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INDEPENDENT CONTRACTORS

Is there a formalized system in place for determining independent contractors, which is coordinated with Legal and their system of creating contracts?

It should be noted that the policy and procedures are under review and will be updated. Currently it is the policy of the university to properly classify workers as employees or independent contractors by applying Internal Revenue Service guidelines. The university has devised a procedure to be used when engaging an individual to perform services. This procedure provides guidelines to properly classify an individual as an independent contractor or employee using the Worker Status Determination Process, refer to the following link for additional details:

<http://www.newschool.edu/ofb/accountspayable/subpage.aspx?id=57207#Worker>.

Is it permitted to retain an independent contractor to complete a specific, short-term project when the university does not have the material or human resources on hand for the project?

Independent Contractors cannot be used to supplement staffing needs. Human Resources should be consulted on the correct way to handle these situations, as only in certain circumstances are independent contractors allowed. Generally, independent contractors may not be retained to perform tasks which a staff member typically performs. In certain situations, an independent contractor may be used for less than five days.

Who is qualified to determine if a short-term service provider may work as an independent contractor or must be put on the payroll?

The Office of Finance and Business will review the facts and circumstances based on the submission of required documentation. When a determination is unclear, it will be referred to the Independent Contractor Review Committee, which includes representatives from Purchasing, Human Resources, Legal and Tax Compliance.

In determining whether a freelance service provider meets the criteria to be paid as an independent contractor, which of the following, if any, are absolutely necessary:

- Works off-site with own tools
- Works at own pace to meet project deadline; is not directly supervised by a New School employee
- Has a legitimate business with marketing materials (website, business card, ads), list of clients
- Has an Employer Identification Number; can show that this business is primary or important source of earned income

The facts and circumstances, which can be different in each situation, provide evidence regarding the degree of control and independence. Facts and circumstances fall into three categories:

Behavioral: Whether or not the company has the right to control what the worker does and how / when they perform the work.

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Financial: The control over business aspects of the worker's job; i.e. how the worker is paid, if expenses are reimbursed, who incurs expense for tools and supplies, whether or not there is a profit/loss incurred by the worker based on their work.

Type of Relationship: The structure of the relationship, such as if there are written contracts, employee benefits, the duration of the engagement, or if the work performed is a key aspect of the business hiring the worker.

Businesses must weigh these factors when determining whether a worker is an employee or independent contractor. Some factors may indicate that the worker is an employee, while other factors indicate that the worker is an independent contractor. There is no "magic" or set number of factors that "makes" the worker an employee or an independent contractor, and no one factor stands alone in making this determination. Also, factors which are relevant in one situation may not be relevant in another.

It is critical to look at the entire relationship, consider the degree or extent of the right to direct and control, and finally, to document each of the factors used in coming up with the determination.

May a current New School student (full- or part-time) be hired as an independent contractor?

Yes, if the student is not already an employee of The New School but this may not be in the best interest of the student.

May a recent New School alumnus be hired as an employee?

Since each situation can be different, facts and circumstances will determine whether the individual can be hired as an independent contractor or be hired as a temporary employee.

Can a New School part-time faculty member be hired as an independent contractor?

Yes, but in very rare situations and only when the part-time faculty work and the independent contract work are completely unrelated.

Can a New School part-time staff member (whose regular job is not this task) be hired as an independent contractor?

Yes; but in very rare situations and only when circumstances are completely unrelated.

Can a former employee of the university be hired as an independent contractor?

It is extremely rare that someone can be classified as employee and an independent contractor in the same year or directly after termination. Our practice has been to avoid hiring an independent contractor within twelve months of their employment at the school.

Must every independent contractor sign a written contract or agreement regarding the scope of work and deliverables prior to beginning any project?

Yes; every independent contractor needs to sign either a professional services agreement or contract depending upon fee estimates. Projects with fee estimates equal to or greater than \$10,000 require a contract. All others require a professional services agreement. The paperwork must be completed prior to the start of the project.

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May an independent contractor be paid in installments (if the project is long) or must payment be withheld pending completion of the project?

Arrangements can indicate payment in installments as long as it is tied to the project deliverables and not a weekly payment.

