Uncompensated Employees

ROWAN UNIVERSITY POLICY

Title: *Uncompensated Employees*
Subject: *Human Resources*
Policy No: *HR: 2014:04*
Applies: *University-Wide*
Issuing Authority: *President*
Responsible Officers: Chief *Human Resources Officer/Vice President*
Adopted:
Amended:
Last Revision: *29 Mar 2022*

I. PURPOSE

As an institution with increasing prestige, Rowan University attracts individuals with a wide range of talents and expertise who are willing to perform services for the University and its students without compensation. This policy defines the means of engaging the services of such individuals in ways that provide appropriate protections both for the University and for the individual uncompensated employee.

II. ACCOUNTABILITY

Under the direction of the President, the Executive Vice President, Provost, and the Sr. Vice President for Health Sciences shall implement this policy. The *Associate Vice President for Human Resources (Chief Human Resources Officer)*shall ensure compliance with this policy.

III. APPLICABILITY

This policy shall be followed for the engagement of individuals to perform uncompensated work for Rowan University at its main campus and in programs other than its Medical Schools. The use of uncompensated employees and volunteers at the Medical Schools shall be subject to screening necessary for those programs as determined by the Deans or their designees.

IV. REFERENCE

A. Rowan University Policy: Excluded Individuals & Entities

B. New Jersey Tort Claims Act Coverage For Uncompensated Employees (N.J.S.A. 59:1-1, et seq.)

V. POLICY

A. Hiring Process for Uncompensated Employees

1. The usual employment search requirements do not apply to the hiring of uncompensated employees. While different than the process of hiring compensated employees, the process for hiring an uncompensated employee requires:Prior to hiring an individual, entering into contracts with any individual or entity, or extending clinical privileges at RowanSOM, the Department of Human Resources must verify that the individual or entity does not appear on the Office of Inspector General (OIG) and/or the General Service Administration (GSA) listing of excluded parties, and that the individual or entity does not appear on the New Jersey Medicaid Inspector General (NJOMIG) disqualified/debarred provider list.
    a. A written job description, outlining the scope of responsibilities for the University and the uncompensated employee.

b. An uncompensated employment application.
c. A letter of appointment authorizing the performance of a specific act or service, with the School retaining the right to discipline or dismiss.
d. An appointment letter which specifies the scope of responsibilities for the University and the uncompensated employee.

2. Uncompensated employees are eligible for coverage under the New Jersey Tort Claims Act.

B. Requirements for Appointment Letters for Uncompensated Employees

1. Appointment letters for uncompensated employees should include the following elements:The letter should be signed by the authorized university representative who ordinarily signs employment letters for uncompensated employees within the employing division, school or office.
    a. A job title for the position to be filled.
    b. A specification that the position is uncompensated.
    c. A description of the job responsibilities of the position
    d. The name of the department or office in which the work is to be performed.
    e. The name of the uncompensated employee's supervisor.
    f. A statement that since the position is uncompensated, employee benefits are not available regardless of whether they are statutorily or voluntarily provided by the University (e.g., workers' compensation, health insurance, etc.).
    g. A statement that the employment is at will and can be terminated without cause.
    h. A signature block for the employee's acceptance of the terms of the appointment

C. Background Checks

1. Background checks of newly-engaged uncompensated employees shall be required. Anyone in these positions should undergo the background checks and everyone working with minors should also undergo the Child Abuse background check, including students who volunteer.
2. Fingerprinting of newly-engaged uncompensated employees shall be required unless they are regularly enrolled students of the University.

D. Recordkeeping

The official personnel files for uncompensated employees, including copies of their uncompensated employment applications and appointment letters, shall be kept in the Office of Human Resources.

VI. ATTACHMENTS

A. Attachment 1, New Jersey Tort Claims Act Coverage for Uncompensated Employees

ATTACHMENT 1

NEW JERSEY TORT CLAIMS ACT COVERAGE FOR UNCOMPENSATED EMPLOYEES

Uncompensated employees are eligible for coverage under the New Jersey Tort Claims Act (N.J.S.A. 59:1-1, et seq.), hereinafter ("NJTCA") which defines "Employee" *as an officer, employee, or servant, whether or not compensated or part time, who is authorized to perform any act or service; provided, however, that the term does not include an independent contractor.* The NJTCA provides that a "State Employee", as defined in the Act, is entitled to a defense from the Attorney General and indemnification from the Tort Claims Fund for claims brought against them for acts or omissions which occurred in the scope of their employment. Defense and indemnification may be denied if the employee acted outside the scope of employment or with willful misconduct, actual fraud, actual malice or has committed a crime. In order for an individual to be viewed as an uncompensated employee there MUST be documentation as specified in Sections III.A and III.B above, of the individual's formal employment by the University.