

## Sec. 36e(4) EXEMPTION CRITERIA

### STATE UNIVERSITIES CIVIL SERVICE PROCEDURES MANUAL

SECTION: Sec. 36e(4) EXEMPTIONS  
SUBJECT: EXEMPTION OF POSITIONS

#### BACKGROUND

Experience has shown that while a number of positions reasonably appear to fall within the Criteria for Exemption from civil service, it is often unclear whether Sec. 36e(3), “principal administrative employees . . . as determined by the Merit Board”, or Sec. 36e(4), “the teaching, research and extension faculties of each institution and agency”, is the appropriate exemption.

It should first be noted that positions exempted under Sec. 36e(3):

1. must be approved by the Merit Board; and
2. are subject to Merit Board audit procedure.

Positions exempted under Sec. 36e(4) are a matter of internal governance between a particular institution and its governing board, and *should therefore not be submitted to the Merit Board office for approval but are subject to Merit Board audit procedures.*

In attempting to provide some guidance as to the types of positions the Merit Board office believes to be more appropriately exempted under Sec. 36e(4) as opposed to Sec. 36e(3), the following brief discussion regarding the application of each type of employment enumerated in the Statute under Sec. 36e(4) [teaching, research, and extension faculties] is offered:

#### Teaching

Teachers, in the general sense, are those individuals who impart knowledge to the institution’s students as their primary function. This activity, however, is not specifically limited to those members of the tenure-track faculty (Professor, Associate Professor, Assistant Professor), but also extends to those positions who provide direct instructional support, or academic/career planning/counseling to students as their primary function. Examples of the latter category would include academic and career counselors, sports coaches, and persons primarily employed as coordinators for pre-professional and professional academic programs. Also included are those persons with functional responsibility for a group of employees falling within this exemption category.

#### Research

This category applies to individuals primarily

engaged in research activities, normally under the oversight of an academic department or college and are frequently funded by outside sources. Research facilities are usually, but not necessarily, located on the premises of the employing institution. Research in this context is not necessarily limited to the laboratory work typical of the physical sciences, but may also include field historical research, linguistic studies, archaeology, etc. Individuals holding such appointments may be members of the regular teaching faculty, but *the holding of academic rank is not a prerequisite to inclusion of a particular position in this category.*

#### Extension Faculties

This category applies to the instructional staff hired to provide both credit and non-credit instructional programs offered by the institution outside of the normal academic curricula. The latter includes instructional programs offered both on and off of the primary campus of the institution. [Adult Education and Continuing Education are terms frequently used to describe these programs, which may be offered in community facilities, extension institute centers, and a variety of other settings.] The instructional staff of such programs may be employed solely for the duration of the specific course(s) being offered, based on professional “real world” experience in a particular profession or industry, or may be subject-matter specialists who are employed as regular academic staff members at another educational institution. Also included are those persons with functional responsibility for a group of employees falling within this exemption category.

### **Position Standard #49997**