Is there a PRE-APPROVED independent contractor list?

No; each individual contractor in a particular situation must be reviewed based on the facts and circumstances.

When a commercial vendor has been approved as a service provider, resubmitting vendor paperwork is not required during the rehire process. Is this also true of an independent contractor?

No; each use of an independent contractor requires the situation to be revisited. The Office of Finance and Business is looking into establishing a purchase order process for specific categories of independent contractors, which would not require the process each time.

What, if any, is the difference between a CONSULTANT and an INDEPENDENT CONTRACTOR?

Companies, including universities, hire employees to be internal consultants, so a consultant can be an employee, an independent contractor or an employee of an external service provider. If the consultant is an employee of an external organization and the university is contracting with that organization, this policy does not apply. Otherwise, classification will need to be determined through the facts and circumstances obtained through the Worker Classification Questionnaire, which will identify whether the consultant can be hired as an employee or as an independent contractor.

Can I supply materials and set the time and place for an independent contractor?

No; the individual would then be classified as an employee.

Can I use an independent contractor for a position that matches other positions that are filled by employees?

No; if the position matches other positions that are filled by employees, the individual would then be classified as an employee.

TEMPORARY EMPLOYEES

Can a short-term services provider who may not be paid as an independent contractor be hired as a temporary or contract employee?

Yes; this hire would need approval from Human Resources, just like any other temporary hire at the university.

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What is the correct process to hire a temporary employee?

To hire a temporary employee, you must first obtain approval from Human Resources by sending a written request via email to the Staffing department. The request should detail the reason for the hire, the rate of pay, the length of the appointment and the schedule.

In regards to hiring temporary employees, does Human Resources manage the process or must staff manage it? Must the job be advertised? If a hiring agency is used, who should choose the agency?

Human Resources manages the process not staff. It must be posted on The New School Applicant Tracking System. Hiring agencies are very rarely used. If on the rare occasion an agency is required, it will need approval of the Senior Vice President of Human Resources and Labor Relations.

Is there any distinction between a temporary employee and a contract employee?

No; although the university only uses the term “temporary employee”.

Is there a maximum term that a temporary employee can work?

This is determined on a case-by-case basis. As a general rule, temporary appointments are for one to ninety days. Temporary assignments that will exceed ninety days are special cases and are to be discussed individually with Human Resources.

Are temporary employees subject to the same rules regulating hours and working conditions as permanent employees, such as overtime after 35 hours per week and one hour daily for lunch?

Yes.

Must a temporary employee work fully on premises, or may he or she work some hours offsite?

Generally speaking, the university does not have a work-from-home policy. A temporary employee of the university is subject to the same institutional policies as all other employees. If there are special circumstances that would require offsite work, this should be discussed with Human Resources.

Are there different rules governing short-term (one to four-week) temporary employees and long-term (several months) hires? If so, at what point do the rules change?

The rules are the same for all temporary employment. If the assignment is known to last longer than ninety days from the start, it may be benefits eligible, depending on the amount of hours the

temporary employee will work per week. This should be discussed and determined with Human Resources when the temporary hire is approved, at the beginning of the process.

Does a temporary employee receive a New School identification number (“N” number) and an identification card with door access?

The temporary employee will receive an N number. The temporary employee may also receive a New School identification card, if it is necessary to the function of their work,

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though not all temporary employees will require an identification card. If identification is needed, contact Human Resources to ensure the person is set up completely in Banner. The temporary employee may then go to the New Card office to obtain an identification card. At the end of the temporary assignment the manager must be sure to collect the temporary employee's New School identification card.

Could a temporary employee get a personal New School email account and/or phone extension if it was deemed necessary for their work?

Yes, to arrange this, Human Resources should be contacted.

What defines the circumstances in which a temporary employee would receive benefits (hours/week or hours/year)?

Temporary employees who complete 1,000 hours of service within their anniversary year or in a calendar year (beginning with the calendar year which includes the first anniversary of their date of hire) will be enrolled in The New School Retirement Plan and be eligible for medical coverage. In addition, a temporary employee hired by a department to work twenty hours or more a week with no hard coded end date will be considered part-time administration, not a temporary employee, and will be benefit eligible upon hire.

