



### 4.3.8 Non-Employee Service

Chapter 4 - General Personnel	Original Effective Date: September 2003
Section: 4.3 Recruitment, Selection and Appointment	Date Last Reviewed: July 2011
Responsible Entity: Vice President and Chief Human Resources Officer	Date Last Revised: July 2011

#### I. Purpose

To establish the procedure for appointing non-employees and the access to UT Health San Antonio property, facilities, or information systems necessary for the services they perform.

#### II. Scope

The policy applies to all UT Health San Antonio departments and individuals who provide services for UTHSA in a non-employee capacity as defined herein.

#### III. Policy

##### A. General Policy

It is the policy of UT Health San Antonio (UTHSA) to allow appointment of individuals to perform services that are non-remunerative and that are for the benefit of the institution. Such individuals will be designated as non-employees and may be granted access to UTHSA property, facilities or information systems necessary for the services they perform. To minimize the risk of the services and access privileges granted to such individuals, UTHSA departments and administrative staff are required to follow this policy and procedures for appointing non-employees. Further, to ensure the safety of personal and UTHSA property, non-employee positions are considered security sensitive and therefore are subject to UTHSA's criminal background check policy (see Institutional Handbook of Operating Procedures (IHOP) Policy [4.4.1, Criminal Background Checks](#)).

A non employ is an individual or entity appointed for at least one day to perform non-remunerative services that directly or indirectly benefit UTHSA. No employer-employee relationship shall be deemed to exist between an individual serving in a non-employee position to exist between an individual serving in a non-employee position and UTHSA. There is no promise to pay or hire a non-employee for services rendered.

#### 4.3.8 Non-Employee Service

Appointments, assignments of duty, and dismissals of individuals in non-employee positions are the responsibility of the department chair or director and not subject to the employment policies in the IHOP.

##### B. General Provisions

Non-employee service is subject to the following conditions and terms:

1. Non-employee appointments are at the discretion of UTHSA and may be terminated by UTHSA at any time.
2. Appointment of non-employees are subject to the approval by the Vice President for Human Resources or designee.
3. Non-employees cannot begin to render services or use UTHSA property until all necessary security background checks and approvals are granted. Non-employee appointments that do not comply with this policy will be considered unauthorized and will be subject to termination.
4. Non-employee appointments must be reviewed and processed by the Office of Human Resources prior to authorization and issuance of UTHSA identification badge, e-mail account, etc.
5. The security background check will not be necessary if the non-employee candidate is a current University of Texas employee who has undergone a security check consistent with The University of Texas policy. Emeritus appointments will not require a background check.
6. Foreign nationals appointed to Affiliate, Volunteer, Visitor and stipend-paid positions must present their visa status to the Office of International Services before they can be appointed.
7. Volunteers cannot be appointed to more than one non-employee position at UTHSA.
8. Volunteers cannot be appointed for more than six (6) months in a twelve (12) month period.
9. Non-employees cannot be less than 16 years of age. Appointments of non-employees under the age of 18 are subject to the review of the Office of Human Resources and the Environmental Health and Safety Office in order to ensure all safety and legal issues are addressed.
10. The Office of Human Resources will conduct an annual review before the end of the fiscal year to determine the appointment status of non-employees. Non-employees who no longer work at or provide services to UTHSA must be terminated by the appointing department or by the Office of Human Resources.
11. Individuals who serve in a non-employee capacity and wish to be employed by UTHSA, must apply for the position provided the position is posted on an open

#### 4.3.8 Non-Employee Service

recruitment basis. For recruitment purposes, non-employees are not considered to be internal candidates.

12. Non-employees are not covered under The University of Texas System Workers' Compensation Insurance and Unemployment Compensation Insurance programs.
13. Individuals appointed to non-employee positions are not eligible to participate in any employee benefits program administered by The University of Texas or UTHSA.
14. In the event of a change of status from a non-employee position to a part-time or full-time status, no credit shall be given for time spent in a non-employee position with respect to benefits or retirement programs or service credit. Likewise, in the event of a change of status from a part-time or full-time employee status to a non-employee position, no credit will be given for time spent in the non-employee position with respect to benefits or retirement programs or service credit.
15. Individuals who have been dismissed for cause from employment with UTHSA or who were not employed as the result of a background security check are not eligible for non-employee service with UTHSA except with the prior authorization of the Vice President for Human Resources.
16. Internal visitors who are waiting for employment authorization are not eligible for non-employee appointment to perform any services that they will be performing for compensation once they receive employment authorization.
17. UTHSA will follow the spirit and intent of The University of Texas nepotism policy and will apply this policy to non-employee appointments.

#### C. Special Provisions

The safety and security of UTHSA properties and human resources are an important priority for the UTHSA. As such, non-employee appointments must comply with institutional policies that relate to safety and security concerns such as international, select agent and minors in the workplace policies.

