

Administrative Professional Classification Overview

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Session Overview

- HR Initiatives
- TMS Position Management Module
- Position Classification
- AP Framework Overview
- Fair Labor Standards

Recruitment Initiatives

Talent Management System (TMS)

- Position Management Module

AP Framework

- Classification of Administrative Professional positions
- Fair Labor Standards Act

Initiative Value

- Creating recruitment structures
- Streamlining efficiencies
- Protection of the University

Position Management Module

- Creates a position documentation tool
 - Library of position descriptions
 - » Automated, tracked and stored
 - » Classification into AP Framework and SC System
- Better analytics and reports for affirmative action and equal opportunity
 - Faculty and Research positions receive a Position.Version#
- Integrations to Oracle and HireRight
 - HireRight – improves background check processing
 - Oracle – limits duplicate data entry

Position Description Library (Admin Pro)



Inbox

PeopleAdmin

Watch List

POSITION MANAGEMENT ▼

Home

Position Descriptions

Classifications

| My Profile

Help

You have 0 messages.

Human Resources ▼



logout

Position Descriptions / State Classified

State Classified Position Descriptions

Create New Position Description

Open Saved Search ▼

Search:

Search

More search options

Ad hoc Search

State Classified Positions



✓ Saved Search: **"State Classified Positions"** (2628 Items Found)

Actions

← Previous 1 2 3 4 5 6 7 8 9 ... 87 88 Next →

Position Description Library

- Creates and stores electronic position descriptions
 - Outlines specific responsibilities for each position
 - » Duties and percent of effort, salary ranges, supervisory oversight, decision-making factors, minimum and preferred education and experience and competencies
 - Change from job announcements under old process
 - Creates Position.Version#s for all positions

Benefits of Classification

- Classification umbrella for the University
 - Standardized Job Families, Categories, Levels
- Consistency among comparable positions across campus
 - Fair and equitable process across campus
- Structured positions descriptions create stronger applicant pools
 - Improves recruitment and retention of employees
 - Assists search committee with recruitment efforts
 - Disabilities, reasonable accommodations and Workers' Compensation

Classification Umbrella

- Exemption from State Classified System
 - Authorized titles
 - Grant funding
 - Soft funds, usually from 5-3 and 1-6 accounts
- Designation of AP Positions
 - AP Framework
 - CSU Working Titles
 - Research Series
- Determination of Fair Labor Standards Act status
 - Exempt vs. non-exempt (eligible for overtime)
 - » Myth – AP Positions are exempt from overtime requirements

**TMS
Request
Submitted**

Positions
reviewed
based on
date
received

Classification Review Overview

- State Statute/HB 1301
- 100% Grant Funding
- Position Assessment
 - ~ New/Existing
 - ~ Job Duties (non-technical/non-clerical)
 - ~ Degree Requirements
 - ~ Decision Making/Independent Judgment
 - ~ Matters of Significance/Level of Supervision
- Similar/Like Positions
 - ~ Develop consistency across campus

**Position
Designation**

State
Classified

AP
Framework

Research
Series

State Classified Exemptions

Article XII, Section 13, of the Colorado Constitution

- Exemption Authority is delegated to the President or their designee. The CSU President has delegated this authority to the HR Executive Director.
- The HR Executive Director must adhere to provisions in C.R.S. 24-50-135 as well as the Department of Personnel and Administration's Technical Guidelines.
- Support of State Classified Positions
 - Myth – CSU is eliminating state classified positions

State Authorized Exemptions

Authorized exemptions from the State Personnel System

- Officers of the university and their executive assistants, employees in professional positions, including the professional employees of a governing board, and any other employees involved in the direct delivery of academic curriculum
- Employees in positions funded by 100% grants or gifts
 - Auxiliary funding

Board of Governor Exemptions

Approved “officers” of the university for purpose of executive assistant exemptions

- President
- Chief of Staff to the President
- Executive Vice President and/or Provost
- Vice Presidents and Vice Provosts
- Assoc/Assist Vice Presidents
- Assoc/Assist Vice Provosts
- Director CO State Forest Service
- Director of Ag Exper Station
- Director of Cooperative Ext
- University Controller
- Deans of Academic Colleges and Graduate School
- Dean of the Library
- Athletic Director

Admin Pro Review Process

**TMS
Request
Submitted**

AP Position
Review

- Position Assessment
 - ~ Reporting Structure (ORG Chart review)
 - ~ Job Duties (non-technical/non-clerical)
 - ~ Degree Requirements (defined HB 1301 exemption)
 - ~ Decision Making/Independent Judgment
 - ~ Matters of Significance/Level of Supervision
- Similar/Like Positions
 - ~ Develop consistency across campus

