientation

Hiring officials are responsible for providing appropriate department orientation to temporary employees.

School Policy Information

Departments are required to ensure that temporary employees are aware of the policies regarding employment at the School. The "Conditions of Employment Temporary Appointment Acceptance" provides a list of these policies.

Benefits Eligibility

Temporary employees are eligible to participate in the following benefit program:

- Savings bonds
- 403(b) Plan

Paychecks

Paychecks for temporary employment are generated through the State Payroll System and are received biweekly.

Direct Deposit
Temporary employees are required to participate in payroll "direct deposit" into a bank or credit union account. Temporary employees must submit a deposit slip or voided check along with the direct payroll deposit authorization.

**Leave Programs**

Temporary employees are not eligible to participate in any paid leave or paid time off programs, nor do they receive paid holidays. Temporary employees do not earn vacation or sick leave.

**Training Programs**

Temporary employees may participate in training programs provided through the School upon the approval of the supervisor.

**WAGE-HOUR ADMINISTRATION FOR TEMPORARY EMPLOYMENT**

**Minimum Wage**

All temporary employees must be paid at or above the State minimum wage ($10.61 per hour as of 2010). The hourly rate increases each year that a Legislative Salary Adjustment if implemented.

**Wage-Hour Status**

All temporary employees are subject to the overtime provisions of the Federal Fair Labors Standards Act (FLSA). Temporary employees should submit a completed employee time record for each biweekly in which they work. Temporary employees are paid on a biweekly pay schedule and must adhere to payroll deadlines for accurate payments to be received.

**Overtime Liability**

Non-Exempt employees earn time-and-one half for all hours worked in excess of 40 hours in a work week. An employee must actually work over 40 hours in a single work week to receive overtime compensation. Lack of funds does not relieve a department from its liability to compensate overtime work at the rate of time-and-one-half. The School does not have a policy that allows equal time off (hour for hour) in another week. The additional pay is to be included in the paycheck for the biweekly in which the overtime was worked.
Management should give as much advance notice as possible of the need to work overtime so that employees can make any arrangements necessary to enable them to perform the overtime work.

**Compensatory Time Off**

Temporary employees are not eligible for compensatory time off.

**Holidays and Holiday Pay**

Temporary employees do not receive pay for a School holiday not worked. A temporary employee who is required by his/her department to work on a School holiday must receive his/her regular pay and must also receive Holiday Premium Pay for all hours worked on the holiday. Holiday Premium Pay is equal to one-half the employee's regular pay rate (the total compensation for working on the holiday is time and one-half.)

A temporary employee who works on a School holiday but was not required by the department to do so must be compensated at his/her regular rate for all hours worked on the holiday. This voluntary work is not additionally compensated with Holiday Premium Pay.

Management has the discretion to allow temporary employees to work a flexible schedule during a holiday week to compensate for the absence on the holiday (for example, four 10-hour days).

**Termination**

Temporary employees may be terminated at any time without additional compensation. They are not eligible for layoff priority employment or severance pay.

**Purchasing Temporary Service for Retirement Credit**

Temporary employment can be purchased for retirement credit through the Teachers' and State Employees' Retirement System (TSERS). TSERS must be contacted for additional information.

**Relevant Policy Information for Temporary Employees**

The following policies, guidelines and information apply to temporary employees.

- Illegal Drugs
- Workplace Harassment
- Workers' Compensation

**Related Forms:**
• Request for Temporary Appointment
• Pre-Services Checklist
• Conditions of Employment Temporary Appointment Acceptance
• Form I-9
• W-4 and NC-2
• Criminal Conviction Check
• Direct Deposit