

**Policy Title: Non-Student Hourly OPS Employment**

**Type of Policy:** UF Human Resources, Class/Comp

**Effective Date:** August 16, 2018

**Last Revised:** N/A

**1. Purpose**

The purpose of this policy is to outline employment provisions for all non-student hourly Other Personnel Services (OPS) employees at the University of Florida. These employees are non-exempt under the provisions of the Fair Labor Standards Act. OPS employees are employed “at-will” and have no expectation of continued employment, nor do they have grievance or layoff rights. Per UF regulation 1.100, OPS defines at-will temporary personnel.

This policy provides parameters on the appropriate use of non-student hourly OPS employees on a term or as-needed basis. The University of Florida hires temporary employees for jobs in which the need is not expected to be recurring. Temporary employees perform work on special projects, assist with workload surges, serve as coverage for staff on leave, provide seasonal help, or work on an as-needed basis.

**2. Scope**

This policy applies to non-student hourly OPS classifications. This policy does not apply to student assistants, adjunct faculty, graduate assistants, postdoctoral associates, or residents/house staff.

**3. Policy Statement**

It is the policy of the University of Florida to apply consistent standards for the use of employment of non-student hourly OPS employees.

**4. Procedures**

**a. Use of OPS Employees**

All new UF OPS hires must go through a pre-employment criminal background check. Federal statutes, state statutes and/or contracts may require specific criminal background checks on certain positions within the university.

Per UF regulation 1.100, OPS is defined as at-will temporary personnel.

Non-student hourly OPS employment is separate and distinct from University faculty and TEAMS/USPS staff. Non-student OPS employment does not count toward University or State University System creditable or continuous service, except for purposes of determining health insurance eligibility, as required by the state of Florida.

OPS employees are hired with no expectation of continued employment. OPS employees are employed at-will and not subject to a “just cause” standard for negative personnel actions. The University of Florida can terminate, with or without notice, an OPS employee for any lawful reason.

## **b. OPS Titles and Hourly Thresholds**

The total time worked by an individual non-student hourly OPS employee cannot exceed 4,176 hours if employed in one of the following titles:

i. OPS Special Risk

This code is used for employees who require extensive background checks, such as 435 and FBI Live Scan, due to working with minors and employees who perform specialized skilled labor.

ii. OPS Time-Limited

The type of work performed will vary based on need. This code is used for temporary employment due to an increase in work volume, coverage due to illness, parental leave cover, and various other temporary needs.

iii. OPS Sponsored Projects Non-Clerical

This code is used to employ persons to work in a non-clerical/non-administrative role on a sponsored project. Project work involves investigating, compiling, arranging, testing, and reporting information. The type of work can vary from conducting and/or coordinating research, lab work, technical support, or design work.

iv. OPS Sponsored Projects Clerical

This code is used to employ persons to work in a clerical/administrative role on a sponsored project. The type of work performed may vary from administrative to fiscal functions.

The following titles are to be applied to temporary employees who work on an as-needed basis or for a defined period-of-time (pre-determined employment beginning and end dates) based on the hiring authority's need for temporary employment. There is no hourly threshold associated with the following:

v. OPS Health Care

This code is used for employees in the health care industry who are employed on an as-needed basis, meaning those who are called into action when their services are required (PRN). Employees in this category have a professional certification and specialized skill set. This type of employment has no set schedule; days and times may vary depending on the situation or need.

vi. OPS As-Needed

This code is used for non-medical employees being employed on an as-needed basis, meaning those who are called into action when their skill set is required. This type of employment generally has no set schedule; days and times may vary depending on the situation or need.

vii. OPS Contract Services

This code is used for employment for a set time period to deliver a specific product. Contract services employment specifies the service to be performed and sets an agreeable standard of completion for these services.

viii. OPS Seasonal

This code is used for employment for 120 days or fewer per year. The employee is hired exclusively for a period of time to perform work that is only available for a portion of the year.

ix. OPS Special Project

This code is used to employ persons to work on a project. Project work involves investigating, compiling, arranging, and reporting information, all with a desired result identified. The type of work can vary to include administrative functions, research, technical support, fiscal, and design work.

Any employee who has retired from the state of Florida Retirement System (FRS) and is employed as an OPS employee, regardless of the title, shall be exempt from the 4,176-hour threshold.

For TEAMS/USPS/Faculty employees who hold an additional temporary role, the secondary OPS position is to be classified as OPS Secondary. See UF policy [Additional Employment at UF / Additional Employment Outside of UF](#).

The threshold for OPS employees subject to the 4,176-hour threshold (OPS Time-Limited, OPS Special Risk, OPS Sponsored Projects Clerical, OPS Sponsored Projects Non-Clerical) is reset after a six-month break in service or when changing from one college or unit to another.

**c. OPS Compensation**

OPS employees must be paid at least the State of Florida minimum wage.

