



**FRESENIUS
MEDICAL CARE**

May 31, 2013



Mr. Craig R. Smith, Chief
Certificate of Need Section
Division of Health Service Regulation
809 Ruggles Drive
Raleigh, N.C. 27603

Re: Public Written Comments
CON Project ID # P-10123-13, New River Dialysis
CON Project ID # K-10124-13, Kerr Lake Dialysis
CON Project ID # K-10126-13, Youngsville Dialysis

Dear Mr. Smith:

On behalf of Bio-Medical Applications of North Carolina, Inc., I am forwarding the following public written comments regarding the above referenced CON projects.

Please accept the attached comments as denoted for each project. Upon further review, BMA may determine that other non-conformities exist.

If you have any questions or I can be of further assistance, please feel free to contact me at 919.896.7230 or via email, jim.swann@fmc-na.com.

Sincerely,

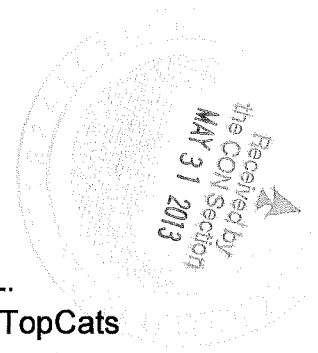
Jim Swann, Director
Market Development and Certificate of Need

Market Development and Certificate of Need

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Raleigh, North Carolina 27612

Phone 919-896-7230
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Public Witten Comments
CON Project ID # P-10123-13
New River Dialysis
Prepared and Submitted by Jim Swann
FMC Director, Market Development and Certificate of Need



1. The Certification page of the application is signed by Mr. William L. Hyland. Mr. Hyland is the Director of Healthcare Planning for the TopCats Division of Davita. Is Mr. Hyland an officer of the company with signature authority? According to multiple on-line sources, an officer of a company is, "an executive of a company", whereas a Director is a rank within the management structure. Copies of information related to such definitions are attached. If Mr. Hyland is not designated as an officer of the company then the application filed by Mr. Hyland on behalf of DaVita is not properly filed and should not be approved.
2. The applicant has posited that one of the foundational elements of this application is to make service more convenient for the patient. However, the applicant is proposing that patients who may be candidate for transplantation must travel to Charlotte. This is a one way commute in excess of five hours. The applicant has failed to provide a credible consideration for the patients of the facility when there is a nationally acclaimed transplantation program within two hours of the proposed facility: ECU Medical Center.

Summary: The certification page has not been properly signed and the application is therefore incorrectly filed. For this reason, the application should be denied.

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Corporations Corporate Officers Law & Legal Definition



Corporate officers are the people with day-to-day responsibility for running the corporation, such as the chief executive, chief financial officer and treasurer. A corporate officer is a high-level management official of a corporation or an unincorporated business, hired by the board of directors of a corporation or the owner of a business, such as a president, vice president, secretary, financial officer or chief executive officer (CEO). Such officers have the actual or apparent authority to contract or otherwise act on behalf of the corporation or business.

Officers serve at the pleasure of the Board of Directors, unless the articles of incorporation or bylaws state otherwise. Requirements for the number of votes necessary for removal and whether the removal may be with or without cause vary by corporation. The Board may terminate an officer at any time, subject only to any rights the officer might have under an employment agreement. Similarly, an officer may resign at any time, subject to notice or other requirements set forth in an employment agreement.

An officer's resignation does not affect any contractual obligations of the corporation for documents that were signed by the officer on behalf of the corporation while he or she was an officer.

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officer ↻

Definition

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An executive of a company who shares legal liability for his/her company's actions.

