

VIRGINIA MILITARY INSTITUTE  
Lexington, Virginia

GENERAL ORDER)  
NUMBER 34)

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**Employment**

**1. Purpose**

VMI has several different categories of employment. This policy defines the employment categories and sets forth the requirements for employment eligibility verification.

**2. Employment Categories – Full-time Employment**

Full-time employees are eligible for the employer-sponsored pension plan, health insurance program, and group life insurance; paid time off including paid holidays.

A. Teaching and Research Faculty:

Full-time teaching and research faculty members devote at least fifty percent of total working time to teaching. Full details on teaching and research faculty may be found in the VMI Regulations, Part IV – Academic Regulations, and the Faculty Handbook.

B. Administrative and Professional Faculty:

Administrative Faculty appointments require the performance of work directly related to the management of the educational and general activities of the Institute, or a department or subdivision thereof. Incumbents in these positions exercise discretion and independent judgment and generally direct the work of others.

Qualification Criteria:

- Must have a baccalaureate degree or training and work experience at a level which equates to a baccalaureate degree;
- Must perform the duties and responsibilities associated with this category 50 percent or more of the duty time;
- Must regularly exercise discretionary actions; and
- The organization reporting relationship normally must not go lower than three (3) levels below the Superintendent.

Examples: Administrative Faculty appointments are normally limited to the following positions:

- Senior Executive level positions,
- Department head positions reporting directly to a senior executive level position,
- Senior staff positions reporting directly to the Superintendent or a senior executive level position, and
- Deputy Commandants.

Professional Faculty appointments require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience.

Qualification Criteria:

- Must have a baccalaureate degree or training and work experience at a level which equates to a baccalaureate degree;
- Must perform the duties and responsibilities associated with this category 50 percent or more of the duty time;
- Must regularly exercise professional discretion and judgment; and
- Work produced must be intellectual and varied in character and should not be standardized.

Examples: Professional Faculty appointments are normally limited to the following positions:

- Librarians, except for the head librarian;
- Counselors, except for the Director of Cadet Development and Counseling;
- All coaches and assistant coaches;
- Assistant Commandants; and
- Other staff positions requiring advanced education.

C. Classified Employment

Classified employees are governed by Virginia Personnel Act, Va. Code §§ 2.2-2900 *et seq.* and the policies issued by the Virginia Department of Human Resource Management.

**3. Employment Categories – Part-time Employment**

Part-time employees are not eligible for employee benefit plans. VMI makes the employer contribution to Social Security for part-time employees.

A. Part-time Teaching and Research Faculty (adjunct faculty):

Part-time Teaching and Research Faculty members are ordinarily appointed for one or two semesters, or for one or both terms of the Summer Session. Part-time Teaching and Research Faculty members usually teach less than a full teaching load and are not expected to perform committee work.

B. Part-time Administrative and Professional Faculty:

Part-time Administrative and Professional Faculty members are appointed for one or two semesters, or for one or both terms of the Summer Session. To comply with federal wage guidelines, weekly pay must be at least \$455. Because these employees are given employment agreements (contracts), there is no requirement to track work hours. However, supervisors should be sure that a part-time administrative/professional faculty member does not work a full-time schedule, and it is recommended that hours are tracked informally. This type of employment is best suited to part-time requirements for Tactical Officers in Barracks, club coaches and advisors, academic advisors, counselors, and coaches.

C. Wage (hourly) Employees:

Wage (hourly) employees are paid for hours worked. Under federal law, any employee paid by the hour is considered “non-exempt” from overtime regulations, therefore any hours worked over 40 in a work week (Friday – Thursday) must be paid at one and one-half times the normal hourly rate. Virginia Department of Human Resource Management policy restricts the work hours for a wage employee to no more than 1,500 per during the measurement period of May 1 – April 30. The Human Resources Office tracks the hours worked for each wage employee. Overtime for wage employees must be approved in advance by the Human Resources Office.

D. Temporary (hourly) Employees:

Temporary (hourly) employees are wage employees that are hired for a short-duration of time, usually no more than three months. The Temporary employee classification is created solely for Human Resource Office tracking purposes. Temporary employees are wage employees subject to the rules, regulations, and policies outlined in Section 3.c.

E. Cadet Assistants:

Cadet assistants are employed in academic and administrative departments, normally at the hourly minimum wage. A cadet assistant may work no more than 15 hours per week and must maintain a minimum grade point average (GPA) of 2.0. The cadet assistant budget is administered through the Human Resources Office.

#### **4. Ongoing Employment**

Under the Affordable Care Act (ACA), former full-time employees that resume employment at the same institution of higher education without a 26-week separation period are considered “ongoing employees” and are entitled to health insurance coverage when they are rehired. The Department of Human Resource Management (DHRM) prohibits re-hire of former full-time or quasi-full-time employees of an institution of higher education into part-time positions until the employees have been separated for a minimum of 26 weeks. This means that any employee who separates from full-time employment, either through resignation or retirement, cannot be rehired in a part-time employment category defined in Section 2 for at least 26 weeks after the separation date.

#### **5. Employment Eligibility Verification**

Federal Law requires that VMI verify the eligibility for employment for every new employee and cadet assistant no later than the first day of work. Employment eligibility verification must be certified on the Employment Eligibility Verification form (I-9 Form). These forms are subject to audit by the State Auditor. All new full-time and part-time employees must complete this form no later than the first day of employment at VMI – there are no exceptions.

- A. To certify eligibility for employment, the new employee must come to the VMI Human Resources Office and present one document from list A below, or one document from list B and one document from list C:

**List A: Documents that Establish Both Identity and Employment Eligibility**

- U.S. Passport or U.S. Passport Card
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notification on a machine-readable immigrant visa
- Employment Authorization Document that contains a photograph (Form I-766)
- In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form
- Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM of RMI

**List B: Documents that Establish Identity**

- Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address
- ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address
- School ID card with a photograph
- Voter's registration card
- U.S. Military card or draft record
- Military dependent's ID card
- U.S. Coast Guard Merchant Mariner Card
- Native American tribal document
- Driver's license issued by a Canadian government authority

**List C: Documents that Establish Employment Eligibility**

- Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
- Certification of Birth Abroad issued by the Department of State (Form FS-545)
- Certification of Report of Birth Issued by the Department of State (Form DS-1350)
- Original or certified copy of a birth certificate issued by a state, county, municipal authority or territory of the United States bearing an official seal
- Native American tribal document
- U.S. Citizen ID Card (Form I-197)

- Identification Card for use of Resident Citizen in the United States (Form I-179)
- Employment authorization document issued by Department of Homeland Security

Photocopies and facsimile copies of the documents are not acceptable.

- B. The Human Resources Office will be responsible for completing and certifying the I-9 forms for Cadet Assistants.
- C. New employees who are unable to provide the required documents cannot be paid. Retroactive payments are not permitted.

#### **6. Enforcement**

The federal government has stepped up its enforcement efforts related to hiring illegal immigrants, which makes having a good I-9 process in place more important than ever before. Weaknesses in the I-9 process could result in fines and penalties against the institution.

Any instance of a department allowing an employee to begin work prior to the completion of the Employment Eligibility Verification form will be reported to the Institute Planning Committee.

FOR THE SUPERINTENDENT:

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