

## **FAQs Regarding Contingent Workers (Temps/LHTs)**

- 1. Q:** I currently employ Less than Half-Time (LHT) employees in my department. What will I need to do differently under the changes to the contingent worker's policy?

**A:** Effective 3/4/19 you may continue to hire LHT employees for an unlimited period of time. However, there are four changes:

1. LHT employees performing HUCTW work may work a maximum of 14 hours per week. This has been reduced from less than 17.5 hours per week.
2. If the LHT employee works more than 14 hours per week on three occasions within a one-year period (starting with their date of hire), the employee must be removed from their position as this would be a violation of the policy.
3. The practice of "cycling" employees multiple times between LHT and Temp status with no break in employment will no longer be allowed. Departments may change the status from Temp to LHT or LHT to Temp one time only. For example, you may hire someone as a Temp for up to 13 weeks and then change them to LHT status indefinitely or hire someone as a LHT and then change them to Temp status for up to 13 weeks.
4. When employment for a LHT ends, there is no required break in service unless their previous LHT position ended due to a violation. In that case, an 8-month break is required.

- 2. Q:** I currently employ Temporary employees in my department. What will I need to do differently under the changes to the contingent worker's policy?

**A:** Effective 3/4/19, you may continue to hire Temporary employees for up to a 13-week period of time (up to 26 weeks if covering for an employee on an approved leave with a right to reinstatement); they may work a full-time schedule and they may be eligible for overtime pay. However, there are two changes:

1. The practice of "cycling" employees between Temp and LHT status with no break in employment will no longer be allowed. Departments may change the status from Temp to LHT or LHT to Temp one time only. For example, you may hire someone as a Temp for up to 13 weeks and then change them to LHT status indefinitely or hire someone as a LHT and then change them to Temp status for up to 13 weeks.
2. When employment for a Temporary employee ends, they may not be rehired anywhere within the University as a Temporary employee (or LHT employee) for at least 8 months.

- 3. Q:** Are Harvard University retirees and Harvard students still exempt from this policy?

**A:** Yes. As long as the employee is either retired from Harvard or a current student at Harvard, they are exempt from these policy changes. For example, a retiree may work as a Temp for longer than 13 weeks or they may work as a LHT up to less than 17.5 hours per week.

- 4. Q:** How do I know if someone qualifies as a Harvard Student (instead of as a Temp or LHT)?

**A:** Generally speaking, a Harvard Student is someone who is an active student at Harvard registered for at least a half-time schedule. When using the Student Quick Hire Form, you will not be able to complete the hiring process if the individual does not meet the criteria. If they do not meet the student criteria, you may hire them as a Temp or LHT but they are subject to the policy.

**5. Q:** How do I know if someone qualifies as an Intern (instead of a Temp or LHT)?

**A:** You may hire someone as an Intern if they are fulfilling an on-the-job training component for successful completion of a degree or certificate requirements. If they do not meet the Intern criteria, you may hire them as a Temp or LHT but they are subject to the policy.

**6. Q:** When do I need to notify my LHT employees that their weekly hours will be reduced?

**A:** The changes in this policy go into effect on March 4, 2019. You must notify your LHT employees of their new weekly schedule and the date the new schedule becomes effective (no later than March 4, 2019). We have created a sample notice for your convenience.

If you have LHT employees who are working less than 14 hours per week, we recommend that you use the sample notice to confirm their schedule going forward. This will also make them aware of the policy changes.

**7. Q:** I currently have a Temp working in a position that has been posted for a regular, benefits eligible position. The position will not be filled before the Temps' 13-week assignment ends. May I ask the Union for permission to extend the Temp's existing assignment past 13-weeks until the position is filled?

**A:** Yes. Please contact the local Union Representative to make your request to extend the assignment. If they approve your request, you may continue to use the Temp for the agreed upon length of time.

**8. Q:** If I have posted an HUCTW position, but am having a hard time filling it, am I able to extend a Temp position?

**A:** If you need to extend a Temp position, you may reach out to your Local Union representative to discuss the situation. They may agree to extend the length of the assignment for the existing Temp based on the particular circumstances.

**9. Q:** Am I able to extend a Temp assignment for an HUCTW member with an extended leave of absence?

**A:** Temps who are filling in for an employee on an approved leave of absence with a right to reinstatement may work up to 26 weeks. When hiring them in PeopleSoft, remember to check the Backfill Flag. If you were not initially aware that the employee would be out for more than 13 weeks, you may extend the Temp assignment if the employee will be returning to the position at a later date. When coding the appointment extension in PeopleSoft, you must also check the Backfill Flag.

