

VII-1.40 POLICY ON CONTINGENT STATUS EMPLOYMENT FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

(Approved by the Board of Regents December 13, 1996; Amended on February 9, 2001; Amended on July 10, 2002; Amended on October 22, 2004; Amended on October 9, 2015; Amended on June 21, 2019.)

I. PURPOSE

Establishes a USM policy on the appointment and compensation of individuals for Contingent Status employment including, in some instances, the provision of certain benefits.

II. DEFINITIONS

A. **Contingent Category I:** Any Contingent Status employee whose written agreement (contract) is for a term of six months or less regardless of the percentage of time

B. **Contingent Category II:** Any Contingent Status employee whose written agreement (contract) is for more than six months, but no more than 12 consecutive months; and is on a fulltime basis or on a part-time basis of 50% or more of fulltime employment; and is not seasonal or intermittent in nature.

C. **Contingent Status Employment:** A Non-Regular Status of employment for Nonexempt or Exempt Staff positions in the USM.

D. **Contingent Status Employee:** A person (non-faculty employee) who:

1. Pursuant to a written agreement, provides personal services to an institution for pay;
2. Is not employed as a Regular Status employee in a budgeted position;
3. Whose compensation, terms and conditions of employment are governed by this policy and a written contract and not by the USM policies generally applying to Regular Status Nonexempt and Exempt staff; and
4. Has an employer-employee relationship with the institution in which the institution furnishes necessary supplies and equipment, and a place to work; has the right to control and direct the details, means and results of the performance of the services; and has the right to discharge the person from employment.

E. **Family Member:**

- 1.

- a) Child, adopted child, foster child, or stepchild; a child for whom the employee has legal or physical custody or guardianship; or a child for whom the employee stands *in loco parentis*
 - b) Legal guardian;
 - c) Grandparent, adopted grandparent, foster grandparent, or step grandparent;
 - d) Grandchild, adopted grandchild, foster grandchild, or step grandchild;
 - e) Sibling, adopted sibling, foster sibling, or step sibling; or
 - f) Spouse; and
- 2.
- a) Parent, adoptive parent, foster parent, stepparent; or
 - b) An individual who acted as the parent, or stood *in loco parentis*, when the employee or spouse was a minor.

III. TERMS AND CONDITIONS

A. All Contingent Status employees:

- 1. Must meet the minimum qualifications for the position;
- 2. Shall be paid at a rate that at least meets the minimum of the pay range for the
Other compensation changes must be made in accordance
;
- 3. Shall not have any grievance rights under any State, University System of Maryland, or Institutional policy, unless such policy specifically provides otherwise;
- 4. Shall not be entitled to participate in the State Pension System or the USM Optional Retirement Program;
- 5. Shall be covered by applicable Federal and State of Maryland Equal Employment Opportunity and Affirmative Action laws and other applicable USM employee protection policies; and
- 6. Will be considered for a regular status vacancy in the same or a similar classification, if they should decide to apply.

B. Each written agreement (contract) for a Contingent Status employee shall specify:

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1. The appropriate contingent category: Category I or Category II. If it is a Category I appointment, it shall specify whether it is Seasonal or Intermittent or percentage of time worked;
2. The salary/hourly rate of pay;
3. The duration of the contract, including a provision that both the employee or employer have the right to terminate the agreement for any reason following notice as specified in the agreement;
4. The duties to be performed; and
5. The specific benefits and rates of leave accrual provided.

IV. CATEGORIES OF CONTINGENT STATUS EMPLOYMENT

Agreements for contingent status employment shall not be offered on terms which are not

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3. Subject to paragraph IV.B.6, may have their contract renewed by executing new contracts of up to one year at a time;
4. Shall be entitled to service credit for the time served in this category, if appointed, without a break in service, as a Regular Status employee. The term
5. Shall be given a written performance evaluation under the US Management Program guidelines (USM-BOR VII-5.20);
6. May be eligible for employment status conversion:
 - a) After three consecutive years of service in the Contingent Category II at the same institution, Contingent Category II employees who remain employed by the institution shall be converted to a Regular Status position, subject to all the policies and procedures of Regular Status employees.
 - b) This provision does not apply to employees in positions funded through a Research/Service Grant or Contract, or through Clinical Revenue; Athletic Coaches; employees on internships; and those employees who have chosen not to be converted to Regular Status employment; and
7. Who are converted to Regular Status without a break in service will have contingent time served in the current position counted toward probationary period.

V. BENEFITS

- A. The minimum benefits to be provided to Contingent Status employees, on an annual basis, are listed below. These benefits shall be pro-rated for contracts of less than one year and for less than fulltime employment.

1. Basic Leave Benefits

Contingent Category II employees are eligible for paid leave, as follows:

- a) F
Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday after Thanksgiving Day, and Christmas Day; and three (3) days of sick and safe leave
- b) Annual leave and SSL are available to the extent accrued and available, and may be used for the following purposes:

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