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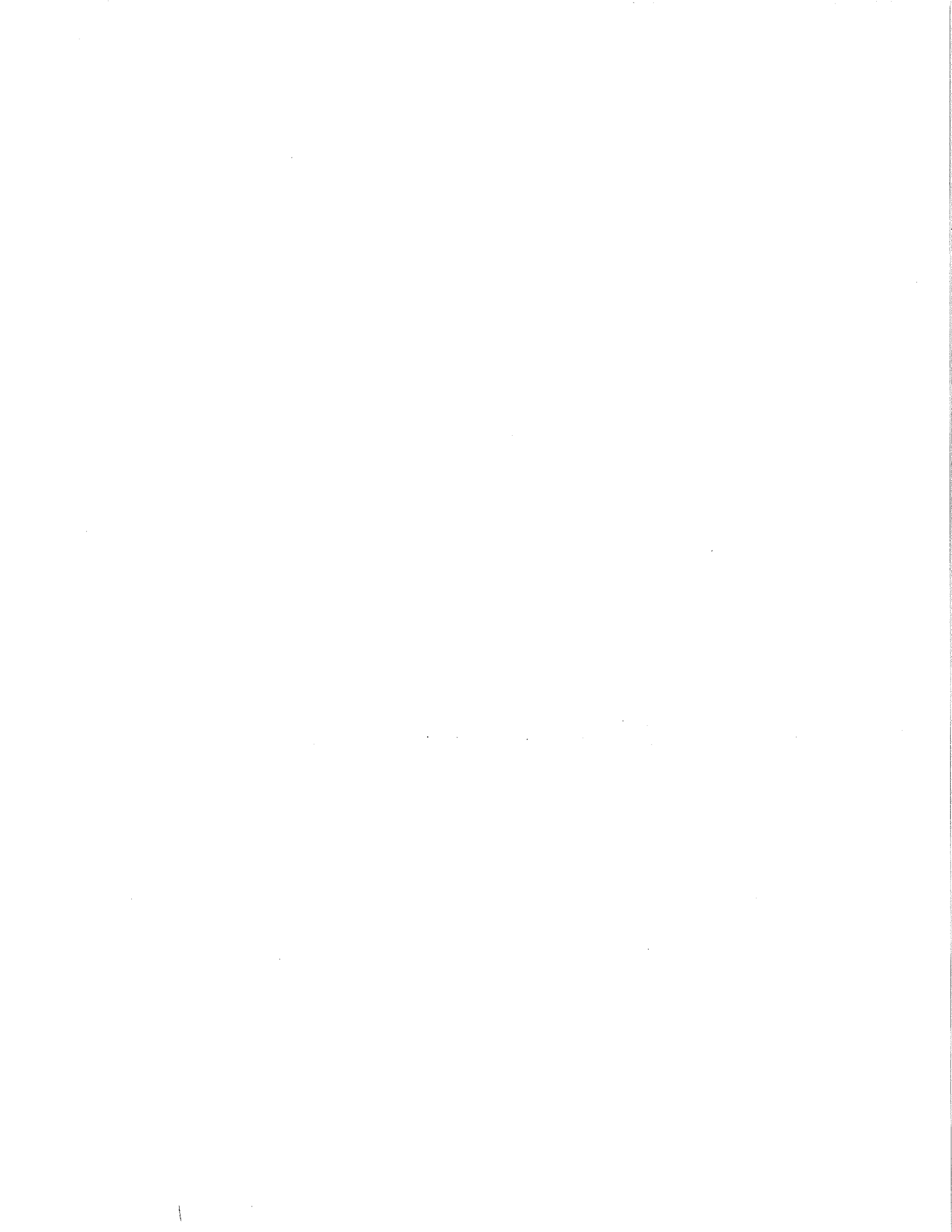
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Officer Definition:

A management-level employee of a corporation entrusted with discretion in the exercise of some portion of corporate powers.

Related Terms: [Company](#) [[/LegalDictionary/C/Company.aspx](http://LegalDictionary/C/Company.aspx)], [Corporation](#) [[/LegalDictionary/C/Corporation.aspx](http://LegalDictionary/C/Corporation.aspx)], [Director](#) [[/LegalDictionary/D/Director.aspx](http://LegalDictionary/D/Director.aspx)]



Corporate title

From Wikipedia, the free encyclopedia

Publicly and privately held for-profit corporations confer **corporate titles** or **business titles** on company officials as a means of identifying their function and responsibility in the organization. In addition, many non-profit organizations, educational institutions, partnerships, and sole proprietorships also confer corporate titles.