All non-union employees are subject to the Automatic Enrollment provision of The New School Tax Deferred Annuity Plan. Under that provision, employees are generally enrolled the first of the month following thirty days of employment in the plan, and a pre-tax contribution of three percent is withheld from each paycheck. Employees are given the opportunity to opt out of this plan provision.

If the temporary employee gets benefits, what are the eligible benefits: paid leave, medical insurance, tuition remission, pension, sick leave or others of the like?

The temporary employee is eligible to receive all benefits.

If a temporary employee is hired for a specific term and we wish to extend the term, must the employee be terminated and rehired? Are there any limits as to how often the term may be extended?

The temporary employee does not need to be terminated and re-hired; the appointment can simply be extended. Each extension must be approved by Human Resources and justified with another temporary employee request, sent in writing to the Staffing department. Each request for extension will be reviewed and approval is granted on a case-by-case basis.

May someone who has ever worked as a temporary employee later be hired as an independent contractor, assuming the project and the person's profile fit the criteria for an independent contractor?

Yes.

Once the term of a temporary employee has expired could that person be rehired as a regular employee?

Yes.

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PURCHASING

What is the policy and procedure for purchasing software licenses and the process in which the helpdesk installs them onto computers?

Before initiating software license purchases, the Help Desk should be consulted to determine whether the purchase is compatible with the existing equipment and the network. If compatible, the Help Desk will coordinate installation of software.

Refer to the following link for policy and procedure:
<http://www.newschool.edu/ofb/purchasing/subpage.aspx?id=56261>.

What is the timing for equipment purchases after request has been made?

Generally, Purchasing will process equipment requisitions three business days from receipt of the request. This process may take longer if a request for quotes, request for proposals, or the setup of a new vendor is required. Purchasing will notify you of the date of delivery once it has been determined. For computers and computing peripherals, you should coordinate with the Help Desk for setup and installation once the equipment has arrived.

Are the local van and car rental procedures documented anywhere?

The policy states that only authorized drivers employed by the university are permitted to operate rental vehicles and only while conducting university business.

Refer to the following links for procedures and forms:
<http://www.newschool.edu/ofb/purchasing/subpage.aspx?id=29960>
<http://www.newschool.edu/uploadedFiles/OFB/Purchasing/Avis%20Credit%20Card%20Request%20Form.pdf>

Please note that the Business Travel and Expense Policy is being updated, as part of this process the Rental Vehicle Policy is being reviewed and may change. Please take note of new policy updates from the Office of Finance and Business.

Are the Washington Square Hotel procedures documented anywhere, as well as other university preferred local hotels?

A list of preferred hotels are included in the Business Travel and Expense Policy. If local lodging is needed for university guests, a reservation should be made at a preferred university hotel. A travel authorization form should also be completed and submitted to purchasing to arrange payment.

Are the rates and estimated costs clearly noted on the Cliqbook hotel reservation system?

The daily and total rates per property and itinerary are clearly displayed in the system. For guidance on travel arrangements refer to the university's purchasing website or the Cliqbook website directly:

<http://www.newschool.edu/ofb/purchasing/subpage.aspx?id=30009>, www.myouttask.com.

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Refer to the following link for procedures and forms:

<http://www.newschool.edu/ofb/purchasing/subpage.aspx?id=55528>

<http://www.newschool.edu/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=44475>.

Please note that the Business Travel and Expense Policy is being updated, as part of this process the Lodging Policy is being reviewed and may change. Please take note of new policy updates from the Office of Finance and Business.

Can the basket of allowable items be expanded to include additional products at WB Mason?

Items can be added by special request; contact Purchasing (purchasing@newschool.edu). Requests will be reviewed for usage, sustainability and price competitiveness.

What is the average time it takes for Purchasing to setup new vendors?

Generally, Purchasing processes new vendor requests within three business days of receiving the appropriate information including the vendor's W-9 form.

What is the appropriate procedure for online ordering from Amazon?

All requests should go through Purchasing. The university has an institutional account which can place tax-free orders. In special cases where departments are heavier users of the site, a username and password may be requested from Purchasing.

