TO: All Stern Faculty, Deans and Directors

FROM: Lee Sproull

DATE: August 18, 2008

RE: Hiring Temporary Workers

In the past, you may have…

- Paid a temporary worker using a personal check and then requested reimbursement
- Hired a person as an independent contractor because it seemed easiest that way
- Hired an acquaintance to grade papers
- Forgotten to tell HR or Budget or your Administrative Coordinator that you hired someone
- Hired a family member to do data entry
- Hired a recent NYU graduate to code questionnaires
- Hired a non-NYU student to do clerical tasks

Blame it on the IRS, blame it on Homeland Security, blame it on changing times, but these are no longer allowed (if they ever were). In fact, doing them can land Stern and NYU in a lot of hot water and cost everyone a lot of money.

The attached Policy and Procedures for Hiring Part-time or Full-time Temporary Workers has all the details. If you have questions, faculty members should ask Susanna Stein or Nadia Cureton in the Office of Faculty Services, and administrators should contact Kelly Collins or Jennifer Jackson Weber in HR.
STERN POLICY AND PROCEDURES FOR HIRING

PART-TIME OR FULL-TIME TEMPORARY WORKERS

Issued: August 18, 2008
Sponsor: Dean Thomas Cooley
Policy Contact: Faculty: Susanna Stein, Office of Faculty Services (212) 998-0911
Administrators: Kelly Collins, Stern Human Resources (212) 998-0152

POLICY

I. To Whom this Policy Applies

This policy and its procedures apply to the hiring of individuals to work part-time or full-time on a temporary basis. Violations of this policy will lead to sanctions.

II. Hiring Clerical/Technical Workers

a. NYU Student Workers

When hiring temporary assistance for clerical tasks, always pursue NYU student workers first. The federal government pays 75% of the wages of NYU undergraduate students on federal work study as long as funds are available; the balance is paid by NYU or STARS. For clerical tasks, NYU students are paid through Payroll and must have their employment eligibility verified through the I-9 verification process or they cannot work. Refer students to either the Department Administrative Coordinator or to Stern Human Resources. For faculty, Department Administrative Coordinators can post available opportunities at www.nyu.edu/careerdevelopment.

b. Non-NYU Student Workers

Any non-NYU student and any non-student hired to do clerical tasks on a part-time or full-time temporary basis (less than 3 months) must be hired through one of NYU’s contracted temp agencies. Contact Stern Human Resources to coordinate your request for temporary help. Clerical work includes, but is not limited to: data entry; word processing; tracking; web page maintenance; filing; answering phones; etc.

III. High Level Administrative or Management Level Work

Certain temporary project-based or seasonal employees hired to perform high-level administrative or management duties on a part-time or full-time temporary basis are known as “Casual Appointments”. Such appointments must be processed through Stern HR and paid via
NYU Payroll, and must have their employment eligibility verified through the I-9 verification process or they cannot work. Their appointment cannot exceed 17 hours per week or extend past six (6) months within a 12-month period. No extensions will be granted.

IV. Graders, Teaching Fellows or Graduate Fellows

Graders, Teaching Fellows and Graduate Fellows must be hired through Stern’s TF/GF Program, not as independent contractors or through other methods. For more information on the TF/GF Program, go to http://w4.stern.nyu.edu/students/current/jobs/index.cfm?doc_id=6566. TF/GFs must have their employment eligibility verified through the I-9 verification process or they cannot work.

V. Independent Contractors

Independent contractors should be engaged only when the project is temporary, highly specialized, and the skills and talents cannot be found at the University. Independent contractors are not employees. They are individuals hired for projects that provide services under terms that are specified in a contract.

Unlike an employee, an independent contractor may work for more than one organization and is not subject to the organization’s control, or right to control, the manner and means of performing the services. Unlike employees, who are on NYU’s payroll and have tax and benefit withholdings from their wages, independent contractors are paid through Accounts Payable and issued a Form 1099.

Stern’s Budget Office must approve all hiring of independent contractors, who must execute written service agreements regardless of the duration of the assignment.

VI. Temporary Employees in General

a. Family or Household Members

Family or household members cannot work in the same department without prior approval from the Dean of Stern and the Deputy Director of NYU Talent Management. A supervisor/employee relationship between members of the same family or household may not exist and one member of a family or household may not make decisions or recommendations concerning the conditions of employment, salary, or promotion of another member of the same family or household. For more information on NYU’s Employment of Relatives Policy, please contact Stern Human Resources or go to: http://www.nyu.edu/hr/policies/hrwind04.html
b. **Eligibility for Employment**

The employment of any individuals working in the United States who have not properly verified their eligibility for employment through the I-9 is a violation of federal law and may result in civil and criminal sanctions upon the University and University individuals, including the person doing the hiring.

Employees paid through NYU Payroll, including casual and student employees, cannot work until they have completed the I-9 process. Any employee whose I-9 is not completed within the third (3rd) day of their start date if they are working more than three (3) days, or on or before their start date if working for less than three (3) days will be separated from University payroll.

c. **Approval**

Do not discuss salary, terms of employment, or make an offer of employment without: (1) securing appropriate approval (see Section VII below); and (2) following NYU-approved language for contract terms and/or offer letters. Salary is determined by Human Resources based on an analysis of the job duties.

VII. **Process**

Do not offer employment or engage the services of anyone prior to receiving approval from Stern’s Office of Faculty Services, Human Resources, or Budget. These units can help you in advance to determine whether the temporary assistance should be performed by an NYU employee, temp agency personnel, or an independent contractor. Do not pay any worker from your own funds and expect reimbursement. To ensure proper and swift payment to any temporary employee who works for you, please follow this process:

a. **Step One:** Complete the Request Form for Temporary Help found at [http://w4.stern.nyu.edu/facultyaffairs/docs/Request>To_Hire_Temp_Form_2010.pdf](http://w4.stern.nyu.edu/facultyaffairs/docs/Request_to_Hire_Temp_Form_2010.pdf). Faculty members submit it to Nadia Cureton in Stern’s Office of Faculty Services (OFS). Administrators submit it to Jennifer Jackson Weber in Stern Human Resources.

b. **Step Two:** Within 48 hours, the form will be forwarded to either Stern’s Budget or Human Resources Offices, as appropriate.

c. **Step Three:** If the person will be hired on payroll, HR will obtain necessary approvals and inform you once the person may begin work. If the person will be hired as an independent contractor, Stern’s Budget Office will prepare a written agreement for your signature and countersignature by the contractor. Once executed, work may commence.