The highest-level executives are usually called "C-level" or part of the "C-suite", referring to the 3-letter initials starting with "C" and ending with "O" (for "Chief ... Officer"); the traditional three such officers are Chief Executive Officer (CEO), Chief Operations Officer (COO), and Chief Financial Officer (CFO). Depending on the management structure, C-titles may exist instead of or blended/overlapped with other traditional executive titles such as *President*, various designations of *Vice Presidents* (e.g. VP of Marketing), and *Directors* of various matters (e.g. Director of Marketing) - the latter not to be confused with members of the *Board of Directors*.

Certain other prominent C-level positions have emerged, some of which are sector-specific. For example, Chief investment officer and Chief risk officer positions are often found in many kinds of financial services companies. Technology companies of all sorts now tend to have a Chief Technology Officer (CTO) to manage technology development. A Chief Information Officer (CIO) oversees Information Technology (IT) matters either in companies that specialize in IT or in any kind of company that relies on it for supporting infrastructure.

Many companies now also have a *Chief Marketing Officer*, particularly in mature companies in competitive sectors - for which brand management is a high priority. In creative/design industries, there is sometimes a *Chief Creative Officer* (CCO), responsible for keeping the overall look and feel of different products, otherwise headed by different teams, constant throughout a brand. A Chief administrative officer may be found in many large complex organizations having various departments or divisions to be coordinated. Additionally, a many companies now term their top diversity leadership position as *Chief Diversity Officer* (CDO). However, this and many other nontraditional and/or lower-ranking C-level titles (included below) are not universally recognized as Corporate Officers - and tend to be specific to particular organizational cultures or preferences as employees.

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Variations

There are considerable variations in the responsibilities of the titles.

Within the corporate office or corporate center of a company, some companies have a Chairman and CEO as the top ranking executive, while the number two is the President and COO; other companies have a President and CEO but no official deputy. Typically, C-level managers are "higher" than Vice Presidents, although many times a C-level officer may also hold a vice president title, such as Executive Vice President and CFO. The board of directors is technically not part of management itself, although its chairman may be considered part of the corporate office if he or she is an executive chairman.

A corporation often consists of different businesses, whose senior executives report directly to the CEO or COO. If organized as a division then the top manager is often known as an Executive Vice President (for example, Todd Bradley who heads the Personal Systems Group in Hewlett Packard). If that business is a subsidiary which has considerably more independence then the title might be known as Chairman and CEO (for example, Philip I. Kent of Turner Broadcasting System in Time Warner).

In some European Union, and in some Asian countries, there are two separate boards, one executive board for the day-to-day business and one supervisory board for control purposes (elected by the shareholders). In these countries, the CEO presides over the executive board and the chairman presides over the supervisory board, and these two roles will always be held by different people. This ensures a distinction between management by the executive board and governance by the supervisory board. This allows for clear lines of authority seemingly. There is a strong parallel here with the structure of government, which tends to separate the political cabinet from the management civil service. In the United States, the board of directors (elected by the shareholders) is often equivalent to the European/Asian supervisory board. The executive board's counterpart in the United States may often be known as the operating committee (J.P. Morgan and Chase)[1] (http://www.nytimes.com/2012/10/07/magazine/ina-drew-jamie-dimon-jpmorgan-chase.html?pagewanted=all&_r=0), management committee (Goldman Sachs), executive committee (Lehman Brothers), or executive council (Hewlett-Packard), composed of the division/subsidiary heads and C-level officers that report directly to the CEO.

