

## Florida State University Policy OP-C-7-H Other Personal Services (OPS)

Responsible Executive: Vice President for Finance and Administration  
Approving Official: Vice President for Finance and Administration  
Effective Date: As soon as 21-day notice runs [and on final approval](#)  
Revision History: 10/19/2016; readopted 1/1/2014

### I. INTRODUCTION

This policy applies to the OPS pay plan, which is reserved for temporary employment used for completing short term or intermittent tasks. OPS employment is at-will and employees may be separated from employment at any time without notice or reason for termination. Layoff rights do not apply.

### II. POLICY

OPS employees must be hired at or above the State and/or Federal minimum wage, whichever is higher.

~~Eligible~~ OPS employees are covered under the Family and Medical Leave Act, Americans with Disabilities Act and the Workers Compensation Law.

OPS employees are subject to ~~the~~[all](#) non-discrimination and sexual harassment policies and procedures.

OPS employees are not covered under the Florida Retirement System. Some OPS employees (based on [average](#) hours worked) may be eligible for the staff/faculty insurance group plans.

OPS employees are eligible for enrollment in the State Deferred Compensation Annuity Program (457) and the 403b Tax Sheltered Annuity program. OPS employees that do not have another affiliation with FSU may be subject to mandatory enrollment in the FICA Alternative Plan 401(a).

### III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY

The Board of Trustees has delegated its authority over personnel programs to the President which is further delegated to the Vice President. Constitutional authority, state statutes, Florida Board of Governors regulations, and University regulations authorize the policy:

Florida Constitution Article IX, Section 7;  
Sections 110.131, 1001.706(6)(a), Florida Statutes;  
Florida Board of Governors Regulation 1.001(3)(j) and (5)(a);  
Florida State University Board of Trustees Regulations FSU-4.001, FSU-4.0015.

This policy shall be reviewed by the Chief Human Resources Officer every seven years for its effectiveness. The Office of Human Resources shall make recommendations to the Vice President for Finance and Administration for any modification or elimination.

#### **4-OP-C-7-H1 OPS (A and T) Job Codes**

Responsible Executive: Vice President for Finance and Administration  
Approving Official: Vice President for Finance and Administration  
Effective Date: As soon as 21-day notice runs [and on final approval](#)  
Revision History: 10/19/2016; readopted 1/1/2014

#### **I. INTRODUCTION**

This policy applies to OPS (A and T) job codes whose appointments are paid from Other Personal Services (OPS) funds. These appointments should be temporary in nature and have a designation of being exempt or nonexempt from the Fair Labor Standards Act (FLSA).

(Reference OP-4-C-7-H2 for Graduate Assistant Appointments or 4-OP-C-7H3 for Federal Work Study Appointments).

#### **II. POLICY**

OPS job codes and descriptions are maintained by the Office of Human Resources. Employees should be appointed to an OPS job code that best matches the duties associated with the temporary assignment.

There are a limited number of OPS exempt job codes that may be used upon approval by Human Resources. An OPS Position Description must be completed and submitted to Human Resources to ensure the job meets the duties and/or salary test outlined by the FLSA. Work should not commence until Human Resources has approved the OPS exempt designation.

OPS Job Codes are preceded by an "A" or "T" modifier. The "A" modifier should be used when appointing an FSU student who will be working less than ~~3940~~ [3940](#) hours [in a workweek](#). The "T" modifier should be used for all non-student employees or FSU student employees working ~~more than~~ [40](#) hours [or more](#) in a work week.

All OPS appointments are subject to successful completion of all applicable new employee forms. Potential employees must also furnish original work authorization and/or identity documents. Work should not commence until all completed forms and documents have been furnished to the department and subsequently submitted to Human Resources.

### III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY

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Sections 110.131, 1001.706(6)(a), Florida Statutes;  
Florida Board of Governors Regulation 1.001(3)(j) and (5)(a);  
Florida State University Board of Trustees Regulations FSU-4.001, FSU-4.0015;  
Fair Labor Standards Act, 29 U.S. Code Chapter 8;  
Immigration Reform and Control Act.

This policy shall be reviewed by the Chief Human Resources Officer every seven years for its effectiveness. The Office of Human Resources shall make recommendations to the Vice President for Finance and Administration for any modification or elimination.

#### 4-OP-C-7-H4 OPS ATTENDANCE AND LEAVE

Responsible Executive:	Vice President for Finance and Administration
Approving Official:	Vice President for Finance and Administration
Effective Date:	As soon as 21-day notice runs <a href="#">and on final approval</a>
Revision History:	10/19/2016; readopted 1/1/2014

#### I. INTRODUCTION

This policy applies to Other Personnel Services (OPS) job codes and provides attendance guidelines for this pay plan. This policy is supplemental to and complements the University's Attendance and Leave policies as well as any applicable collective bargaining agreements.

