

## Procedures for Establishing a Temporary Position Description

- When a new temporary position is established at USC, the position will be considered as non-exempt (hourly) by default.
- Under the Fair Labor and Standards Act (FLSA), the salary level and salary basis tests do not apply to doctors, lawyers and teachers. Teachers are exempt if their primary duty is teaching, tutoring, instructing or lecturing in the activity of imparting knowledge, and if they are employed and engaged in this activity as a teacher in an educational establishment. An employee holding a valid license or certificate permitting the practice of law or medicine is exempt if the employee is actually engaged in such a practice. An employee who holds the requisite academic degree for the general practice of medicine is also exempt if he or she is engaged in an internship or resident program for the profession. Therefore, positions that meet these requirements will not be subject to this process. The [Offer of Temporary Employment](#) should be used to indicate a temporary position meets this criterion.
- As with all non-exempt temporary (hourly) positions at USC, the employees will be required to enter hours worked into the university's timekeeping system in order to be paid. In addition, all non-exempt employees are eligible to earn overtime if authorized by a supervisor in advance.
- Upon establishing new temporary positions, departments are encouraged to use the [FLSA Exemption Test](#) to evaluate the status of the position.
- If the FLSA Exemption Test shows that the position should be exempt and the department has a valid business reason to have an exempt temporary position, a position description (PD) must be submitted to HR to justify the request.
- The position may be entered into PeopleAdmin and sent to the Classification and Compensation Office to determine if the position is exempt. The temporary position may or may not be approved for exempt status based on the review by Classification and Compensation.
- If the position is approved as exempt temporary, an email will be sent to the department indicating such approval. If the position is not approved as exempt, an email will be sent to the department indicating that the position is approved as non- exempt.
- For current salaried temporary employees, no immediate change will be required. However, when a current temporary employee is rehired, this new criteria must be applied.
- If a current salaried temporary employee's position is changed to a non-exempt status at re-hire, the employee will experience a pay lag as part of this transition.