



# CITY OF NEWPORT NEWS PERSONNEL ADMINISTRATIVE MANUAL

Effective Date: 10/01/91

SECTION <b>401</b>	SUBJECT <b>EMPLOYEE STATUS</b>
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As used in this policy, the term employee means those persons employed by the City of Newport News, including the constitutional officers and their employees, appointed officials and their employees, the Registrar and the Registrar's employees, the Sheriff and the Sheriff's employees, and the Clerk of Court and the Clerk's employees. Not included are independent contractors, school board employees, board and commission members, or employees of agencies for which the City acts as fiscal agent.

The status of an employee is based on the status of the position held. Employee status is determinative of eligibility for employee benefits and application of personnel policies. (Reference Section 700, Employee Benefits; Section 600, Salary Administration and Section 1100, Grievance Procedure).

## I. DEFINITIONS

### A. Regular Full Time

Regular full time positions are those which are established in the annual operating budget to work a full time schedule of 40 hours per week (2080 hours per year) or equivalent. For Fire positions assigned to the three platoon system, a full time schedule is 216 hours per 27 day cycle (2920 hours per year).

To qualify for regular full time status, positions must be specifically established in the budget for a full year; however, these positions are generally anticipated to have an indefinite duration. Positions established during the budget year to work a full time schedule for at least one full year also qualify for the regular full time status designation.

When positions are established for one full year but the duration beyond that period is anticipated to be limited, the regular full time status designation will be used but any incumbents shall be informed of the limited nature of the position.

### B. Regular Part Time

Regular part time positions are those established to work a regular schedule of 20 hours or more per week for at least 40 weeks per year. Positions with this designation are established in the budget for a full year but are generally anticipated to have an indefinite duration. In some cases

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where work schedules are subject to change to meet operational needs, a work schedule regularly averaging 20 hours or more per week within a month for at least 40 weeks per year may also qualify for the regular part time status designation.

Regular part time positions are not intended to have full time work schedules for extended periods of time. This does not preclude work schedules of 40 hours or more per week, but when employees in regular part time positions are required to work full time schedules for extended periods, the appropriate status of the position should be re-evaluated by the department head and the Director of Personnel.

## C. Temporary

Temporary positions are those which do not meet the criteria for regular full time or regular part time status. This designation is intended to include temporary, seasonal and limited term positions.

Work schedules for temporary positions may be full time or part time. Temporary positions with full time work schedules have an anticipated duration of less than one year. Temporary positions with part time work schedules may have a duration of more than one year but otherwise do not meet the definition of regular part time status. Included are those positions with occasional or casual work schedules and those involving less than 20 hours per week.

Temporary positions with full time work schedules may be extended for brief periods beyond one year. In these cases, the department head shall notify the incumbent in writing that the position has been extended due to operational needs and that the employee's status for the position will remain unchanged. A copy of the notification shall be forwarded to the Personnel Department.

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Regardless of the anticipated duration of the position held, nothing in this policy shall constitute an employment contract. The City of Newport News is an at-will employer.

## II. **CHANGES IN EMPLOYEE STATUS**

Employee status may be changed when the employee is transferred to a position with a different status, or when the current status of a position is reviewed and it is determined by the department head and the Director of Personnel that a different status is more appropriate. When a position is recommended to be changed to regular full time status, the approval of the Director of Budget and Evaluation and the authorization of the City Manager are required.

Any changes in employee status may involve changes in employment rights, benefits and salary increase eligibility, as described below.

### 1. From Temporary or Regular Part Time to Regular Full Time Status

Except as hereinafter provided, time served in a temporary or regular part time status shall not apply to the accumulation of benefits, seniority, probationary period or eligibility for salary increases when an employee is changed from temporary or regular part time status to regular full time status shall become the new anniversary date from which benefits and seniority accrue and the probationary period begins.

Time served in regular part time employment may be credited on an equivalent time basis for employment probationary period and merit increase eligibility purposes when the employee remains in the same job.

Regular part time employees transferring to a regular full time position may retain and convert any annual leave balance into vacation with no additional waiting period prior to its use.

### 2. From Regular Full Time to Temporary or Regular Part Time Status

Regular full time employees changing to temporary or regular part time status will forfeit the benefits of regular full time status. Any vacation leave balance will be paid to employees at the time of the change in status, except in cases where employees changing to regular part time status remain in the same department. In those cases, at the discretion of the department head, up to 60 hours of the employee's vacation leave balance may be retained and converted into annual leave.

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Regular full time employees with at least one year of service who change to regular part time status may begin accruing annual leave for part time employees with at least one year of service who change to regular part time status may begin accruing annual leave for part time employees immediately upon completion of the first full month of regular part time status in which a qualifying schedule of 20 hours or more per week was worked.

Service time for employees changing from regular full time status to regular part time status may be credited for merit increase eligibility purposes when the employee remains in the same job.<sup>1</sup>

3. From Regular Part Time to Temporary Status

Employees changing from regular part time to temporary status will no longer be eligible for part time annual leave benefits and will be paid for any leave balance at the time of transfer.

4. From Temporary to Regular Part Time Status

Employees changing from temporary to regular part time status may receive service time credit for part time annual leave eligibility purposes when the temporary position held by the employee had a regular work schedule of 20 hours or more per week.

Service time may be credited for merit increase eligibility purposes on an equivalent time basis when the employee remains in the same job.<sup>1</sup>

Time served in temporary status does not apply to the employment probationary period.

<sup>1</sup>The determination of whether an employee remains in the same job will be made by the Director of Personnel. In order to be considered the same job, the job must remain in the same department with the same responsibilities and the same performance expectations. Job titles and rates of pay are normally the same but duties and responsibilities will be the determining factors.

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