1. As stated in the General Provisions, foreign nationals appointed to non-employee positions must present their visa to the Office of International Services before they can be appointed.
2. In accordance with IHOP Policy [8.10.1, Select Biological Agents Policy](#), certain individuals may not be allowed to handle select agents in the performance of their duties. This applies to non-employees, as well as employees.
3. In accordance with the HOP Policy [4.3.4, Minors in the Workplace](#), and Policy [8.11.1, Minors in the Research Workplace](#), related to minors in the workplace, there are restrictions on age eligibility for minors, as well as type the location of work performed by minors. This too, applies to minors appointed to non-employee positions.

#### D. Procedure for Non-Employee Appointments

#### 4.3.8 Non-Employee Service

1. For all non-employee appointments, the Non-Employee Appointment Form must be submitted at least ten (10) business days in advance by the initiating department to Human Resources prior to appointment. This form is required to conduct the required security background check and to process the appointment. A security background check will not be necessary if the individual is a current employee who has undergone a security check consistent with The University of Texas policy. Emeritus appointments will not require a background check. Note: See the special procedures below for stipend-paid individuals.
2. Upon completion of the security background check and approval of the appointment request by the Vice President for Human Resources or designee, the Office of Human Resources will enter the appointment in the PeopleSoft system. Human Resources will send a confirmation e-mail to the initiating department.
3. Once approved, the initiating department can contact the individual to begin working in the non-employee position.

Subsequent transactions, such as appointment renewals and terminations must be done using the Non-Employee Appointment Form and sent to Human Resources.

#### E. Special Procedures for Stipend-Paid Individuals

1. For stipend-paid appointments, departments must complete and submit the Fellowship Award Authorization form to the Office of Sponsored Programs through the appropriate Dean's Office. A completed Authorization for Security Background and Sanction Check form must also be submitted to Human Resources to initiate the background check.
2. Upon review and approval, the Office of Sponsored Programs will forward the Fellowship Award Authorization form to the Payroll Services Office. Upon clearance of the background check by University Police, Human Resources will notify the Payroll Services Office, who will then enter the stipend transaction in PeopleSoft to establish a pay and appointment record. Payroll will not enter the transaction until the security check has been completed.

### IV. Definitions

All individuals meeting the requirements of this policy will be considered non-employees. The Office of Human Resources has sole responsibility for classifying non-employees in more specific job classifications based on the definitions described below. The following non-employee classifications (including job classification codes in parentheses) are defined:

Administrative Support Affiliate (ASA) – Individual who is employed by a UTHSA affiliate partner such as UHSA, VA or UTHSA and requires access to institutional databases for the purpose of providing administrative and business support to UTHSA faculty, staff or the institution.

#### 4.3.8 Non-Employee Service

Affiliate (AFF) – Individual who is performing professional consultant services or under a specific program at UTHSA on a temporary basis, and may require certain UTHSA privileges such as parking tag, ID badge, etc. Affiliates usually include consultants, temp agency employees, observers, persons participating in an independent study mentorship, visiting professors, or international visitors. Also, includes an individual who is a Principal Investigator and not an employee of UTHSA and who has the responsibility for the conduct of the projects as proposed. Also applies to an organization that conducts animal research on campus and, upon approval by the Institutional Animal Care and Use Committee (IACUC), contracts with the Health Science Center for the purposes of conducting research using UTHSA property.

Emeritus (EMR) – A retired UTHSA employee who retains the professional job title held prior to retiring from the institution. The individual performs little or no services for UTHSA and will not require access privileges to institutional property and information.

Stipend-Paid (STI) – Individual who is paid by a source, such as a fellowship, scholarship or training stipend, that originates outside of institutional funds. The primary purpose of the payment is for the benefit of the individual and not the institution. Most of these individuals are students, fellows, post-graduate students, or trainees from other institutions.

Student Affiliate – Individual who is a registered student at the high school, college or university level and is placed through special academic programs to conduct science projects, learn from an observe UTHSA operations, serve an internship, or to complete a degree program for bachelors, masters or doctorate level programs.

UT Affiliate (UTA) – Individual who is employed by any University of Texas component such as, UT Health Houston School of Public Health or UT Austin School of Pharmacy, and who is housed and working in a facility under the control and jurisdiction of UTHSA.

Volunteer (VOL) – Individual who volunteers to perform civic, charitable or humanitarian services for UTHSA, provided that:

1. The person receives no compensation, paid expenses or reasonable benefits to perform the services;
2. There is no promise or expectation of compensation or employment for services rendered;
3. Such services do not require special technical, research or health care skills or abilities and where UTHSA typically compensates employees to perform such services; and,
4. Such services are low risk and present minimal liability UTHSA and are considered non-essential and non-critical to the operations of the department.

#### 4.3.8 Non-Employee Service

Volunteers cannot be appointed for more than six (6) months in a twelve (12) month period.

#### **V. Related References**

*There are no related documents associated with this Policy.*

#### **VI. Review and Approval History**

- A. The approving authority of this policy is the University Executive Committee.
- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

<b>Effective Date</b>	<b>Action Taken</b>	<b>Approved By</b>	<b>Date Approved</b>
<b>09/2003</b>	Policy Origination		
<b>07/2011</b>	Policy Revision		