07-09.60 – REINSTATEMENT FOR REGULAR EMPLOYEES

I. Policy Statement:

This procedure establishes the conditions and guidelines that apply to former USM regular status Exempt and Non-Exempt employees who are re-appointed to regular Exempt and Non-Exempt positions within a specified period of time to Towson University, following a period of separation from the University System of Maryland (USM) and/or the State of Maryland.

II. Reason for Policy:

Towson University has established implementing procedures pursuant to the USM Policies VII-9.20, Policy on Pay Administration for Regular Nonexempt Staff Employees; and VII-9.61, Policy on Reemployment and Reinstatement for Regular Status Nonexempt and Exempt Staff Employees.

III. Definitions:

A. Employee: a non-faculty individual employed in a regular and/or contingent capacity. Based on the application of the Fair Labor Standards Act (FLSA), the employee’s function is classified as either Exempt or Non-Exempt.

B. Regular Status: any position that is established as a line item and appears in the personnel detail of an institution’s budget. Employees on regular status are eligible for all benefits offered by the USM, based on percentage of time worked.

C. Exempt Employee: employee who, based on duties performed and manner of compensation, is exempt from the minimum wage and overtime provisions in accordance with the provisions of the Fair Labor Standards Act (FLSA). Exempt employees shall be paid an established annual salary and are expected to fulfill the duties of their positions regardless of hours worked. Exempt employees are not eligible to receive overtime compensation or compensatory time off. Exempt positions include the president, officers, provost, vice presidents, and deans performing administrative functions, managers, administrators and professionals.

D. Non-Exempt Employee: employee who, based on duties performed and manner of compensation, is subject to all provisions of the FLSA. Because of hourly pay practices, an employee appointed to a per diem position shall be treated as a Non-Exempt employee subject to FLSA minimum wage and overtime provisions. Non-Exempt employees shall be required to account for time worked on an hourly
and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time-and-one-half) rate. Non-Exempt titles are identified in title and pay plans. Non-Exempt positions include maintenance, office, technical and para-professional employees.

IV. Responsible Executive and Office:

Responsible Executive:  Associate Vice President of Human Resources

Responsible Office:  Office of Human Resources

V. Entities Affected by this Policy:  All divisions, colleges, departments and operating units; all Towson University regular employees.

VI. Procedures:

A. General

1. Reinstatement applies to Regular employees only.

2. A former USM/State of Maryland regular status employee who is returning to a regular Exempt or Non-Exempt position at Towson University is eligible for reinstatement status so long as their separation date from regular USM and/or State of Maryland service does not exceed three years.

3. A reinstated employee shall receive full credit for prior USM and/or State of Maryland service as it applies to service time and sick leave balance.

4. A reinstated employee is not eligible for cost of living (“COLA”) and merit adjustments and/or annual, holiday, or personal leave credit for the time-period between the original and subsequent re-employment.

B. Departments who are considering an applicant for hire who may be eligible for reinstatement should contact the Office of Human Resources (OHR).

C. The OHR verifies eligibility for reinstatement.

D. The President of the University or designee shall have the flexibility to authorize a salary for a position to be occupied by an individual eligible for reinstatement.

1. Non-Exempt Provisions

   a. Reinstatement to the Same Job Class – Individuals being reinstated to a position with the same job class shall receive a salary no less
than the salary the individual held at the time of the most recent separation from UMS service.

b. Reinstatement to a Job Class with a Higher Maximum Salary – Individual being reinstated to a position within a job classification that has a higher maximum salary than the job class at the time of the individual’s most recent separation, shall receive a salary no less than the salary the individual held at the time of most recent separation from USM service, but no less than the minimum salary for the job class.

c. Reinstatement to a Job Class with a Lower Maximum Salary – Individual being reinstated to a position within a job class that has a lower maximum salary than the job class at the time of the individual’s most recent separation, shall receive a salary which is no greater than the salary received at the time of separation. The President or designee shall determine the individual’s salary within the range.

d. Probation – In accordance with USM Policy VII-1.21 Policy on Probation for Regular Non-Exempt and Exempt Staff Employees and TU Policy 07-01.21 Probation for Regular Non-Exempt Employees, Non-exempt employees are required to serve a probationary period in the function to which they have been reinstated. If the reinstatement results in an original probation, upon successful completion of the probationary period, the Non-Exempt employee is eligible for a 2.5% salary increase. An employee’s salary shall not exceed the maximum of the pay range for his/her classification.

2. Exempt Provisions

a. Departmental salary recommendations must be in accordance with the Chancellor’s Salary Guidelines (contact OHR) and based upon salary data provided by the OHR. The salary data will include market data respective to the University employment market, internal job value, equity and the previous salary of the individual.

b. Salary increases in excess of the percentage specified in the Chancellor’s Salary Guidelines (contact OHR) require the University President’s approval and are reported to the Chancellor’s Office.

c. An employee’s salary shall not exceed the maximum of the pay range for the position.
d. In accordance with USM Policy VII-1.22 Policy on Separation of Regular Exempt Staff Employees and TU Policy 07-01.21 Probation for Regular Exempt Employees, Exempt employees shall serve a one-year probation period regardless if they have previously served a probation in the classification they are being reinstated to.

Related Policies:

USM Policy VII-1.21 Policy on Probation for Regular Non-Exempt and Exempt Staff Employees

USM Policy VII-1.22 Policy on Separation of Regular Exempt Staff Employees

USM Policy VII-9.20, Policy on Pay Administration for Regular Nonexempt Staff Employees

USM Policy VII-9.61, Policy on Reemployment and Reinstatement for Regular Status Nonexempt and Exempt Staff Employees.

TU Policy 07-01.21 Probation for Regular Non-Exempt Employees,

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