**Position
Designation**

Approve AP position
based on HB 1301
exemption and
Framework

FLSA Status
Review

AP not meeting
established
guidelines:
Additional
information will be
requested
Retuned for
submittal as State
Classified

Professional Position - SC

- The exercise of discretion, analytical skill, judgment, personal accountability, and responsibility for creating, developing, integrating, applying, or sharing an organized body of knowledge.
 - Acquired through education or training that meets the requirements for a bachelor's or graduate degree or equivalent specialized experience; and
 - Continuously studied to explore, extend, and use additional discoveries, interpretations and applications, and to improve data, materials, equipment, applications, and methods.

Professional Position - FLSA

Attributes of the position duties and responsibilities:

- Absent of routine clerical or administrative characteristics (bookkeeping, purchasing, data entry, web content editing, general IT duties, helpdesk, etc.),
- Include decision-making, discretion and independent judgment.
 - Independent judgment and discretion involves the comparison and evaluation of possible courses of conduct resulting in the authority to make an independent choice, free from immediate direction, with respect to matters of significance which can impact the department or the University.
- “Learned in-depth knowledge” which is acquired from a specific degree program (bachelor/graduate degree) and relates to the established job duties.

AP Framework: Job Families

Job Families

- Defined as a large discipline of work that contains multiple job functions. Primary focus is on job duties and responsibilities, not departments or titles.

Job Families

- Academic Services (AC)
- Administrative Services (AD)
- Athletics (AT)
- Bio Pharma (BP)
- Business Services (BU)
- Communications (CM)
- Development (DV)
- Executive (EX)
- Extension (ES)
- Finance and Accounting (FA)
- Health and Safety (HS)
- Health Care (HC)
- Hospitality (HO)
- Human Resources (HR)
- Information Technology (IT)
- Natural Resources (NR)
- Physical Infrastructure (PH)
- Research Services (RS)
- Student Services (SS)
- Veterinary Science (VS)

AP Framework: Job Categories

Technical/Support: Performs work that is technical in nature or provides administrative or other types of support services

Professional/Individual Contributor: Focus on role and responsibilities within the job family, not managing people, operations or budgets

Project/Program Management: Dedicated to defined projects, initiatives or programs which are designed, implemented and managed with budgetary oversight

Management: Focus on guiding and managing goals, processes and compliance within a division, department or unit through the oversight of staff/teams

Executive Leadership: Leaders with university-wide responsibilities, decision-making, and strategic impact

AP Framework: Job Categories

Specific Criteria

- Oversight received
- Problem solving
- Interaction/communication
- University impact
- Financial/budget responsibility
- People management
- Typical experience or education required

