Human Resources FAQs

Pay and Leaves

1) Q. I need someone to perform some clerical duties on a part-time temporary basis for 3 months. The pay would be $1,200 for the three month period and the person would work about 5 hours each week. I would like to hire a current MSU hourly (non-exempt) staff member who works full-time. May I do this?

A. No, you can not pay a person using this method. Because you are not paying the person on an hourly basis, you are treating him or her as if he or she is exempt from the Fair Labor Standards Act (FLSA). Rules related to the FLSA *generally* do not allow a person to be paid as an exempt employee and as a non-exempt (bi-weekly paid) employee in the same work week. See this US Dept. of Labor web site. Also, time worked must be monitored very closely so that overtime calculations are correct. If a person is not paid on an hourly basis during his or her work, then overtime can not be calculated correctly.

The person must be paid on an hourly basis. The following items are additional concerns.

- An employee's primary job is defined as the job with the highest FTE*. In the event of a tie, HR will determine it in consultation with the VP(s) involved.
- Overtime will be charged to the primary job.
- A job description is required.
- Policy III F states, "Only in exceptional cases will non-exempt staff be allowed to work on special projects and receive overload/overtime compensation." Also, "Only in exceptional cases will non-exempt employees be permitted to work in two positions concurrently. In such cases, work performed for a grant or contract may not result in the payment of overtime."

* Full-time equivalent (FTE) is a unit to indicate the amount of work relative to full-time work. An FTE of 1.0 indicates that the employee is equivalent to a full-time worker, while an FTE of 0.5 indicates that the worker is only half-time. All jobs in Banner have an FTE to indicate the employee's work status relative to full-time.

2) Q. I need someone to perform some clerical duties exactly as stated in the previous question. I would like to hire a current MSU monthly-paid (exempt) staff member who works full-time. May I do this?

A. No. A person can not work in an exempt job and a non-exempt job during the same workweek.

3) Q. When do I use an extra compensation form and when do I use a PA?

A. The extra comp form can be found at this link. Extra compensation is wages for any work done in addition to an employee's base contract salary (academic year or fiscal year). This includes overtime payments for nonexempt staff, summer compensation for faculty with academic year base assignment periods and overload payments for academic year faculty during the academic year and anytime for faculty with fiscal year assignment periods and other exempt staff and fiscal year base assignments. The maximum overload compensation is 20% of the employee's base salary. A PA form and extra compensation form must be completed and approved before any work begins.

A Personnel Action Form is for:

Extra Compensation	Leaves	Demotions
New Hires	Promotions	Pay Changes
Terminations	Transfers	Name Changes

Job Title Changes

4) Q. Who is considered a volunteer at Murray State and can they ever be paid for their services?

A. A volunteer, according to the Fair Labor Standards Act (FLSA), is *an individual who performs services without promise, expectation, or receipt of compensation; they offer their services freely without coercion and are not otherwise employed by the same agency for which they volunteer.*

5) Q. I am wanting to have someone come in and help with my student organization, are they considered a volunteer and is there anything that Human Resources needs them to complete before they start?

A. If the service is being provided to a student club, it is not considered a benefit to Murray State. However, if a volunteer is helping in your area for the benefit of Murray State, there is some paperwork that needs to be completed before they start. Click here to access the necessary form.

6) Q. I have 1 day of sick leave left and 1 day of vacation leave left. What do I do if I get in a car accident and break an arm and a leg, and I can't work?

A. You should request several approvals at once: Request sick leave, then vacation leave, then sick leave bank usage, and then FMLA. Because a broken leg and a broken arm would be seen as a serious injury (per the family leave policy) but not a catastrophic injury (per the sick leave bank policy), you would probably qualify for family leave which is unpaid time off, but not sick leave bank usage, which is paid time off.

If approved for family leave, you could have up to 6 months of time off. If family leave is not approved, your time off would be unexcused, and you may be subject to discipline up to termination of employment.

All leave is unexcused unless it is covered by a policy such as sick leave or vacation or other policy. Employees must tell their supervisor which policy applies to their time off.

Remember that to use the sick bank, if you qualify for it, you must be off work for 15 consecutively scheduled work days before you can begin to draw from the bank. The 15 days will run concurrently with paid leave days. [Policy IV O Sick Leave Bank]

A leave without pay for a period or periods not to exceed thirty (30) working days in any fiscal year may be recommended by the administrative head of the department, forwarded through the appropriate vice president, Associate Vice President for Human Resources, and President for final approval. [Policy IV E Personal Leave]

An employee who has exhausted all accrued sick and vacation leave may be placed on a leave of absence without pay for one year [including the six (6) months family medical leave] from the date that paid sick leave and vacation leave were exhausted if the employee has a minimum of one year of service with the University. An employee who is unable to return to work at the end of the leave without pay may be terminated. Such leave of absence must be approved by the Board of Regents. Tenured faculty should refer to current Faculty Handbook. [Policy IV C Sick Leave]

For prolonged illnesses or injuries, the following policies may take effect, in this order:

1. Sick Leave
2. Vacation Leave
3. Sick Leave Bank use (Can begin after 15 consecutively scheduled work days off)
4. Family Leave
5. Personal Leave approved by President
6. Sick Leave of Absence approved by Board of Regents