

Employees and Independent Contractors

(Supplements **SAM 02.A.24**)

1. The University of Houston-Clear Lake ("UHCL") adopts the policy and provisions of the System Administrative Memorandum ("SAM") **02.A.24**.
2. The following procedures will be followed at UHCL to determine whether service providers will be engaged as employees or independent contractors.
3. The Office of Human Resources will have the final authority for determining whether a service provider is an employee or an independent contractor.
4. **Department Responsibility:**
 - a. Departments wishing to hire an individual to perform a service for the university must first determine if the person is currently a UHCL employee.
 - b. If the individual is not a UHCL employee, the department must determine if the individual is currently on UHS payroll through an assignment at another component.
 - c. If the individual is not a current employee of the UHS, the department must complete an Independent Contractor Eligibility form and forward it to the Office of Human Resources. The Independent Contractor Eligibility form will indicate the date and nature of the services to be performed by the individual.
5. **Office of Human Resources Responsibility:**
 - a. The executive director of human resources and affirmative action, or designee, will confirm whether or not the individual is a current employee within the UHS. Further determination will be made as to whether or not the individual has been employed at UHCL during the preceding 12 months.
 - b. If the individual is currently employed by UHCL or has been employed during the preceding 12 months, the individual cannot be considered a contract employee and must be placed in a position on the UHS payroll.
 - c. If the individual is not a current employee or an employee during the preceding 12 months, determination must be made as to whether or not the duties to be performed qualify, in accordance with the SAM, as duties of an employee or an independent contractor.
 - d. If the individual qualifies as an employee, the executive director of human resources and affirmative, or designee, contacts the requesting department. The department proceeds to complete paperwork to put the person on payroll to perform the duties requested.
 - e. If the individual qualifies as an independent contractor, the executive director of human resources and affirmative action, or designee, signs the form and returns it to the business coordinator. Paperwork is completed to process the individual as an independent contractor through the accounts payable system.

Responsibilities of the Executive Director of Human Resources/AA: The executive director of human resources and affirmative action, or designee, is responsible to perform an analysis of on-going contract employees to determine whether or not a) the work could be performed by current staff at the university; b) the request is cost effective and in the best interest of the university.