




# City of Olympia Administrative Guidelines

<b>GUIDELINE #4</b>	
<b>EMPLOYMENT STATUS</b>	
<b>EFFECTIVE DATE:</b> May 1, 1990	<b>PREPARED BY:</b> Human Resources Department
<b>REVISED:</b> April 2008	<b>APPROVED BY:</b>   <hr/> Steven R. Hall City Manager
<b>SUPERSEDED:</b> Personnel Rules	
Resolution No.: M-1053 Amended by: M-1103	

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Added/Changed Info  
Apr 2008

## Administrative Guideline #4 – Employment Status

### 4 Harassment

**4.1. PURPOSE:** To define the employment status of individuals employed by the City with regard to compensation, benefit eligibility and personnel actions.

**4.2. REFERENCE:** None.

**4.3. APPLICATION:** This Administrative Guideline applies to all individuals employed by the City of Olympia unless employment status is established otherwise by contract or statute (e.g., Civil Service Rules, Union Contract, Individual Employment Contract or Memorandum of Understanding).

**4.4. POLICY:** It is the City’s desire that the employment relationship be stable, mutually rewarding and well defined. Both the City and employees enter into the employment relationship on a voluntary basis. The employment relationship is at the will of both parties.

#### **4.5. GUIDELINES:**

**4.5.1. EMPLOYMENT DESIGNATIONS:** All employment will be defined as “Regular”, “Temporary”, “Emergency”, or “Instructor.” Departments may be able to designate an individual as an Independent Contractor if they meet the criteria outlined in section 4.5.6.

**4.5.2. BUDGET DEFINED:** The term “budgeted” is defined as specific positions approved by the City Manager and City Council that are funded in the operating or capital budgets as FTEs or Project Funded. Such positions are budgeted for both salaries and benefits.

**4.5.3. REGULAR EMPLOYMENT:** Regular employment is at the will of both parties. Employees in this designation will have been hired through a competitive recruitment and selection process. Employees who are employed in regular positions are eligible to participate in benefit programs provided their position is budgeted for a half-time (.5FTE) position and the employee works at least twenty (20) hours per week. Regular employees whose positions are budgeted for less than forty (40) hours per week will be eligible for benefit programs on a pro-rated basis according to the number of hours budgeted, subject to limitations imposed by external authorities such as insurance carriers and the State Department of Retirement Systems (DRS). See 4.5.8, DRS PERS I Retirees).

Added/Changed  
Info Apr 2008

- a. **Regular Full- and Part-Time (RFT/RPT):** Employment exceeding eight months and not otherwise governed by a contract or statute (e.g., Union Contract, Civil Service Rules, Individual Employment Contract or Memorandum of Understanding) is a regular position.
- b. **Project-Funded (P):** Employment relationships that are contingent upon continued funding or are funded by a specific project or program are designated as Project-Funded positions. The employment relationship will terminate when funding for the position has been discontinued. Offer letters to employees in Project-Funded positions will clearly state the specifics of the contingent factors affecting their Project-Funded position and, when applicable, the anticipated termination date.

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- c. **Back-Fill (BF):** Departments are authorized to hire an employee to “back-fill” behind another employee under specific or special situations and for vacancies that are anticipated to last for longer than 8 months (or 6 months for represented positions). For example, a department may choose to back-fill behind an employee who has been called up to active military duty or for an employee who will perform a different combination of duties for a period of time (such as an out-of-class opportunity). Opportunities designated as Back-Fill employment must be tied to a regular FTE; Back-Fill employees will receive benefits associated with the regular FTE (to include health and welfare benefits, vacation and sick leave accruals). Employment for those designated as Back-Fill will terminate upon the return of the regular employee. Offer letters to employees in Back-Fill positions will clearly state the terms of the employment relationship. Back-fill employees are eligible for direct appointment.
- d. **Intern (IN):** Employees must be enrolled as a higher-education student to be eligible for Intern employment. Employees in this designation may not work more than 19 hours per week during the school year, and not more than 40 hours per week during breaks. This employment relationship will terminate upon graduation, but no later than the start of the next school year (typically September). Offer letters to employees in Intern positions will clearly state the terms their employment.