Corporate titles

- **Chairman of the Board** – presiding officer of the corporate board of directors. The Chairman influences the board of directors, which in turn elects and removes the officers of a corporation and oversees the human, financial, environmental and technical operations of a corporation.
 - The CEO may also hold the title of chairman, resulting in an executive chairman. In this case, the board frequently names an independent member of the board as a lead director.
 - **Executive chairman** – the chairman's post may also exist as an office separate from that of CEO, and it is considered an executive chairman if that titleholder wields influence over company operations, such as Steve Case of AOL Time Warner and Douglas Flint of HSBC. In particular, the Group Chairmanship of HSBC is considered the top position of that institution, outranking the Chief Executive, and is responsible for leading the board and representing the company in meetings with government figures.^{[1][2]} Prior to the creation of the group management board in 2006, HSBC's chairman essentially held the duties of a chief executive at an equivalent institution, while HSBC's chief executive served as the deputy. After the 2006 reorganization, the management cadre ran the business, while the chairman oversaw the controls of the business through compliance and audit and the direction of the business.^[3]
 - **Non-executive chairman** – also a separate post from the CEO, unlike an executive chairman, a non-executive chairman does not interfere in day-to-day company matters. Across the world, many companies have separated the roles of Chairman and CEO, often resulting in a non-executive chairman, saying that this move improves corporate governance.
- **Chief Academic Officer or CAO**; in some academic institutions the CAO is in charge of all Academic aspects of the learning institution.
- **Chief accounting officer**
- **Chief administrative officer or CAO**;
- **Chief Analytics Officer or CAO** – high-level corporate manager with overall responsibility for the analysis and interpretation of data relevant to a company's activities; generally reports to the *CEO*, or *COO*.
- **Chief Audit Executive or CAE** – high-level 'independent' corporate executive with overall responsibility for the Internal audit.
- **Chief Business Officer or CBO**
- **Chief Business Development Officer or CBDO**.
- **Chief Brand Officer or CBO** – a relatively new executive-level position at a corporation, company, organization, or agency, typically reporting directly to the CEO or board of directors. The CBO is responsible for a brand's image, experience, and promise, and propagating it throughout all aspects of the company. The brand officer oversees marketing, advertising, design, public relations and customer service departments. The brand equity of a company is seen as becoming increasingly dependent on the role of a CBO.

- Chief commercial officer or CCO – the executive responsible for commercial strategy and development
- Chief Communications Officer or CCO.
- Chief Compliance Officer – in charge of regulatory compliance, especially Sarbanes-Oxley.
- Chief Content Officer or CCO – the executive responsible for developing and commissioning content (media) for broadcasting channels and multimedia exploitation. This was first used by media company Slam Content.
- Chief Creative Officer
- Chief Credit Officer or CCO.
- Chief Customer Officer – responsible in customer-centric companies for the total relationship with an organization's customers.
- Chief Data Officer or CDO
- Chief Debriefing Officer or CDO – responsible for getting the status, and maintaining forward motion in production.
- Chief Design Officer or CDO
- Chief Digital Officer or CDO
- Chief Diversity Officer or CDO
- Chief Electrification Officer – responsible for electrical generating and distribution systems. The title was used mainly in developed countries from the 1880s to 1940s during the electrification of industry, but is still used in some developing countries.
- Chief Engineering Officer – similar to the more common *CTO*; responsible for technology/product R & D and/or manufacturing issues in a technology company. This position is generally separate from any internal IT functions (the realm of the CIO). This title occurs more in those technology companies that make products other than software, but increasingly CTO is used instead now in both software and non-software industries alike to refer to overseeing the development of technology being commercialized.
- Chief Executive Officer or CEO/ Executive Director for the nonprofit sector (United States), Chief Executive or Managing director (United Kingdom, Commonwealth and some other English speaking countries) – The CEO of a corporation is the highest ranking management officer of a corporation and has final decisions over human, financial, environmental and technical operations of the corporation. The CEO is also a visionary, often leaving day-to-day operations to the President, COO or division heads. Other corporate officers such as the COO, CFO, CIO, and division heads report to the CEO. The CEO is also often the Chairman of the Board, especially in closely held corporations and also often in public corporations. Recently, though, many public companies have been separating the roles of Chairman and CEO to improve corporate governance. President and CEO is a popular combination if there is a separate chairman.
- Chief executive manager or CEM (United States). The CEM of a Limited liability company is the highest ranking management person of an LLC and has final decisions over the day-to-day operations and of an LLC. The CEM often reports directly to the membership of the LLC. The CEM role and leadership within a limited liability company is comparable to the role of Chief executive officer within corporate governance.
- Chief Experience Officer or CXO