Will the university reimburse for New York sales tax on out-of-pocket expenses paid by employees?

The university is exempt from New York sales tax and will not reimburse employees for such expenses. To avoid New York sales tax all efforts should be made to use a university p-card, direct billing to the university or arrange for the Office of Finance and Business to issue the vendor a copy of the university's tax exemption certificate before purchase.

COMPETITIVE BIDS

Is \$10,000 the amount at or above which we must seek competitive bids from service providers?

Competitive bidding is always the preferred method of sourcing, regardless of the transaction amount. It should also be noted that funding agencies may have different purchasing requirements than the university and it is crucial that these are understood before making purchases.

Where many prospective service providers offer similar products and quality of service, is three the minimum number of bids that we must solicit to ensure that prices quoted are fair and equitable?

Three is generally the preferred minimum number.

Is it required that we RECEIVE three bids or is it sufficient to REQUEST three bids? That is: If we offer a request for proposals in good faith to three vendors and only one or two

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offer a proposal, is that sufficient due diligence, or are we required to solicit proposals from additional vendors until we have three bids?

Generally, getting at least three bids is ideal. There are a number of factors which affect the required number of bids such as the nature of the proposal(s) or the funding source. Grants and

contracts (particularly public funding) may have specific procurement requirements relating to type of bids, number of bids, and threshold dollar amount for bid types.

Must a job ALWAYS be awarded to the absolute lowest bid without exception? If not, what would constitute a legitimate exception?

Under most circumstances it is assumed the resulting contract shall be awarded to the low price bidder. Proposals shall be evaluated with the objective of maximizing overall value and a vendor other than that offering the lowest price may be selected in certain circumstances. Factors such as ability, availability, expertise, financial condition, financial arrangement or contractual terms may render an alternate selection more feasible. In such cases the reasons for selection shall be clearly documented and must be approved by the Director of Purchasing or Senior Director of Business Operations.

In the past, Purchasing has confirmed some exceptions to the normal competitive bidding process. Are the following exceptions valid:

- *A project is the same or very similar to another job, so that the previous bids could be referenced*
- *A project is a direct continuation of a previous job so that time and money would be saved by offering it to the same service provider*
- *There is only one service provider capable of providing the type or quality of work desired*

The exceptions listed above remain legitimate considerations under the bidding process; however, Purchasing should be consulted before seeking all exceptions and once approved the reason should be clearly documented on the requisition. Other issues such as the requesting department not scheduling sufficient time for competitive bidding generally are not valid reasons for exception.

If it is determined that competitive bidding is not necessary (for one of the reasons stated above), or if we wish to assign a job to other than the lowest bidder, is it sufficient to provide a written justification for approval to the Vice President of Financial Services?

All justification for valid exceptions to policy should be submitted to the Director of Purchasing or Senior Director of Business Operations for review and approval.

Must all bids above the minimum dollar amount go to a formal contract? When is a less formal agreement acceptable?

Dollar volume is only one trigger to necessitate a contract. A contract mitigates risk beyond the commercial transaction value and protects the university's interests. A "less formal agreement" is not an option. Commercial transactions should be via a Purchase Order or contract. Please consult Purchasing.

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Who should submit the first draft of a contract: the service provider or the university?

Either is valid. The university is generally willing to start with a vendor document where no university standard exists.

Who at the university must review contracts for services (and in what order)?

The contract document ultimately must be approved by Counsel and executed by the CFO. It is also critical to comply with the procedures in Human Resources, Payroll, Accounts Payable and Accounting and depending on the services may need to be reviewed by some or all of those departments.

If a contract must be reviewed and approved by more than one office (for example, Counsel, Finance and Business, Communication and External Affairs), which office is responsible to move it along and secure all the approvals?

The initiating department should be leading and monitoring the process, ushering the contract through the approval process. Legal Counsel will advise when other reviews or documentation are required.

CHARTWELLS

Can the Chartwells menus be expanded to include more low cost and high end options?

The Chartwells menus have recently been expanded. Custom menus can be developed upon request. Catering Department should be contacted for details and additional costs.

