POLICY

Loyola Marymount University is an “at will” employer. This means that the employment relationship between the University and each of its employees may be terminated at any time by either the University or the employee, with or without cause, and with or without notice.

The foregoing “at will” policy may be modified only by a written instruction signed by the President of the University and the affected employee. No implied contract concerning an employment-related decision, term or condition can be established by any other statement, conduct, policy or practice.

The relationship between Loyola Marymount University and an individual performing work on behalf of the University is defined in this policy.

On University Payroll

Full-Time Regular - A staff member who is regularly scheduled to work 40 hours per week (Westchester) or 35 hours per week (Law School, except members of the Service Staff who work 40 hours per week).

Part-Time Regular - A staff member who is regularly scheduled to work less than 40 hours per week (Westchester) or less than 35 hours per week (Law School, except for Service Staff who are part-time if they work less than 40 hours per week).

Probationary - A full-time or part-time staff member who has not completed the six-month probationary period.

Full-Time Temporary - A staff member who is scheduled to work full-time (see above) for a period normally not to exceed 12 months. Full-time temporary staff members must be separated from the University once they have reached the 12 month limit.

Part-Time Temporary - A staff member who is scheduled to work part-time (see above) for a period normally not to exceed 12 months. Part-time temporary staff members must be separated from the University once they have reached the 12 month limit.

Special - A staff member who works intermittently or whose hourly schedule is generally not predetermined (i.e., on call).

Inactive - Unless otherwise compelled by law, a staff member whose leave of absence exceeds six months will be placed on inactive status. While on inactive status, the employee is not benefits eligible and must pay the health insurance premiums if he/she wishes to continue that coverage.

Limited Term Appointments - A full-time staff member who is employed with the university for a predetermined length of time, normally not less than one full year, and receives benefits in the same manner as full-time regular employees. Limited term employees receive their pay via grants or other special funding.

Not On University Payroll

Temporary Agency Worker - An individual who performs work for the University but is on the payroll of a temporary help agency.

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1 Most full-time employees at Loyola Law School work a 35 week.
2 See PROBATIONARY PERIOD AND REVIEW.
**Independent Contractor** - Control or the right to control the worker regarding the work done and the manner in which it is performed is the most significant factor in determining whether an independent contractor relationship exists. Other factors used to make this determination are:

- the extent to which the worker’s services are an integral part of the employer’s business;
- the amount of the worker’s investment in facilities and equipment;
- the worker’s opportunities for profit and loss;
- the amount of initiative, judgment, or foresight required for the success of a supposed independent enterprise in open market competition;
- the permanency of the relationship;
- the nature and degree of control of the employer vs. the nature of independent business organization and operation.\(^3\)

An employee on the University payroll **may not be paid for additional work as an independent contractor; he/she must be paid through staff payroll.**

**PROCEDURE**

*Regular, Temporary, Special, and Inactive Staff Members*

To effect a personnel action for regular, temporary, special, or inactive staff members, please follow the guidelines in the policies entitled **EMPLOYMENT and PERSONNEL ACTIONS.**

*Temporary Agency Workers*

Following approval from the department head, all workers from temporary agencies must be secured through the Human Resources Office. Please contact the Manager of Employment/Wage & Salary Administration (Westchester) or the Human Resources Administrator (Law School) for assistance.

*Independent Contractors*

Independent contractors must not be engaged without the approval of the Department Head and Division Senior Vice President or Dean of Loyola Law School. The rules for determining whether an individual is an employee or independent contractor are defined by law. Please see the Assistant Vice President, Human Resources or Associate Director, Human Resources/Employee Relations (Westchester) or the Human Resources Administrator for assistance with making this determination.

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\(^3\) Factors to determine independent contractor relationship taken from *Wage and Hour Manual for California Employers*, by Richard J. Simmons.