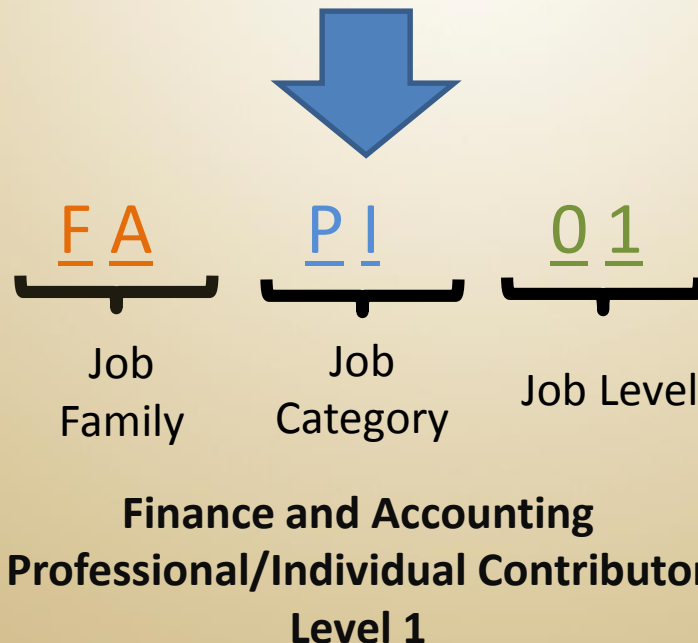
AP Framework Components

Job Family

Job Category

Job Level

Creates new designations for each AP position known as the **Job Code**



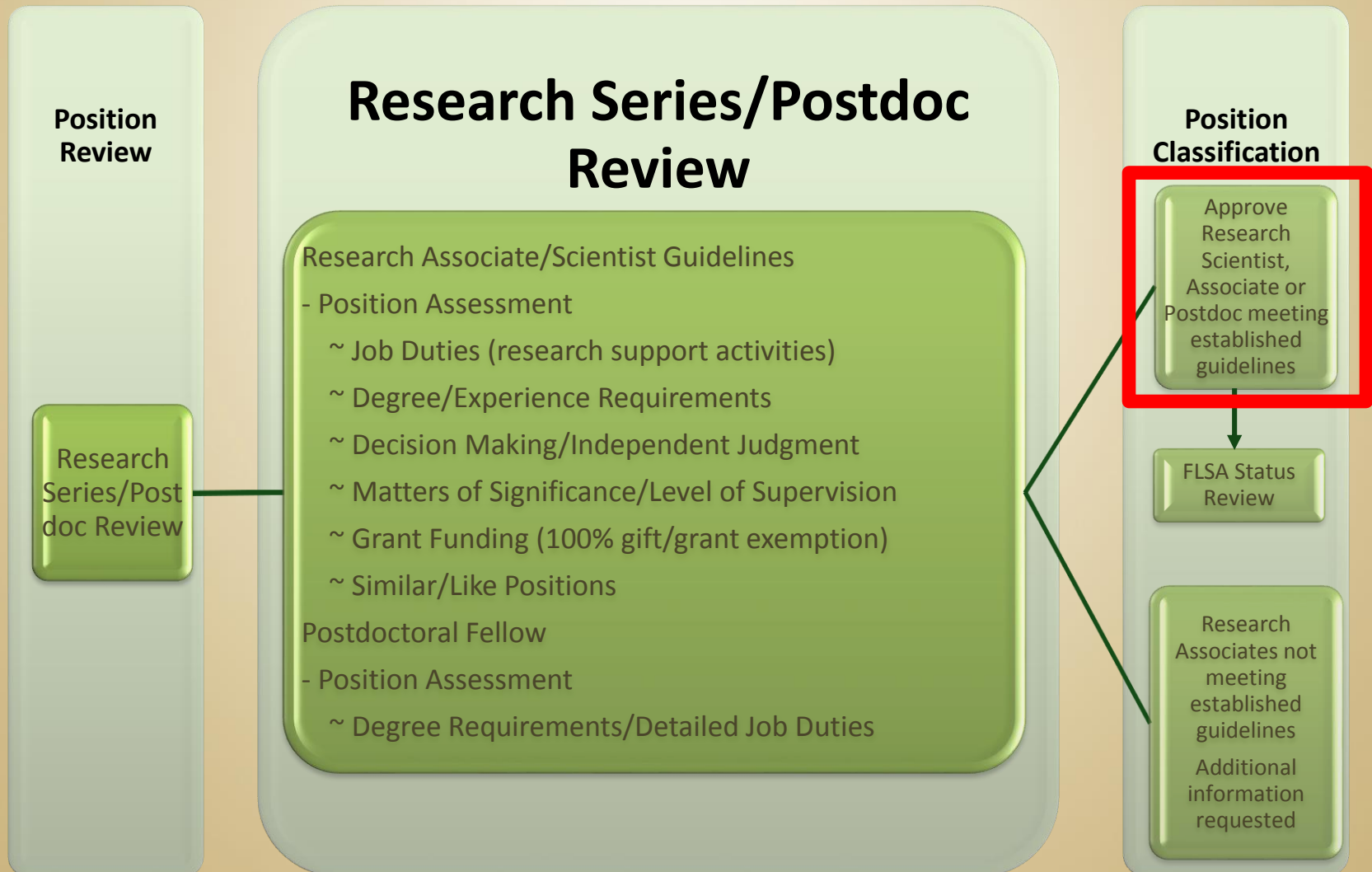
System Title vs. Working Title

System Title: FAPI01 Prof/Indiv Contrib I

- Replaces old Generic ORACLE Titles
 - Coordinator, Manager, etc.

Working Title: Accountant, Financial Reporting and Analysis

- Used for Business Cards
 - New Executive Director, Director, Associate Director, Assistant Director title requests require review by the President's Office



Fair Labor Standards Act

Exemption Tests

- Salary Basis Test
 - Pay must be equal to \$455 per week (\$23,660 a year).
Required for full and part-time positions
- Duties Basis Test
 - Exempt duties must be greater than 50% of the overall assigned tasks

Note: Proposed new regulations

- Increase Salary Test thresholds to \$970 per week (\$50,440 a year)
- Not sure what may comprise the new duties tests

Fair Labor Standards Act (FLSA)

Exemption Test - Duties Basis

- **Primary** duties consist of the performance of office or non-manual work directly related to management policies or general business operations
- **Consistent** exercise of discretion and independent judgment with respect to matters of significance as opposed to daily routine decisions
 - The main exemptions fall under Computer, Executive, Professional, Administrative, and Agricultural