Are the limitations of Chartwells documented anywhere (for example Kosher, after hours, or weekends)?

Service can be provided in each of these cases at an associated cost. Catering Department should be contacted for any special requests.

What are the terms and details of the Chartwells contract?

For details regarding Chartwells' offerings refer to the following links:

<https://newschool.catertrax.com/>

<http://www.dineoncampus.com/thenewschool/>.

Is there anything that can be done to contain the increasing costs of Chartwells and can divisions increase this budget line by some agreed upon rate, to respond to the rising costs?

Pricing from Chartwells reflects food and a portion of operating costs. The university heavily subsidizes the operation to cover the remainder. Increased pricing reflects increased costs of doing business, not any increase in profits to Chartwells, which manages the account for a flat fee. Alternative business models that would result in decreased costs to individual departments are currently under consideration.

On an annual basis, expenses are reviewed during the budget process and may be increased for the coming year. If expenses are expected to substantially exceed the annual

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allotments, department heads can submit requests for additional funding in accordance with budget submission guidelines.

MAILROOM

Is there a procedure in place as to how a person gets established to process FedEx?

Departments should contact Mail Services to request a FedEx account. Once the account has been created, FedEx shipments can be sent. Department index or FOAP should be clearly indicated on all airbills, in the customer reference section. Letters and packages should be received by 4:15 p.m. in the Mail Services department to be picked up by the courier.

For additional details refer to the following link:

<http://www.newschool.edu/ofb/businessoperations/subpage.aspx?id=51043>.

Is there a procedure for UPS mail (do we need an account)?

Currently the mailroom only ships via Federal Express

ACCOUNTS PAYABLE

What efforts are being done to minimize lost payable requests, for example invoices or reimbursement requests?

Accounts Payable maintains logs of all reimbursement requests so they can be easily tracked and works diligently to process all invoices and payment requests promptly, upon receipt. To minimize occurrences of undelivered or lost requests, please ensure that all inter-office envelopes are appropriately addressed and are sent using proper inter-office mail procedures. Refer to the following link for inter-office mail procedures:

<http://www.newschool.edu/ofb/businessoperations/subpage.aspx?id=51001>.

Alternatively, payment requests can be sent electronically, which will prevent loss or delays in processing

Is the employee reimbursement form being revamped?

The Business Travel and Expense Policy is currently under review. Once the policy is finalized the forms will be revised as necessary.

Can a wire transfer form be developed?

The Office of Finance and Business is looking into the development of a wire transfer form to improve efficiency in the wire transfer process.

Can instructions on payments to foreign nationals be better articulated, with rules posted on-line?

There are legal and tax implications to payments made to foreign nationals, which are related to visa classification. It is important to understand these implications before payments or payment agreements are made. Human Resources should be consulted throughout this process.

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The following links can serve as resources:

<http://www.newschool.edu/hr/subpage.aspx?id=51799>

http://www.newschool.edu/uploadedFiles/Student_Services/International/PDFs/iss_hire_intl_students.pdf

Are the policies and procedures for setting up foreign nationals on payroll documented anywhere?

Hiring foreign nationals requires an individualized assessment. Human Resources will provide the appropriate forms and information during the hiring process. It is important the employee and supervisor follow the instructions and adhere to deadlines to insure a smooth process. Refer to the following link for additional information regarding foreign nationals:
<http://www.newschool.edu/hr/subpage.aspx?id=51799>.

Are there plans to conduct additional divisional training on policies and procedures?

Yes, there are plans to provide additional divisional training on policies and procedures. The Office of Finance and Business will notify divisions once training sessions are available. As an additional resource, Banner Finance Self Service will be rolled out to departments over the next few months.

In the interim, before localized trainings can be coordinated and conducted, will there be clear and updated directions on Accounts Payable policies and procedures?

Accounts Payable policies and procedures are being updated. Until policies have been revised, current policies remain in place. Refer to the Accounts Payable webpage for documents and forms:

<http://www.newschool.edu/ofb/accountspayable/subpage.aspx?id=50960>.

Are there efforts to improve communications between divisions and Accounts Payable?