The Chief Human Resources Officer is delegated by the President with responsibility for administration of benefits and hours of work to ensure adherence to Federal law, Florida Statutes, and University regulations.

#### II. POLICY

The workweek for Florida State University is from 12:00 a.m. Friday to 11:59 p.m. the following Thursday, except for those departments which have obtained authorization, in writing, from the Chief Human Resources Officer to use a different workweek.

The supervisor and approving authority shall be responsible for arranging the work schedule to minimize overtime for OPS employees covered by the Fair Labor Standards Act.

Time spent by an employee who is subpoenaed or voluntarily produced to represent the University as a witness or as an individually named defendant within the course and scope of employment shall be considered time worked. Travel time to/from the location is also considered time worked. In some instances, ~~The~~ employee may, ~~if appropriate,~~ be paid per diem and travel expense and, if so, shall be required to ~~turn over~~submit to the University any witness or mileage fees received from the court or opposing counsel.

Time spent by an employee to attend meetings, conferences, or training that are required by the supervisor shall be considered time worked.

OPS employees are not entitled to paid leave benefits.

OPS employees may be eligible for 12 workweeks of unpaid Family and Medical Leave within a 12 month period in compliance with the Family and Medical Leave Act (FMLA) of 1993.

A Telecommuting Agreement with the University is required for OPS employees who are working remotely. This agreement must be approved prior to the commencement of remote work.

Employees may be allowed up to a 15-minute work break period during the first half and another 15 minutes during the second half of the workday. Work breaks are a privilege granted at the discretion of the supervisor or department head. They cannot be accumulated as substitution for a lunch period or be used to compensate for late arrival or early departure from work.

Meal periods, if authorized, must be at least 30 minutes long and are generally unpaid.

OPS Exempt Employees:

- Are appointed to exempt status in accordance with Fair Labor Standards Act requirements and are expected to work and are paid according to the standard hours of their appointment.
- Are expected to work a minimum of 40 hours in a workweek and are not paid overtime.

OPS Nonexempt Employees:

- Perform work that is covered by the Fair Labor Standards Act and does not qualify for an exemption under the Act. They are eligible to receive payment for overtime at the rate of time-and-one-half their regular rate of pay for hours worked beyond 40 in a workweek.
- Shall not be permitted to begin work before the established starting time or work after the established quitting time unless it is specifically authorized ~~and required~~ in advance by the supervisor.
- ~~Must maintain a record of the exact time they begin and end work to include leaving and returning from lunch breaks and other time off (excluding work breaks). At the end of each day the hours worked will be rounded to the nearest quarter of an hour~~

according to the Seven Minute Rule. Nonexempt employees must maintain an accurate daily and weekly record of hours worked on their employee timesheet. For Nonexempt employees, the hours worked will be rounded to the nearest quarter of the hour at the end of each day.

- Should normally be supervised and shall not take work home.
- Biweekly compensation will include only hours physically worked.
- Should ~~leave their work areas~~ not engage in work-related duties during meal breaks.
- Shall be compensated for overtime worked during the workweek no later than the end of the following pay period on the basis of one-and-one-half times the employee's hourly regular rate of pay for each hour of overtime worked.

### **III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY**

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#### **4-OP-C-7-H5 One Time Pays**

Responsible Executive: Vice President for Finance and Administration  
Approving Official: Vice President for Finance and Administration  
Effective Date: As soon as ~~21-day~~ 21-day notice runs and final approval  
Revision History: 10/19/2016; readopted 1/1/2014

### **I. INTRODUCTION**

This policy applies to OPS compensation for occasional or sporadic employment. One Time Pays should be reserved for employment that is short in duration, infrequent, and/or irregular.

### **II. POLICY**

One Time Pays must be paid from OPS funds; retirement credit will not be given.

If the employee is already employed with the University, the occasional or sporadic assignment must not be within the same general occupational category as the employee's regular work or performed during regular work hours, and must be voluntary. A Dual Compensation Request Form must be submitted and approved before the work is performed.

~~The employee must be free to refuse to perform the work, without fear of sanctions and without being required to explain or justify the decision.~~

~~The decision to work in a different capacity must be made freely by the employee and without coercion, implicit or explicit, by the employer.~~

### **III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY**

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/s/ Name of Approving Official

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[Proof of approval retained in file]