Salary Basis

- Paid \$455 per week

FLSA Exemptions Assessment

YES

Job Duties

- Primary performance of office/non-manual duties related to management policies or general business operations

YES

Job Complexity

- Discretion and independent judgment rather than daily routine decisions with regard to matters of significance

YES

Exemption

- Meets additional criteria for Computer, Executive, Professional, Administrative or Agricultural exemption

YES

Exempt from Overtime

NO

Does not meet requirements for exemption from overtime under FLSA

Non-Exempt Designation

FLSA Risks

Risks for noncompliance:

- Federal contract debarment
- Imprisonment for employers if willful and repeated noncompliance
- All position within the same title are subject to review across the entire campus

When the FLSA classification is questionable
THE RULING WILL BE IN FAVOR OF THE EMPLOYEE

FLSA Financial Challenges

Financial impact of wage and hour noncompliance includes:

- Back pay for 2 years or 3 years for willful noncompliance
- Liquidated damages (double back pay) for willful noncompliance
- Punitive damages for retaliatory conduct
- Attorneys' fees, costs, and pre- and post-judgment interest
- Penalties - up to \$1,100 per employee

Remedies under Equal Pay Act include:

- Back pay
- Liquidated damages (double back pay) if willful noncompliance

Interpretation of FLSA

Agricultural Violation:

- Landscaping Firm – Northern Colorado
 - Classification of Landscapers - Exempt
- FLSA Audit
 - Misclassification
 - » Growth of Plants vs Purchase of plants
- Fine
 - \$127,000

Recent Wage and Hour Litigation

Amount	Organization	Description
Overtime/Misclassification Cases		
\$200 million	Farmers Insurance Exchange	To settle claims that it failed to pay overtime to over 200 claims agents it had classified as exempt administrative employees
\$89 million	UBS	To settle claims that it misclassified as many as 25,000 financial advisors as exempt employees
\$65 million	IBM	To settle claims that 32,000 employees had been misclassified as exempt and denied overtime
\$28 million	Siebel Systems, Inc.	To settle claims that it misclassified software engineers as exempt under California law
\$24 million	Computer Sciences Corp.	To settle claims that it misclassified 30,000 technical support workers as exempt administrative and executive employees and failed to pay them overtime
\$1 million	42 Fort Collins companies	Improperly exempting employees under the agricultural exemption and failing to pay overtime (Harmony Gardens paid \$127,301, Barlow Projects Inc. paid \$324,170)
\$500,000	Hofstra Univ.	To settle claims of minimum wage and overtime violations in a class action brought by 256 student employees who allegedly were misclassified as exempt
\$35.5 million	Family Dollar Stores, Inc.	Ordered to pay \$35.5 million, not including an anticipated award of up to \$10 million in attorneys' fees, after a federal judge found that it willfully violated the FLSA by misclassifying 1,424 of its store managers as exempt
\$96 million	City of Houston	To settle a class action alleging misclassification of paramedics
\$3.5 million	Univ. of Phoenix	To settle claims alleging Admission Counselors were misclassified
\$2 million	Univ. of New Mexico	To settle claims by Student Administrators that they should have been classified as nonexempt and received overtime
Off-the-Clock and Meal/Rest Period Cases		
\$87 million	United Parcel Service, Inc.	To settle class action claims that it denied meal and rest breaks to over 26,000 California employees (also had to pay nearly \$4 million in administrative costs and taxes)
\$5.1 million	Cingular Wireless	To settle claims that the company failed to compensate employees for such preliminary work as powering on computers, logging into the company's network, and bringing up computer programs necessary for their work
\$1.5 million	Farmer's Insurance	
\$15 million	Dick's Sporting Goods	To settle multiple class actions brought by 3,500 retail store associates in 23 states who alleged the company did not properly compensate them for time worked during meal break periods or for time spent waiting to leave stores after their shifts ended

Resources

Information on the AP Framework, State Classified exemptions is available on the HR Website:

- Administrative Professional Job Family Descriptions
(<http://hrs.colostate.edu/compensation/documents/CSUjobfamilydefinitions.pdf>)
- Administrative Professional Job Categories/Levels
(<http://hrs.colostate.edu/compensation/documents/joblevelsjanuary2014.pdf>)
- Exempting Positions from the State Classified System
(<http://hrs.colostate.edu/compensation/exempting-state-statute.html>)
- Information on Fair Labor Standards is available on the US Department of Labor Website:
- <http://www.dol.gov/whd/flsa/>



Questions?