

HR RELATED ISSUES TO CONSIDER DURING PROPOSAL DEVELOPMENT

This check list is to assist you in considering items during the pre-proposal and budget process and in how you make up front commitments. Please review it carefully so that you are aware of these potential issues and how they relate to your proposal.

Before any commitments are made, verbally or in writing, you need to make certain you understand the applicable policies and regulations, including any implications. A key source of information is the PI Guide which can be found by going to: <http://hr.albany.edu/content/sponsor.asp> and clicking on "PI Guide" in the left hand bar.

Item and issues if administered improperly:	Fringe Benefits	Payroll	Legal Constraints	Affirmative Action	Check-off
<p>Non-Citizen Payments - Various laws must be followed when employing noncitizens, depending on whether the noncitizen will be employed inside or outside the United States and, if inside the U.S., on whether the noncitizen's presence and employment in the U.S. are governed by the requirements of a visa or the terms and conditions of a treaty between the U.S. and the noncitizen's country. If the proper visa is not obtained, the worker will not have the necessary work authorization to receive payments from the Research Foundation. <i>Prior to making any commitments to noncitizens for payment, please contact Sponsored Funds Personnel at 437-4500.</i></p>		<p>If the noncitizen does not have the proper visa documents, then work and/or payment may not be legally processed. Taxes are determined by a treaty between the US and the noncitizen's country.</p>	<p>If the noncitizen does not have the proper visa documents, then work and/or payments may not be legal.</p>		<input type="checkbox"/>
<p>Independent Contractor versus Employee – Independent Contractor agreements require advanced approval in order to verify that the worker is properly classified as an independent contractor per IRS regulations. University at Albany's policy precludes a SUNY Albany faculty member from being paid as an Independent Contractor with the RF during their SUNY appointment period. With the proper approvals, SUNY Albany faculty members can be paid as an RF employee, in an extra service assignment. SUNY faculty from other campuses may be eligible to be engaged as an RF contractor, provided the appropriate approvals. Additional regulations exist surrounding payment to Non-Citizen contractors. <i>Prior to making commitments to an independent contractor, receive advanced approval.</i></p>	<p>If classified as an employee, the applicable fringe benefit rates will be charged.</p>	<p>If classified as an employee the worker will be paid through payroll and employment taxes will be deducted.</p>	<p>IRS and Department of Labor regulations, as well as workers comp, unemployment and disability insurance.</p> <p>If the non-citizen does not have the proper visa documents, then work and/or payments may not be legal.</p>		<input type="checkbox"/>
<p>Extra Service – If eligible, and with the proper approvals, an RF or SUNY employee may be paid through the RF payroll as an Extra Service assignment if the work is across departmental lines or involve a remote operating location, the work performed is in addition to the employee's regular departmental load, and the extra service is specifically approved in writing by the sponsoring agency. Compensation for all of an employee's extra service assignments must not exceed a total amount equal to 20% of regular base salary in any academic year</p>		<p>Extra service approval must be rec'd <i>prior</i> to making any commitments or performing work. Without the proper approvals, payroll will not be processed.</p>			<input type="checkbox"/>

or 12 month period. Prior to making commitments for extra service, receive advanced approvals.					
Student Employees – In order to be classified in a student title, the employee must satisfy <u>all three</u> of the following criteria: 1) The employee is enrolled as a full-time SUNY student; 2) The employee is working part time; 3) The employee is engaged in work related to the student's education and training that leads to the fulfillment of academic requirements. Prior to making student commitments, ensure the student meets the criteria.	If criteria can not be met, employee will be classified in a regular title and higher fringe benefit rates will be charged.			If criteria can not be met, employee will be classified in a regular title and affirmative action hiring guidelines will be applicable.	<input type="checkbox"/>
Postdoctoral Employees – In order to be classified as a Postdoctoral Associate, the following criteria must be satisfied: 1) the postdoc is required to hold a doctoral degree or the equivalent from a foreign university; 2) all degree requirements, including dissertation, must be completed; 3) the postdoc must have received their doctoral degree within the last three years from the date of the RF Postdoctoral appointment; and, 4) Principal Investigators must certify that the job duties are reflective of the RF's Postdoctoral Associate Job Standard . Prior to making Postdoctoral assignment commitments, ensure the postdoc meets the criteria.				Postdoctoral Associate appointments can only be continued for a maximum of three years. Following the three year period, ODAA hiring guides are applicable.	<input type="checkbox"/>
Fellowships – Are defined as nonwage payments in support of the recipient's academic study or fellow-initiated research and in recognition of the recipient's promise as a research or teaching scholar. Fellowships are allowable only when the purpose of the sponsored agreement is to provide training and is approved in writing by the sponsoring agency. An individual should not have both a fellowship and employee appointment on the same grant or contract. Prior to making fellowship commitments, ensure the fellowship is classified correctly.	If improperly classified, employment Fringe Benefit Rates will be charged.	If improperly classified, will be paid through payroll and employment taxes will be deducted.			<input type="checkbox"/>
Timeliness – An employee can not work unless a grant or contract has been executed, or an At-Risk Account has been approved. Submission of appointment forms, time reporting documents, I-9 forms, etc. must be	If appointment forms are not received timely,	If appointment forms are not received timely, payroll may	Untimely submission of paperwork may be		<input type="checkbox"/>

made in a timely manner in order to remain in compliance with federal and state laws. <i>Prior to making commitments, ensure your grant has been executed and submit forms timely.</i>	employer retirement contributions may not be allowable.	not be processed if grant has been closed out.	a violation of IRS and Department of Labor regulations, as well as workers comp, unemployment and disability insurance, etc.		
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