

FAQs Regarding Contingent Workers (Temps, LHTs, OHHCWs)

1. Q: What are the rules for a OT eligible Less than Half-Time (LHT) employee?

A: A LHT employee may work for an unlimited amount of time as long as they comply with the following:

1. LHT employees performing HUCTW work may work a maximum of 14 hours per week.
 - a. 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.
2. LHT employees may be transferred to Temp status one time only. For example, you may hire someone as a Temp for up to 13 weeks and then transfer them to LHT status indefinitely or hire someone as a LHT and then change them to Temp status for up to 13 weeks, after which their assignment must end.
3. When employment for a LHT ends, there is no required break in service unless their previous LHT position ended due to a policy violation. In that case, an 8-month break is required.
4. A LHT may not hold a concurrent paid position unless it is another LHT position where combined hours don't exceed 14 hours per week.

2. Q: What are the rules for an OT eligible Temporary employee?

A: Temporary employees may work for up to 13 consecutive weeks (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.

1. Temporary employees may be transferred to LHT status 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, after which their assignment must end.
2. When employment for a Temporary employee ends, they may not be rehired anywhere within the University as a Temporary employee for at least 8 months. They may be hired as a LHT unless their temp assignment ended due to a policy violation.
3. An OT eligible Temp may hold a concurrent OT eligible paid position (except for a LHT position). It is not recommended that an OT eligible Temp hold a concurrent OT exempt position.

3. Q: What are the rules for an Occasional High Hours Contingent Worker (OHHCW)?

A: An OT eligible OHHCW is an employee who works sporadically during the fiscal year.

1. They may:
 - a. Work up to 455 hours per fiscal year
 - b. Work up to 12 weeks per fiscal year
 - c. Work up to 3 consecutive weeks

2. They may only work as an OHHCW once per fiscal year
3. They may not be transferred to/from Temp/LHT within the same fiscal year.
4. They may be transferred to/from Temp/LHT at the beginning of the next fiscal year.
5. If employment ends for an OHHCW due to a policy violation, they will not be eligible for rehire as a Temp, LHT or OHHCW for the remainder of the fiscal year.
6. An OT eligible OHHCW may hold another concurrent OT eligible paid position (except for LHT). It is not recommended that an OT eligible OHHCW hold a concurrent OT exempt position.

4. Q: Does this policy apply to Harvard University retirees and Harvard students?

A: No. As long as the employee is either retired from Harvard or meets the definition of a student, they are exempt from these policy changes. Because they are exempt, a Harvard retiree may work as a Temp for longer than 13 weeks or they may work as a LHT for less than 17.5 hours per week. Students are hired as Harvard Student Temps and there is no limit to the number of consecutive weeks they can work.

5. Q: How do I know if someone qualifies as a Harvard retiree?

A: You can tell that someone qualifies as a Harvard retiree by researching their work history in PeopleSoft. The Career History Summary page will show their payroll status as “Retired”.

6. Q: How do I know if someone qualifies to be hired as a Harvard Student Temp?

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, LHT or OHHCW but they are subject to the terms of the policy.

7. 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, LHT or OHHCW but they are subject to the terms of the policy.

8. Q: How do I find out if the individual I want to hire as a Temp or LHT has had a Temp/LHT assignment within the past 8 months?

A: Before hiring an individual as a Temp or LHT it is a good idea to research their work history with the University to ensure that they have not had a Temp or LHT assignment

within the last 8 months. You can look this up in PeopleSoft > Job Info > Career History Summary or in QlikView > University Workforce > Career Summary.

- 9. Q:** If the individual I want to hire as a Temp/LHT last worked as a Harvard Student Temp, do I have to wait 8 months before I can hire them as a Temp/LHT?

A: The 8-month break in service does not apply if the individual worked as a Harvard Student Temp within the last 8 months.

- 10. 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: No, you may not reach out to the local union rep to request an exception to the policy. Any requests should be sent to Kathleen Green in the Office of Labor and Employee Relations. The request will be discussed at the next scheduled meeting of the Joint Committee on Contingent Work (JCCW). The committee meets monthly usually the 4th Monday of the month.

- 11. Q:** Am I able to extend a Temp assignment for an HUCTW member past 26 weeks if they are still on an approved leave with the expectation that they will return to work?

A: Temps who are covering for an employee on an approved leave of absence with a right to reinstatement may work for up to 26 weeks. The Temp may not work longer than 26 weeks as a Temp even if the employee continues to be on an approved leave with a right to reinstatement. The Temp would need to be hired as a regular benefited employee in order to be eligible to continue working past 26 weeks. This can be done on a Term basis.

- 12. 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.

- 13. Q:** Are LHTs allowed to cover for an employee who is out of work on an approved leave?

A: Yes. A LHT may work more than 14 hours per week if they are working more hours to cover for an employee who is on an approved leave. Maintain their status as a LHT

and do not transfer them to a temp position as this would count as the one-time allowed switch from LHT to Temp. If the JCCW flags this as a violation you will be asked to provide information about the employee on leave.

14. Q: What if I hire Temps on an intermittent basis during our busy times? This may happen with employees who may work more than 14 hours over a weekend and then not work again for several weeks or months. Can they work 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 allowed is based on consecutive weeks 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. This employment situation may be best suited for an OHHCW role.

15. 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.

16. Q: What if I have a Temp, LHT or OHHCW who violates the 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. The Harvard University Temp payroll 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.

17. Q: Are Agency Temps subject to this policy?

A: Generally speaking, agency temps are subject to this policy. See DZConneX Program Guidelines for a complete set of rules.

18. Q: Are exempt Temps and LHTs subject to this policy?

A: Exempt Temps and LHTs are not subject to this policy. Exempt temps should be hired using the exempt temp job code and may work for up to 6 months. Exempt LHTs may work less than 17.5 hours per week and may work for an unlimited duration. Exempt Temps and LHTs that are hired using the Non-exempt, OT eligible job codes will be included in the JCCW monthly data analysis for potential policy violations. If a

violation is flagged, the department will be asked for information about the individual and their work.

19. Q: Are Temps, LHTs or OHHCWs eligible for any benefits?

A: If any class of Temporary employee meets the eligibility of an Extended Part-time Employee (EPE), they will be eligible for some benefits. See the EPE FAQs for details.

20. Q: Are there tools I can use to monitor the employment of my Temps, LHTs and OHHCWs?

A: Yes, there are reports available in QlikView to monitor the use of each type of contingent worker. They can be found under the Temp/LHT Monitoring tile.

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.