**4.5.4. TEMPORARY EMPLOYMENT:** Temporary employment is not to exceed eight (8) months. After the completion of eight (8) months in a temporary position, a four (4) month break is required prior to an employee being hired into another temporary position. Employees who are employed in temporary positions have been hired through a competitive recruitment and selection process and are not eligible to participate in benefit programs except those required by law (e.g., worker’s compensation and state retirement programs. See 4.5.8, DRS PERS I Retirees.) Temporary employment is at the will of both parties. Temporary employees who are retained beyond eight (8) months become regular employees at the beginning of their ninth (9th) month of employment. Time in temporary positions is not credited toward the probationary period in the event a temporary employee becomes a regular employee.

Added/Changed  
Info Apr 2008

**4.5.5. EMERGENCY EMPLOYMENT:** Emergency employment is appropriate when it is necessary to suspend normal hiring procedures to accommodate immediate employment needs (i.e. not hired through a competitive recruitment and selection process). Emergency employment shall not exceed six (6) months in duration. Additionally, after the completion of six (6) months in an emergency position, a six (6) month break is required prior to being hired into another emergency hire position. Employees who are employed in emergency positions are not eligible to participate in benefit programs except those required by law (e.g., worker’s compensation and state retirement programs. See 4.5.8, DRS PERS I Retirees.) or compete for job openings on an “In-House” basis. The base pay for emergency employees hired into exempt positions shall not be reduced based on the quality, quantity, or hours of work performed. Emergency employees hired into non-exempt positions shall be compensated on an hourly basis. Emergency employment is at the will of both parties. Emergency employees shall not be retained beyond six (6) months.

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**4.5.6. INSTRUCTOR EMPLOYMENT:** Instructors are those employees who are hired only for the purpose of providing specialized instruction to participants of City sponsored programs. Instructors may be employed indefinitely and/or intermittently so long as they do not exceed 69 hours per month. Instructors are not eligible to participate in benefit programs other than those required by law or compete for job openings on an “in-house” basis. Compensation for instructors will be a flat rate negotiated individually and based upon the specialty area. Compensation may be re-negotiated at anytime, based on program need and quality of work. Instructors will be required to attend certain “basic training” such as safety orientation and workplace harassment prevention training. Standard hiring procedures may be suspended when seeking instructors. Employment as an instructor is at the will of both parties and is contingent on program needs as defined by the City.

**4.5.7. INDEPENDENT CONTRACTOR:** Departments may designate an individual as an Independent Contractor if they meet the criteria outlined below. Individuals who do not meet the criteria as outlined below will be considered employees, of the appropriate designation as outlined in the previous sections. Individuals who meet the criteria outlined below are not considered “employees” and have no rights associated with being an employee, other than those outlined in an agreed upon contract. This policy does not apply to individuals associated with a firm or company providing services to the City of Olympia.

### ***Criteria for Independent Contractor Status***

- a. No representative of the City has control over the daily activities of the contractor;
- b. The individual is involved in a distinct occupation or business which is one that the City does not engage in or the nature of the services hired may be in areas of specialty or expertise which City staff does not possess;
- c. The contract is for a specific product or service, as in a report, a set of plans, or an analysis;
- d. The individual uses their own tools, materials, and place of work;
- e. The individual holds themselves as being a specialists or doing business in a specialty. More specifically, the individual has a business license, professional license, and keeps a set of business records; must possess a City of Olympia Business License;
- f. The individual, or another agency on their behalf (such as a temporary help agency) files their own business federal tax returns and state tax returns for business;
- g. The individual, or another agency on their behalf, withholds and pays all taxes, unemployment compensation and worker’s compensation for services rendered to the City.
- h. The City is not the contractor’s only client.

Added/Changed  
Info Apr 2008

**4.5.8. DRS PERS I RETIREES:** Retirees are any person who retired under the Washington State Department of Retirement System. When a PERS I retiree who meets the criteria outlined below is hired into a PERS eligible position requiring more than 867 hours of work per year, there must be a justified need to hire a retiree, the established hiring process must be followed, and a record kept of the hiring process. This documentation must be retained and made available in the event of an audit.

### ***Criteria for PERS I Retirees:***

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- a.** Retired on or after August 1, 2003, and
- b.** Has had at least a 90 day break in service

The retiree is responsible for monitoring his/her hours worked and understanding the DRS rules that govern hour limits to prevent reduction or suspension of his/her retirement benefits.

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