- Chief Financial Officer or CFO – high-level corporate officer with oversight of corporate finances; reports to the *CEO*. May concurrently hold the title of *Treasurer* or oversee such a position; Finance deals with accounting and audits, while Treasurer deals with company funds.
- Chief Human Resources Officer or CHRO
- Chief Information Officer or CIO – high-level corporate manager with overall responsibility for the company's information resources and processing environment; generally reports to the *CEO* or *COO*. Particularly important in IT companies or companies that rely heavily on an IT infrastructure for their operations.
- Chief Information Security Officer or CISO
- Chief Innovation Officer
- Chief Intellectual Property Officer or CIPO – responsible for the management of the IP assets and potential IP-related liabilities of the enterprise
- Chief International Officer or CIO – responsible for development and implementation of overseas markets
- Chief Investment Officer or CIO – high-level corporate officer responsible for the assets of an investment vehicle or investment management company and/or responsible for the asset-liability management (ALM) of typical large financial institutions such as insurers, banks and/or pension funds; generally reports to the *CEO* or *CFO*.
- Chief Knowledge Officer or CKO – the CKO is responsible for managing intellectual capital and the custodian of Knowledge Management practices, usually in a legal organization
- Chief Legal Officer or CLO – the CLO is traditionally referred to as the General Counsel, or GC
- Chief Learning Officer or CLO – the CLO is commonly responsible for all Learning/Training Operations
- Chief Marketing Officer or CMO
- Chief Medical Officer or CMO – especially in a pharmaceutical company, the person responsible for scientific and medical excellence of the company's research, development and products
- Chief Networking Officer or CNO – responsible for the social capital within the company and between the company and its partners
- Chief Operating Officer or COO/ Director of Operations for the nonprofit sector – high-level corporate officer with responsibility for the daily operation of the company; reports to the *CEO*. The COO often also carries the title of President, especially if the number one is the Chairman and CEO. Unlike other C-suite positions, which tend to be defined according to commonly designated responsibilities across most companies, the COO job tends to be defined in relation to the specific CEO with whom he/she works, given the close working relationship of these two individuals.^[4] In many ways, the selection of a COO is similar to the selection of a Vice President of the United States: the role (including the power and responsibilities therein) can vary dramatically, depending on the style and needs of the President. Similarly, the COO role is highly contingent and situational, as the role changes from company to company and even from CEO to successor CEO within the same company.^[4] Many modern companies operate without a COO. For example, in 2006 more

than 60 percent of Fortune 500 companies did not have a COO,^[5] and in 2007 almost 58 percent of Fortune 500 companies did not have a COO.^[6] In these instances the CEO either takes on more roles and responsibilities, or the roles traditionally assigned to the COO are carried out by sub C-suite executives (as discussed above).

- Chief Performance Officer
- Chief Privacy Officer
- Chief Process Officer or CPO
- Chief Procurement Officer or CPO
- Chief Product Officer or CPO – responsible for all product-related matters. Usually includes product conception and development, production in general, innovation, project and product management. In many IT/telecommunications companies, this position is organically higher than the chief technical officer and includes release management and production. In small and mid-sized companies it can also play the role of the COO.
- Chief Program Officer or CPO – high-level corporate officer with responsibility for the daily operations of an organization's programs. Often found in government and non-profit organizations. Similar to the COO found in for profit organizations. Reports to the *CEO*.
- Chief Promotions Officer or CPO
- Chief Quality Officer or CQO, The Chief Quality Officer is responsible for setting up quality goals and assuring that those goals are kept
- Chief Relationship Officer or CRO – Companies have used this title to mean several different things: (1) officer responsible for key external relationships including Investor Relations, Government Relations and sometimes Public Relations or Communications; (2) alternate term for Chief Human Resources Officer; (3) alternate term for Chief Networking Officer
- Chief Research Officer or CRO – Responsible for Research within the organization
- Chief Revenue Officer or CRO – Responsible for all revenue within the organization
- Chief Risk Officer (Chief Risk Management Officer) or CRO – Common in financial institutions.
- Chief Sales Officer or CSO – responsible for all sales/revenue within the organization
- Chief Science Officer – responsible for research, development and new technologies.
- Chief Search Officer – responsible for research, development and planning of brand search marketing
- Chief Security Officer or CSO
- Chief Specialist Officer or CSO – VP-level corporate officer responsible for a specific function or area at corporate level
- Chief Strategy Officer (Chief Strategic Planning Officer) or CSO (CSPO)
- Chief Supply Chain Officer or CSCO – high-level corporate officer responsible for the supply chain management of the company
- Chief Tax Officer or CTO – high-level corporate officer responsible for the tax function (compliance, accounting and planning) within a company. The CTO may report to the CEO, CFO, general counsel or the internal audit function.
- Chief Technology Officer or CTO (sometimes Chief Technical Officer) – high-level corporate officer responsible for the company's technology/R&D direction. Now common in both IT/software and other technological fields as well, the focus on this position is

typically overseeing the development of technology *to be commercialized*. (For an IT company, the subject matter would be similar to the CIO's, however the CTO's focus is technology for the firm to *sell* versus technology used for facilitating the firm's own operations.)