OPS employees may be eligible for on-call pay and/or shift differential, if approved by the appropriate college/unit administrator.

The University of Florida is considered one employer under the Fair Labor Standards Act (FLSA). OPS employees who have more than one appointment and a total FTE over 1.0 within UF require submission of the [Request for Approval of Additional University Compensation \(HR600\) form](#) signed by UFHR to ensure compliance with the FLSA.

Non-student hourly OPS employees must be paid overtime pay at a rate of not less than one and one-half times their regular rate of pay after 40 hours of work in a workweek. They are not eligible for overtime compensatory leave. Overtime worked should be accurately reflected in the myUFL system. College/units are responsible for ensuring overtime is accurately tracked and paid.

In cases where an OPS employee has multiple appointments, the college/unit in which the overtime occurs is responsible for paying overtime wages.

Non-student hourly OPS employees are not eligible for any type of paid leave including holidays (unless worked), sick leave, vacation leave, or administrative leave.

**d. Consecutive OPS employment**

A consecutive OPS appointment occurs when an OPS employee finishes one appointment and immediately begins another OPS appointment. An OPS employee may hold a consecutive appointment when one of the following criteria is met:

- i. The appointments are in different college/units (the two-digit ID must be different).
- ii. Rehire Retirees from any State of Florida agency can hold consecutive OPS appointments regardless of a change in college/unit.

**e. Applicability of UF Nepotism Controls**

OPS employment is subject to [UF Regulation 1.009, Employment of Relatives](#). This regulation specifically prohibits the appointment of relatives or persons living in the same household to any position where a direct or indirect supervisory relationship would exist between relatives or would create a perceived or actual conflict of interest.

**f. OPS Benefits Eligibility**

In general, OPS employees are eligible only for benefits as required by law or as determined by the State of Florida.

In keeping with State of Florida eligibility criteria, OPS employees may be eligible for benefits through the State of Florida if reasonably expected to work 30 hours or more per week in all positions upon hire, work an average of 30 hours or more each week over the defined measurement period or within the defined measurement period, or when expected work hours increase to 30 or more in the same position or due to an additional position. If an OPS employee is eligible for benefits at the point of hire or becomes eligible following the defined measurement period, notification will be sent by the State of Florida.

If the employee is eligible, benefits must be elected **within 60 calendar days** of the date of hire or eligibility. For more information on each plan, visit <http://hr.ufl.edu/benefits>.

OPS employees who have been employed at UF for at least 12 months (consecutive or not) and have worked a minimum of 1,250 hours during the 12-month period preceding the event are eligible for up to 12 workweeks of unpaid leave for an FMLA-qualifying event.

Additionally, non-student hourly OPS employees participate in the [FICA Alternative Plan](#). Under the FICA Alternative Plan, non-student hourly OPS employees deposit money into a private retirement plan rather than contribute to Social Security. The program is mandatory for eligible employees, who are enrolled automatically. OPS employees are also eligible to participate in some of the university's other [tax-deferred savings programs](#).

**5. Reporting Questions or Violations**

The following department is responsible for overseeing implementation of and ensuring compliance with this policy and serves as the contact for questions about the policy or to report suspected violations:

Classification and Compensation (Class/Comp)  
Associate Director  
UF Human Resources

903 West University Avenue  
Gainesville, FL 32601-5117  
Phone: (352) 392-2477 (2HRS)

Fax: (352) 846-3058  
Email: [compensation@ufl.edu](mailto:compensation@ufl.edu)

## 6. Enforcement

Failure to comply with this policy could result in disciplinary action, up to and including termination.

### Resources

UF Regulation, 1.100, General Personnel Policy  
<http://regulations.ufl.edu/wp-content/uploads/2012/09/1.100.pdf>

UF Regulation 1.009, Employment of Relatives,  
<http://regulations.ufl.edu/wp-content/uploads/2012/09/1.009.pdf>

Policy: Additional Employment at UF / Additional Employment Outside of UF, <https://hr.ufl.edu/manager-resources/recruitment-staffing/hiring-center/advertising-the-job/uf-hiring-policies/>

Form: OPS Application, <https://hr.ufl.edu/wp-content/uploads/2018/04/opsapplication.pdf>

Form: Request for Approval of Additional University Compensation (HR600), <https://hr.ufl.edu/wp-content/uploads/2018/04/requestaddcomp.pdf>

Guidance: Guide to Choosing the Right Category of Temporary Employee: OPS Employment at the University of Florida,  
[http://training.hr.ufl.edu/instructionguides/job\\_position\\_actions/ops\\_job\\_code\\_definitions.pdf](http://training.hr.ufl.edu/instructionguides/job_position_actions/ops_job_code_definitions.pdf)

### Policy History

Revision Date	Author	Description
08-16-2018	UFHR – Class/Comp	Initial policy adoption