

Independent Contractor Process

ServiceNow Portal

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CSUDH



Introductions

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AGENDA

- Independent Contractor (IC) vs. Employee Defined
- Importance of Proper Classification
- Sample IC vs Employee
- ServiceNow Portal Training
 - Effective January 22, 2024
- Q&A



IC vs. Employee Defined

Employee: An individual in an employment situation in which the employer has the right to control and direct the individual with regard to the result to be accomplished and the process by which the result is accomplished.

Independent contractors: Individuals who render a service and meet contractor conditions established by the IRS. They typically have a separate workplace, are not supervised, and have a particular set of skills not available elsewhere within the organization. They are not entitled to employee benefits, are not covered by workers' compensation.

Under Federal law, a worker is either an employee or an independent contractor. An individual cannot be both an employee and an independent contractor for the same employer at the same time. For this reason, CSU adopts a single test for determining whether a person is an employee or independent contractor. That test is the one adopted by the [California Supreme Court in its Dynamex Operations West, Inc. v. Superior Court decision](#), because it will yield a result that complies with all applicable classification rules. We will refer to this as the “Dynamex Test.”



Importance of Proper Classification

Misclassification of Workers – Violations and Penalties

It is important to determine the correct classification of workers as employees or independent contractors. This distinction is significant because an incorrect determination could result in the following:

- Wage liability, including overtime;
- Benefit liability, including retirement;
- Loss of reimbursement under Federal contract and grant funds;
- Penalties for violation of State and Federal tax withholding laws;
- Penalties for violation of Federal laws pertaining to the employment of nonresident aliens (Form I-9).

In addition, the following employment-related requirements may be violated:

- State Political Reform Act financial conflict of interest rules;
- Workers' compensation and unemployment insurance coverage requirements.



Sample IC vs. Employee

Independent Contractor*

- Art Model
- Book Publisher
- Grant Editor
- Performer/Artist/Musician
- Speakers
- Radio Announcers
- Choreographers
- Game officials

Employee

- Work under ANY CSU Classification

* To be reviewed by Procurement and HR, must review Classification Guidelines, ABC Test, CSU Relationship, Exception Review.



ServiceNow Demo Training

IT Service Portal

How can we help?



How can we help?

CATEGORIES

- Accounts & Access
- Business Applications & Reporting
- Hardware & Software
- I.T. Communication & Collaboration
- Network
- Procurement & Contracts
- Security
- Teaching & Learning
- TV & Media Production
- University Communications & Marketing
- University Printing Services

Procurement & Contracts

Independent Contractor Request



Resources

- **Independent Contractor Policies and Procedures**
<https://www.csudh.edu/Assets/csudh-sites/pclass/docs/IndependentContractor/independent-contractor-policy-procedures-NEW.pdf>
- **Technical Letter HR/Salary 2021-07 - CSU Independent Contractor Guidelines - Independent Contractor vs Employee Determinations – Update**
<https://www.csudh.edu/Assets/csudh-sites/pclass/docs/IndependentContractor/tech-letter-ic.new.pdf>
- **FAQ**
<https://www.csudh.edu/procurement-contracts/procurement-contracts/independent-contractor>



Questions?



Contact Information

Thank You!

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