- Chief visionary officer
- Chief Web Officer
- Financial Control Officer, FCO or FC, also Comptroller or Controller – supervises accounting and financial reporting within an organization
- Director or Member of the Board of Directors – high-level official with a fiduciary responsibility of overseeing the operation of a corporation and elects or removes officers of a corporation; nominally, *Directors*, other than the *Chairman* are usually not considered to be employees of the company *per se*, although they may receive compensation, often including benefits; in publicly held companies. A *Board of Directors* is normally made up of members (*Directors*) who are a mixture of corporate officials who are also management employees of the company (inside directors) and persons who are not employed by the company in any capacity (outside directors or non-executive directors). In privately held companies, the *Board of Directors* often only consists of the statutory corporate officials, and in *sole proprietorship* and *partnerships*, the board is entirely optional, and if it does exist, only operates in an advisory capacity to the owner or *partners*. Non-profit corporations are governed by a *Board of Trustees* instead of a *Board of Directors*
- Director – a manager of managers within an organization who is often responsible for a major business function and who sometimes reports to a Vice President (note that in some financial services companies the title Vice President has a different meaning). Often used with name of a functional area; *Finance Director*, *Director of Finance*, *Marketing Director*, and so on. Not to be confused with a *Member of the Board of Directors* who is also referred to as a *Director*. Usually denotes the lowest executive level within a company, except in the banking industry. Alternatively, a manager of managers is often referred to as a "senior manager" or as an "associate vice president", depending upon levels of management, and industry type.
- Fellow – In a dual career ladder organization a fellow is often a very senior technical position and is equal to a director or VP
- President – legally recognized highest "titled" corporate officer, and usually a member of the Board of Directors. There is much variation; often the CEO also holds the title of President, while in other organizations if there is a separate CEO, the President is then second highest-ranking position. In such a case the President is often the COO and is considered to be more focused upon daily operations compared to the CEO which is supposed to be the visionary. If the corporate President is not the COO (such as Richard Parsons of Time Warner from 1995–2001), then many division heads report directly to the CEO themselves, with the President taking on special assignments from the CEO.
- Secretary or Company secretary – legally recognized "titled" corporate officer who reports to the Board of Directors and is responsible for keeping the records of the Board and the company. This title is often concurrently held by the *treasurer* in a dual position called *secretary-treasurer*; both positions may be concurrently held by the *CFO*. Note, however,

that the *Secretary* has a reporting line to the Board of Directors, regardless of any other reporting lines conferred by concurrent titles.

