

TAMUSHSC Approval of Offer to Non-Faculty Employees in Temporary Research or Training Positions

The _____ requests authorization to make an offer to a potential employee as follows:

1. Name: _____ SS# _____
2. Citizenship: _____ Other: _____ Visa Status: _____
3. Title of position requested: _____
4. PROPOSED:
FTE monthly salary _____ Percent of effort _____
Employment period _____ Account or Project no.* _____
5. Complete this if the person has been employed by TAMUSHSC at any time during the 12-month period preceding the effective date of this appointment:
PIN _____ Title _____
FTE monthly salary _____
6. Briefly describe education and background or attach resume (See note 4 of the General Guidelines below.)
7. Briefly describe the duties and responsibilities of the position and, if not obvious, why this is research or fellowship/training related (See note 5 below).

Hiring Certificate is attached.
 Not Applicable

Certification of Registration is attached.
 Not Applicable

Is this position restricted by the U.S. Patriot Act? Yes No

General Guidelines

1. The purpose of this form is to establish administrative approval of research or training positions of a temporary nature.
2. As a general policy, the **account number cited will be for research or grant funds only**, unless prior approval has been granted by the VPRGS.
3. This form is used **only for hiring new employees** of the TAMUSHSC.
4. The title requested should match the education or experience level of the candidate. For example, Research Assistants must have a minimum of a Baccalaureate degree in a related field, and Research Associates must have a minimum of a Master's degree in a related field.
5. If the duties and responsibilities of the position are not research or training related, or if they closely follow an existing classified position description, the Form 5G may not be used. Instead, the position creation request should be processed through the HSC Human Resources Department.
6. This position must have been posted with the Human Resources Department for at least five days (unless exempt), and a hiring certificate must be attached, if applicable.
7. The second page of this form contains Fair Labor Standards Act information, and must be completed for approval.

APPROVAL RECOMMENDED

Principal Investigator / Program Director Date

Department Head Date

Dean or IBT Director Date

VP for Research and Graduate Studies Date

*Research titles are normally budgeted on a research account. See note 2 above.

Fair Labor Standards Act Exemption Information:

A. The purpose of these questions is to determine if this position is exempt from the overtime pay provisions of the Fair Labor Standards Act (FLSA). Please respond to the following questions to the best of your knowledge, based on the duties performed.

	Yes	No	Unsure	% of time
1. Do the employee's <u>primary duties</u> consist of the <u>management</u> of a customarily recognized department or subdivision thereof?				
2. Does the employee customarily and regularly direct the work of <u>two or more other employees</u> of the organization?				
3. Does the employee perform responsible <u>office or non-manual work directly related to the management policies or general business operations</u> of the organization?				
4. Does the employee perform responsible work that is <u>directly related to the academic instruction or training</u> carried on in the administration of an educational institution?				
5. Does the employee customarily and regularly <u>exercise discretion and independent judgment</u> and have the authority to make important decisions?				
6. Does the employee's work require knowledge of an advanced type in a <u>field of science or learning</u> , customarily acquired by a prolonged course of specialized intellectual instruction and study?				
7. Is the employee's <u>work original and creative in character in a recognized field of artistic endeavor</u> , the results of which depend primarily on his or her invention, imagination, or talent?				

B. Definitions/Examples: The following information contains excerpts and examples taken from U.S. Department of Labor regulations and does not contain the complete text.

Primary Duty

The amount of time spent in the performance of management duties is a useful guide for determining if the duty is primary. A rule of thumb is that primary duty means the major part of over 50 percent of the employee's time.

Management

Work such as the following is exempt: interviewing, selecting, and training employees; adjusting pay and schedules; appraising productivity; disciplining; determining techniques, tools, equipment, and materials to be used; etc.

Department or Subdivision

Intended to distinguish between a mere collection of workers assigned from time to time to a specific job and a unit with permanent status and function.

Two or More Other Employees

Must be at least two full-time regularly supervised employees or the equivalent number of part-time employees.

Office or Non-Manual Work

Must be office workers or non-manual workers which indicates "white collar" employees. If the work performed is office work, it is immaterial whether it is manual or non-manual in nature.

Directly Related to Management Policies or General business Operations

Must consider the nature of the function of the agency. The employee must be in a strictly administrative function carrying out policies or general business duties and not merely carrying out the day-to-day operation.

Discretion and Independent Judgment

Involves the comparison and the evaluation of possible courses of conduct and acting or making a decision after the various possibilities are considered. This implies authority to make an independent choice, free from immediate direction or supervision and with respect to matters of significance. Merely applying knowledge in following prescribed procedures, determining which procedure to follow, or determining if standards are met is not exercising discretion and independent judgment.

Field of Science of Learning

In addition to law, theology and medicine, include those professions that have a recognized status and which are based on the acquirement of professional knowledge through prolonged study; e.g. bachelor's degree in accounting, engineering, architecture, teaching, sciences, medical technology, et.

Work Original and Creative in Character in a Recognized Field of Artistic Endeavor

Different from work produced by a person endowed with general, manual or intellectual ability and training; includes music, creative writing, the theater, and the plastic and graphic arts.