

CALIFORNIA STATE UNIVERSITY, SACRAMENTO

POLICY AND PROCEDURES FOR OBTAINING AND COMPENSATING
INDIVIDUALS FOR PERSONAL SERVICES AS

SPECIAL CONSULTANTS AND INDEPENDENT CONTRACTORS

November 11, 2004

I. SCOPE

It is the purpose of these procedures to effect payment for individuals providing personal services to the University. These procedures are applicable to INDEPENDENT CONTRACTORS and individuals classified as SPECIAL CONSULTANTS (Class Code 4660) only. Payment to all other individuals providing personal services to the University shall be accomplished through temporary appointments to existing CSU classifications whenever possible and appropriate.

II. DEFINITIONS

For the purpose of these procedures, the following definitions will apply:

- A. EMPLOYER – California State University, Sacramento (CSUS) appointing power.
- B. SPECIAL CONSULTANT (Class Code 4660) – An individual who is subject to the will and control of the University while performing special assignments of a temporary nature based on a particular knowledge, ability, or expertise. Individuals may be designated as Special Consultants only if no other appropriate CSU classification is available. Special Consultants are considered temporary employees of the University and are paid a daily salary regardless of the number of hours worked in a given day.

Current CSU employees who accept additional employment as Special Consultants are subject to the Additional Employment Policy of the California State University (FSA 82-20) or the applicable memorandum of understanding (MOU), all of which limit total employment within the CSU to a maximum of 125% of full-time.

- C. INDEPENDENT CONTRACTOR – An individual who is subject to the control or direction of the University merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result. Independent Contractors are not considered employees of the University. Payment is based upon completion of specific work, rather than time worked.

An independent contractor must meet the following criteria:

- Is not currently appointed to a temporary, probationary, or permanent University-funded or reimbursed position.
- Is engaged in an independent trade, business, or profession in which these same services are offered to the general public. In most cases, the individual will be required to provide a Business License Number, a Taxpayer I.D. Number, and a Company Name.
- May not and does not participate directly or indirectly in the benefit programs of the University. Supplies, work area, and personal liability insurance are not furnished by the University.
- The services to be performed are not available within CSUS, cannot be performed by CSUS employees, or are of such a specialized or technical nature that the knowledge, experience, or ability are not available through the normal staffing process.

III. PAYMENT FOR PERSONAL SERVICES

There are two means through which the University may pay for personal services:

A. Temporary Employee Appointment

1. In any appropriate CSU classification
2. As a Special Consultant, class code 4660, if no other appropriate CSU classification exists.

B. Independent Contract (does not provide employee status)

Temporary employee appointments to any CSU classification other than Special Consultant (class code 4660) are processed through the normal staffing process and are not addressed in this policy/procedure. Whether an individual receives a Special Consultant appointment or an Independent Contract is predicated on the definitions and criteria outlined in the previous section.

IV. SPECIAL CONSULTANT APPOINTMENT (Employee Appointment)

A. DOCUMENTATION REQUIRED FOR APPOINTMENT

The following items, with appropriate approval signatures, must be submitted to the Office of Human Resources at least five (5) working days prior to the effective date of the appointment:

1. Special Consultant Agreement form which must include a detailed description of the duties to be performed and an explanation of how the daily rate was determined.
2. Completed Personnel Transaction Form (PTF).
3. Resume if new to CSUS.
4. Current employees who accept additional employment as special consultants during their normal work hours will need to submit a statement from the appropriate supervisor indicating an adjustment to the employee's regular work schedule will be made so that the special consultant assignment will not conflict with the regular assignment.

In addition, consultants who are new to CSUS or are returning following a break in service of six months or more must complete the documents listed below in the HR Payroll Office within three (3) days of the effective date of their appointment or on the first day of employment if the appointment is for less than three (3) days:

1. Employment Appointment Form
2. Employee Action Request Form (W-4)
3. I-9 Immigration Form

To ensure the integrity of the process and to avoid subjecting the University to inappropriate liability, an individual shall not begin work until the Special Consultant Agreement form has been approved by the Vice President for Human Resources or designee. A copy of the approved Special Consultant Agreement form will be mailed to the consultant and the hiring department by the Office of Human Resources as notification of approval.

B. DOCUMENTATION REQUIRED FOR PAYMENT

The Special Consultant Time Sheet, with appropriate approval signatures, will be submitted to the Office of Human Resources for review and signature, and then forwarded to HR Payroll Office, upon completion of the assignment or at the end of the monthly pay period, whichever comes first. Separate monthly time sheets will be required for each pay period covered by a Special Consultant Agreement form.

NOTE: In the event the assignment described on the face of the Special Consultant Agreement form is not completed or is not completed in a satisfactory manner, the University reserves the right to cancel the appointment (and all payment) or to reduce the total number of days for which payment will be made.

It is critical that the full, legal name and correct social security number are typed on the PTF and on the Time Sheet to ensure payment to the correct individual. A number of CSUS employees have the same last name and a few employees have identical names.

C. SPECIAL CONSULTANT APPOINTMENT CHANGES

Once a Special Consultant Agreement form has been approved, substantial changes in the assignment or any changes in the daily salary rate or in the total number of days authorized will require a new Personnel Transaction Form and a new Special Consultant Agreement form.

V. INDEPENDENT CONTRACTOR

A. DOCUMENTATION REQUIRED FOR INDEPENDENT CONTRACTOR STATUS

1. Requisition processed through the University's financial system (PS Finance) with a detailed description of services, beginning and ending dates of contract, total amount to be paid, and payment schedule (e.g., monthly, quarterly, percent of completion, etc.).
2. Business License Number, Taxpayer I.D. Number, and Company Name

To ensure the integrity of the process and to avoid subjecting the University to inappropriate liability, personal services shall not be performed prior to the signing of a written contract between the independent contractor and the Purchasing Office. A copy of this contract will be provided to the accountable manager.

B. DOCUMENTATION REQUIRED FOR PAYMENT

Certification of Services Provided – The independent contractor must submit an invoice based on the payment schedule stipulated in the contract. The accountable University manager must approve the invoice, certifying in writing that the services outlined in the contract have been satisfactorily completed. The Accounts Payable Office must be in receipt of this approved invoice before the contractor can be paid.