- Secretary-Treasurer – in many cases, the offices of *Secretary* and *Treasurer* are held by the same person. In this case, the position is commonly referred to by the combined title *Secretary-Treasurer*
- Treasurer – legally recognized corporate officer entrusted with the fiduciary responsibility of caring for company funds. Often this title is held concurrently with that of *Secretary* in a dual role called *secretary-treasurer*. It can also be held concurrently with the title of *CFO* or fall under the jurisdiction of one, though the CFO tends to oversee the Finance Department instead, which deals with accounting and audits, while the Treasurer deals directly with company funds. Note, however, that the *Treasurer* has a reporting line to the Board of Directors, regardless of any other reporting lines conferred by concurrent titles.
- Statutory Agent
- Superintendent
- Associate – Used in many different ways in US business. Often used to indicate a customer service position or temporary/part-time employee. Some US businesses use the term for all or most exempt employees. In legal firms an associate attorney indicates a lawyer who is not a partner of the law firm. Partner is often used in a similar way.
- Supervisor
- Foreman
- General manager or GM
- Manager
- Of Counsel – A lawyer working on a part-time or temporary basis for a company or law firm.
- Owner (sometimes Proprietor or Sole Proprietor, for sole proprietorships)
- Partner – Used in many different ways. This may indicate a co-owner as in a legal partnership or may be used in a general way to refer to a broad class of employees or temporary/contract workers who are often assigned field or customer service work. Associate is often used in a similar way.
- Principal – may refer to an owner of the business or a high-level technical worker such as Principal Engineer or Principal Scientist. The Principal title is often used in dual career ladder^[7] organizations and may be equivalent to manager or director.^[8]
- Vice Chair or Vice Chairman – officer of the Board of Directors who may stand in for the *Chairman* in his/her absence. However, this type of Vice Chairman title on its own usually has only an advisory role and not an operational one (such as Ted Turner at Time Warner).^[9] An unrelated definition of *Vice Chair* describes an executive who is higher ranking or has more seniority than *Executive Vice President*. Sometimes, EVPs report to the Vice Chair who in turn reports directly to the CEO (so Vice Chairs in effect constitute an additional layer of management), other Vice Chairs have more responsibilities but are otherwise on an equal tier with EVPs. Executive vice chairman are usually *not* necessarily be on the board of directors. Royal Bank of Canada previously used Vice Chair in their inner management circle until 2004 but have since renamed them as *Group Head*.
- Vice President – Middle or upper manager in a corporation. They often appear in various hierarchical layers such as *Executive Vice President*, *Senior Vice President*, *Associate Vice*

President, or *Assistant Vice President*, with EVP usually considered the highest and usually reporting to the CEO or President. Many times, corporate officers such as the *CFO*, *COO*, *CIO*, *CTO*, *Secretary*, or *Treasurer* will concurrently hold *Vice President* titles, commonly EVP or SVP. Vice Presidents in small companies are also referred to as chiefs of a certain division, such as VP of Finance, or VP of Administration. Note that in some financial contexts, the title of Vice President is actually subordinate to a Director.

- Commissioner

Exempt and non-exempt

Other corporate employee classifications, in US organizations, include:

- Exempt – exempt from the Fair Labor Standards Act (FLSA). In a corporation, this generally applies to salaried professional staff, and executives, earning in excess of \$23,660 annually.^[*citation needed*]
- Non-exempt – Generally an employee paid by the hour who is entitled to a minimum wage, overtime pay at the rate of time and one-half the regular rate for all hours worked in excess of 40 hours per week or according to state labor laws, as well as other protections under child labor and equal pay laws.

Non-employees

Most modern corporations also have non-employee workers. These are usually 'temps' (temporary workers) or consultants who, depending on the project and their experience, might be brought on to lead a task for which the skill-set did not exist within the company, or in the case of a temp, in the vernacular sense, to perform busy-work or an otherwise low-skilled repetitive task for which an employee is deemed too valuable to perform.

Non-employees generally are employed by outside agencies or firms, but perform their duties within a corporation or similar entity. They do not have the same benefits as employees of that company, such as pay-grades, health insurance, or sick days.

Some high-skilled consultants, however, may garner some benefits such as a bonus, sick leave, or food and travel expenses, since they usually charge a high flat-fee for their services, or otherwise garner high hourly wages. An example of high-skilled consultants include lawyers, lobbyists, and accountants who may not be employed by a corporation, but have their own firms or practices. Most temps, however, are compensated strictly for the hours they work, and are generally non-exempt.

See also

- Corporate governance

- Corporate liability
- Identification with corporation
- Korean corporate title
- Japanese corporate title

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Director (business)

From Wikipedia, the free encyclopedia

Director refers to a rank in management. A director is a person who leads, or supervises a certain area of a company, a program, or a project.^[1] Companies that use this title often have many directors spread throughout different categories (e.g. director of human resources).^[2] The director usually reports directly to a Vice President or to the CEO. In companies with advanced ranks within director, the next rank is usually Senior Director, followed by Executive Director. Large organizations also sometimes have Assistant Directors. Director commonly refers to the lowest level of executive in an organization, but many large companies are designating titles of Associate Directors more frequently.

See also

- A member of a board of directors, a group of managers of a company
- Corporate title
- Chief Executive Officer
- Director (disambiguation)
- Director-general
- Executive director
- Finance director, or chief financial officer
- Management
- Managing director
- Non-executive director
- President
- Vice President

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