**10. Q:** Is there a clean slate on March 4, 2019?

**A:** In implementing the new policy, HUCTW has agreed that the week beginning Monday, March 3, 2019 will count as “week 1” for Temps. They may work 13 weeks from that date even if they started working as a Temp prior to March 3, 2019.

**11. Q:** If I need to rehire a Temp after March 4, 2019 but they last ended employment with the University on January 4, 2019, am I able to do so under the new policy?

**A:** Yes. Temp employees will only be held to the new break in service requirement if they are hired on or after March 4, 2019. In the example listed above, the Temp will not be held to the new 8-month break in service requirement from a position that ended prior to March 4, 2019.

**12. Q:** What if I hire Temps on an intermittent basis during our busy times? Game day event staff who may work more than 14 hours over a weekend and then not work again for several weeks or months. Can they cycle on and off until they accumulate the equivalent of 13 weeks of employment?

**A:** We will remain consistent with how Temp limits have always been applied. The 13-week period is assessed from the beginning to the end of the individual Temp assignment. It will not be assessed on an intermittent basis for a total of 13 weeks in a year. If there is a break in service, the individual will be required to complete an 8-month break in service before they are eligible for rehire as a Temp or LHT University-wide.

**13. Q:** If I want to hire someone as a Temp and I see that they have already worked 8 weeks as a Temp in another school this past year, can I hire them as a Temp in my department for 5 weeks (the balance of the 13 weeks allowed)?

**A:** No. Temps are allowed to work assignments of up to 13 weeks. For example, if a Temp works in a school for 8 weeks, they may not then work anywhere else in the University until they have completed an 8 month break in service. They may not work the balance of the 13 weeks in another assignment.

**14. Q:** One of my employees was on a leave of absence for 13 weeks and I have a Temp who was filling in for them. I have another employee going on a leave of absence immediately following that. Can I have the same Temp fill in for the second employee?

**A:** No. Temps are only allowed to work up to 13 weeks or up to 26 weeks if they are covering for an employee on an approved leave with a right to reinstatement. The Temp

position must be one assignment covering for one individual. It cannot be split to cover for two people who are each on a 13 week leave.

**15. Q:** Will we get contacted to discuss exceptions to the Temp/LHT Policy?

**A:** The changes to this policy will go into effect on March 4, 2019. You must make the necessary staffing changes when the policy goes into effect. If you need an exception, please reach out to your assigned contact at the Office of Labor and Employee Relations to discuss next steps.

**16. Q:** If I hire a Temp through an agency, are they held to the new policy?

**A:** Temps hired through an agency may only work for 13 weeks. However, the rehire provisions are different. They can be hired to work in another Tub with no break in service and they can be rehired in the same Tub with a 60-day break in service.

**17. Q:** What if I have a Temp/LHT who violates the new policy?

**A:** The Joint Committee on Contingent Workers (JCCW), made up of HUCTW union leaders and University management will be meeting on a monthly basis. Temp/LHT reports for the previous month will be reviewed by the committee. If an employee has been identified as violating the policy, the department will be notified that they must remove the employee from the position immediately. As an alternative, the department may choose to hire the employee into a regular benefit eligible position or term position.

**18. Q:** Will Extended-Part-time Employees (EPEs) be impacted by the Temp/LHT Policy changes?

**A:** There are no direct changes to the EPE program eligibility threshold and benefits; as a practical matter, to the extent hours are reduced for Temp and LHT employees, it could reduce the number of those that meet the threshold for benefits. The look back to assess eligibility is at the close of the fiscal year.

**19. Q:** Are there tools I can use to monitor the employment of my Temps/LHTs?

**A:** Yes, the Office of Labor and Employee Relations is in the process of modifying the existing QlikView reports that you can run on a regular basis to ensure that there are no violations to these new policy changes.

**20. Q:** Will there be training on the new policy?

**A:** Yes, the Office of Labor and Employee Relations (OLER) will be providing managers and HR teams with training on the new policy and the reporting. OLER will notify you of these training opportunities.

**21. Q:** If I am hiring a Temp or a LHT and I want to make sure that Harvard Retirees will see the job posting, what can I do?

A: Retirees may or may be interested in filling a Temp or LHT positions. The Harvard Retirees Association (HURA) is a good resource for this. They email their network of 1,500 Harvard Retirees on a regular basis and they are willing to include your job posting in an email. Please email your job posting to Malcolm Hamilton at [mch12938@comcast.net](mailto:mch12938@comcast.net).