Yes, there are efforts underway to improve the communications between divisions and Accounts Payable:

- An email box has been established for Accounts Payable Customer Service to provide a single point of inquiry and response regarding payables-
accountspayablehelp@newschool.edu
- Expansion of support resources and tools (such as frequently asked question, policies and procedure, improved forms, Finance self Service)
- Acceptance of electronically submitted payment requests
- Increased divisional trainings

What are the forms and processes for requesting individual service payments?

Service providers need to be properly classified, through the Worker Classification Process prior to hiring. If the provider has been classified as an Independent Contractor, a Request for Independent Services and Authorization form along with invoices should be submitted to Accounts Payable . Refer to the following links for process description and form:

THE NEW SCHOOL FREQUENTLY ASKED QUESTIONS

<http://www.newschool.edu/ofb/accountspayable/subpage.aspx?id=57207#Worker>
<http://www.newschool.edu/WorkArea/DownloadAsset.aspx?id=56674>.

Will Accounts Payable reimburse for all business expenses?

Employees will only be reimbursed for legitimate business expenses after obtaining the appropriate authorized approvals. At no time will employees be reimbursed for non-university expenses. However, whenever possible, purchases should be made using university-approved methods such as the Purchase Order System or the Purchasing Card Solution.

What if I have submitted an approved invoice to Accounts Payable and the vendor claims that they have not received the check?

Check your budget activity in Banner to see if the invoice has been charged to your account. If it has been posted, allow five business days from the posting date for check to be sent out. If it is not posted, or the five-day period has elapsed, please contact Accounts Payable and provide pertinent information for research such as vendor/payee name, invoice number, dollar amount, contact person, and phone number.

Do Accounts Payable Staff handle payroll checks or Student Stipend checks?

No. Payroll issues both payroll and student stipend checks.

What do I do if I submitted an invoice with the wrong FOAP numbers?

Check Banner to see if the invoice has been processed as submitted. If it was put through the system and the transaction date on the General Ledger is more than four days old you must process a re-class, using the following form:

<http://www.newschool.edu/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=51234>.

If it is less than four days old, contact Accounts Payable as coding may be able to be corrected if the check has not been issued.

Where can I pick up the Request for Independent Services Form?

This form can be found on the Accounts Payable website under Forms.

Can Accounts Payable make Automated Clearing House or Wire transfer payments?

Yes. Accounts Payable can make these types of payments; however, the cost of these transactions will be billed back to the requesting department.

Does Accounts Payable handle hotel reservations and car rental?

No. You can find help on those questions to the Purchasing Department website:

<http://www.newschool.edu/ofb/purchasing/subpage.aspx?id=30009>.

Does Accounts Payable Purchase Office Supplies?

No. Office supply procurement is handled by Purchasing.

THE NEW SCHOOL FREQUENTLY ASKED QUESTIONS

GENERAL ACCOUNTING

Is there a policy and process for creating new restricted funds, which describes how new restricted funds are connected to the Development Office?

Currently, the grants, contracts and restricted fund procedures and processes are under review by an inter-divisional taskforce and they will be revised based on the findings of the review. Refer to the following link for current procedures:

<http://www.newschool.edu/admin/gsp/Procedures.html>
<http://www.newschool.edu/leadership/provost/irb/>

The current practice is that Institutional Giving should be notified of and provided with award documentation for all new and continued grants, contracts and restricted gifts. Institutional Giving then distributes documentation to the Office of Finance and Business to initiate the Banner setup process. The Office of Finance and Business will issue a university notice of award. Departments should then complete a Banner Maintenance form and submit to the Office of Finance and Business, which indicates whether a new FOAP should be created or existing FOAP will be used for the funding.

What is the process for tracking duplicate charges?

The Banner system has controls to ensure that duplicate vendor payments are not processed based on key data. As an additional control, vendors are assigned to specific Accounts Payable staff, so that staff become familiar with vendor payment cycles and can better identify anomalies. Accounts Payable consistent conducts reconciliations to ensure charges are recorded accurately and in accordance with Generally Accepted Accounting Principles.

Divisional Budget Directors should police transaction reports and immediately notify Accounts Payable of any duplicate or inaccurate charges.