



## **Quick Reference Guide Employment Categories**

Staff employees are classified into several different employment categories based on factors such as legal requirements, the nature of their jobs, work schedule, and the duration of their work relationship with Bentley. It is important that managers know which employment category they are hiring into, as the process and requirements for recruiting these workers may vary by category.

### **Legal Requirements under FLSA – Nature of the Job**

Employees may be classified as “**exempt**” or “**non-exempt**” under federal law based on the nature of their job. Exempt or non-exempt is a classification that applies to all employees, regardless of how else they may be classified. The FLSA, not HR, determines whether an employee is exempt or non-exempt.

- **Non-exempt** means the employee is paid an hourly rate and will be paid overtime at one and one-half times their regular hourly rate for any hours worked in excess of 40 in the same work week.
- **Exempt** means the employee is paid a set salary for all hours worked and is not eligible for overtime pay.

### **Regular Employees**

Regular employees are employed for an indefinite period of time until the employment relationship is ended by either the employee or Bentley. Regular employees are considered “headcount” for budgeting purposes, and expressed as a “full-time equivalent (FTE).” So, a full-time position is considered to be 1.0 FTE, while a 9-month position is .75 FTE.

- **Regular** employees may work full-time, part-time or less than half-time schedules.
  - **Regular full-time** employees work 35 hours per week, (40 hours for employees in unions and certain departments).
  - **Regular part-time** employees work less than 35 hours, but at least 17.5 hours per week.
  - **Regular less-than-half-time** employees work less than 17.5 hours per week.
- **Seasonal** – Seasonal employees work a pre-determined schedule each year to fill a specific operational need. The “season” they work typically does not extend beyond 6 months in a 12 month period, but they remain as Bentley employees when not actively working the season.
- **Term Appointment** – Term Appointment employees are employed for a specific period of time, typically longer than 9 months, but less than 2 years.

### **Temporary Employees**

Temporary employees are not considered “headcount” for budgeting purposes. They are paid for from a department’s operational budget. Within the category of Temporary, there are different sub-categories.

- **Bentley Temporary** – A Bentley Temp is employed for a short period of time with a designated start and end date. Engagements can only be up to 270 calendar days. There must be at least a 90 calendar-day break in service after the 270 calendar days of employment before an individual can again be employed as a Bentley temporary employee. Temporary employees may be eligible for health benefits once they have worked 12 weeks in a 12-month period.
- **Intern or Graduate Assistant** – An Intern or Graduate Assistant is hired on a temporary basis. Typically there is a learning component to the assignment. If an Intern is unpaid, he/she must be receiving academic credit for the work.
- **Student Worker** – Student workers are enrolled Bentley students who are hired through the [Student Employment](#) office and not through HR.

### **Contractual Workers**

- **Agency Temp** – A temporary worker hired through an agency is not an employee of Bentley, but is employed by the agency. Bentley pays a set fee to the agency for the worker, and the worker submits a timesheet to the agency. There are some benefits to hiring an Agency Temp (e.g., the agency may provide workers quickly, may quickly fill multiple openings, assume some employment-related legal responsibility). If an Agency Temp is hired by Bentley, there may be a conversion fee charged by the agency. Managers must not extend offers of regular employment to an Agency Temp without consulting with HR.
- **Independent Contractor** - Individuals who are working at Bentley as independent contractors are not Bentley employees and are not eligible for benefits. Federal and state laws determine whether an individual working at Bentley is an independent contractor or an employee. Misclassifying an individual as an independent contractor creates legal risk for both the individual and Bentley. For project help or for shorter term staffing needs, it is generally more appropriate to hire a temporary employee.

*Managers must not hire an independent contractor without express prior approval from HR, and all contracts entered into with an independent contractor must be approved by General Counsel.*

Regardless of an employee's classification, employment at Bentley is at-will, which means that either the employee or Bentley can terminate the relationship with or without cause or notice at any time. Please see [Bentley's At-Will policy](#).