
EMPLOYMENT STATUS AND RECORDS

EMPLOYMENT STATUS

Excluding directors and senior administrators, Southwestern Oklahoma State University is an "at-will" employer. The contents included in this Handbook in no way modify or amend the right of SWOSU as an at-will employer in originating or terminating employment of personnel. At-will employment defines no specified term and is terminable at the will of either the employee or the employer. Only the President of the University may alter the employment at-will status and he/she will only do so in writing. No other process, expressed or implied, will negate the right of SWOSU to terminate employment at any time without notice and with or without cause. Disciplinary procedures in the handbook are advisory and not binding and may be adjusted or modified at the discretion of the President and/or his/her designee(s).

Nonexempt Employees: The majority of the employees referred to as "staff" and "hourly" is nonexempt employees. That is, they are covered by the Fair Labor Standards Act (FLSA) regulations. (See also section **Work Conditions and Hours; Compensatory Time**)

Exempt Employees: These individuals (occasionally referred to as professional employees) must meet certain requirements that are established by the Fair Labor Standards Act (FLSA). Employees holding exempt positions do not qualify for overtime pay. Nor do these individuals qualify for compensatory (comp) time as it is normally viewed.

Grant Funded Employees: Except for annual leave and possible holidays, individuals whose positions are funded with grant or contract monies will generally follow the guidelines for other SWOSU employees.

- a) **Annual Leave:** SWOSU policy requires that all employees whose positions are funded with grant or contract monies must have their annual leave funded within the grant. SWOSU funds will not be used to pay for unused annual leave upon resignation, retirement of the employee or upon the termination of grant funding. Essentially, employees are requested to take their leave within the funding cycle of the grant. In the event annual leave is not exhausted, the employee forfeits the right for an annual leave payment at the end of the funding period. This does not prevent employees from carrying over and using annual leave in future periods funded by the grant.
- b) **Holidays:** Employees whose positions are funded with grant or contract monies may or may not follow SWOSU's holiday schedule. Contact the Sponsored Programs Office or the supervisor to determine individual holiday schedule. (See also **Benefit Programs; Holidays**)
- c) **Transferring Employees:** SWOSU employees transferring into a grant funded position with the University will be allowed to carry all accrued sick leave into the grant funded position. The annual leave from the non-grant position can only be accessed until the employee has earned 40 hours accrual in the grant position. At that time, the balance from the non-grant position is left on the books to be paid out upon retirement or termination. However, if an employee accumulates a combined annual leave balance

(University and grant) above 480 hours, the combined balance is treated just as if it were one total and anything above the 480 hours as of the end of the fiscal year would be forfeited. The forfeited amount is deducted from the non-grant annual leave balance. Compensatory time will be paid at the time of transfer.