



## TECHNICAL COLLEGE OF THE LOWCOUNTRY

### **PROCEDURE: Temporary Employment Number: 5.2.2.2**

Responsibility: Human Resources  
Last Updated: November 29, 2023  
Related Policy: 5.2.2 Employment Practices

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President

**DISCLAIMER:** PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM OR THE TECHNICAL COLLEGE OF THE LOWCOUNTRY. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/THE SC TECHNICAL COLLEGE SYSTEM AND THE TECHNICAL COLLEGE OF THE LOWCOUNTRY RESERVE THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

#### **Purpose:**

Technical College of the Lowcountry (TCL) may employ individuals in a temporary status to perform specific duties and responsibilities for defined projects or a period of time, not to exceed twelve (12) consecutive months. A temporary employee is an individual appointed on a full-time or part-time basis, which do not occupy a full-time equivalent (FTE) position and are not covered employees. A temporary employee does not have permanent status and may be terminated at any time without the right to appeal through the State Employee Grievance Committee.

All personnel employed in a temporary status are subject to the following provisions, per SBTCE Procedure 8-7-100.2:

1. The period of employment, on a full-time or part-time basis, may not exceed twelve (12) consecutive months.
2. Employees are eligible for retirement benefits under the SC Retirement System or State Optional Retirement Program (ORP).

### 3. Health Insurance Eligibility

- a. Employees are eligible for health coverage benefits<sup>1</sup> unless one of the following apply:
  - i. Non-Instructional staff and CCE (non-credit) adjunct employees who work less than 30 hours per week.
  - ii. Credit adjunct faculty as calculated by the Reasonable Method or Safe Harbor Method described below.
  - iii. Temporary employees who are employed in multiple positions that run concurrently who work or have service hours less than a combined total of 30 hours per week within guidelines.
- b. The following two methods are to be used for determining adjunct eligibility:
- c. **Reasonable Method:** Adjunct faculty who teach less than 75% of the college's FTE faculty full load are not eligible for benefits. This translates to a range of 11 to 13 credit hours or 14 to 17 contact hours
  - i. **Safe Harbor Method (Service Hours Calculation):**
    1. Allow 2.25 hours of service (representing a combination of teaching or classroom time and time performing related tasks such as class preparation and grading of examinations or papers) per week for each hour of teaching or classroom time (in other words, in addition to crediting an hour of service for each hour teaching in the classroom, this method would credit an additional 1.25 hours for activities such as class preparation and grading) and/or,
    2. An hour of service per week for each additional hour outside of the classroom the faculty member spends performing duties he or she is required to perform (such as required office hours or required attendance at faculty meetings).
4. Non-Instructional staff are not considered salaried employees and shall be paid at an hourly pay rate for actual hours worked during each pay period.
5. Compensation for temporary (adjunct) faculty shall be based on the hourly or flat rate of pay based on the number of contact or credit hours. Payment may be at a frequency consistent with the College's established payroll processing. The payment may be made in approximate equal installments over the term of the teaching agreement so long as the compensation paid does not exceed the actual hours worked at any point in time.
6. Temporary employees are not eligible for paid leave nor other benefits normally associated with employees in FTE positions except as indicated above.
7. Temporary employees are deemed as employed at-will and will not be considered for either probationary or covered status. They do not have the right to submit grievances or appeals to the State Employee Grievance Committee and can only make an informal complaint by accessing the institution's internal policy and/or procedure.<sup>2</sup> Matters arising from alleged acts of discrimination because of race, color, religion, sex (including pregnancy, childbirth, lactation, or related medical condition), national origin, age (40 or older), disability, genetic information or any other protected classes deemed unlawful

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<sup>1</sup> Health coverage benefits are administered in accordance with the Public Employee Benefits Authority's (PEBA) guidelines.

<sup>2</sup> Informal complaints may be filed with an employee's Human Resource Officer. Each college and the System Office must develop its own process for handling informal complaints.

under the State or Federal law may be filed within the agency, the South Carolina Human Affairs Commission, or the Equal Employment Opportunity Commission.

8. Temporary employees do not have the rights or protection of the State Board for Technical and Comprehensive Education (SBTCE) Reduction In Force Procedure and are subject to termination in order to provide continued employment for an employee affected by an institutional RIF.
9. Temporary positions are covered by the same employment laws as covered positions including Fair Hiring Practices, Nepotism, Fair Labor Standards Act, Family Medical Leave Act (FMLA), Patient Protection and Affordable Care Act (PPACA) etc.

**Technical College of the Lowcountry has adopted the following procedure for administering temporary employment.**

**Procedure:**

1. Persons wishing to work for the Technical College of the Lowcountry on a temporary basis should apply online ([www.tcl.edu/hr](http://www.tcl.edu/hr)) or submit a completed South Carolina State Application for Temporary Employment to the Human Resources Office as directed by the hiring authority. Persons previously employed by the Technical College of the Lowcountry, but not within the last year, will have to complete the Returning Temporary Employee Packet. Persons previously employed, but not for the last three or more years, must repeat the application process to include completing the New Temporary Employee Packet in its entirety.
2. Applicants for temporary employment must meet the minimum training and experience required of permanent classified positions.
3. Respective supervisors may contact the Human Resources Office to review applications.
4. Temporary Employment Agreements (TCL Form PER7) will originate with the respective supervisor. It is the supervisor's responsibility to provide all the information required by the agreement, sign the document, acquire the responsible Cabinet Member's authorization and the employee's signature.
  - a. The completed Temporary Employment Agreement and any other related documents such as Request for Dual Employment should be sent directly to the Human Resources Office after all required approval signatures have been obtained. The Human Resources Office will verify the accuracy of the Temporary Employment Agreement and ensure that all required documents for employment have been completed.
5. The supervisor is responsible for ensuring that all other related documents required for employment have been completed and are on file in the Human Resources Office prior to the beginning of employment. These documents include Emergency Notification Form, South Carolina State Employment Application, State and Federal W-4 Forms, Employment Eligibility Verification Form I-9, with a copy of supporting identification attached, Grievance Acknowledgment Statement, Student Default Statements, Drug-Free Workplace Verification Statement and either a South Carolina Retirement System Enrollment blank or Non-Election blank and temporary position description. Temporary Employment Agreements and hire packets must be submitted to the Human Resources Office within three (3) days of the date employment is to begin. The mandated Federal E-Verify System requires processing of employment verification

- (I-9 form) within three (3) days of an employee beginning work.
6. Temporary Employees must submit transcripts to the Human Resources Office for
  7. positions requiring degrees prior to beginning employment.
  8. The Human Resources Department will maintain existing personnel files for all individuals who have worked under a Temporary Employment Agreement. Employee files are kept for fifteen (15) years from the date of termination.
  9. All official documents and correspondence relating to a person's Technical College of the Lowcountry employment, including performance assessment, should be transmitted by the division supervisor to the Human Resources Department for permanent storage.
  10. It is the responsibility of the supervisor to ensure that time sheets (TCL Form PER-8) are completed accurately with the required signatures and are forwarded to the Human Resources Office on schedule.