

Faculty Guidelines for Hiring Research Assistants

Student Employees

All students who work at Harvard are paid through the PeopleSoft system. Individual departments hire student workers through the local payroll system. If you are hiring a student using federal work study funds, you must receive confirmation from the Student Employment Office before hiring a student using these funds. Students are encouraged to report their time according to the process used by the department.

Undergrad students work over the course of the academic year. Some students work consistently over the course of the year, averaging between eight and twelve hours a week. Salary range is \$10.00-\$12.00 per hour.

Faculty Aide Awards are granted to the faculty member directly. Approved applicants are awarded one \$1500 grant for the academic year or summer term to be used by one student or divided among several. Faculty may not receive more than one Faculty Aide award of \$1500. Each dollar earned by the Faculty Aide(s) must be matched by the faculty member.

Graduate students may work up to twenty hours a week. Students work in a combination of on and off campus positions. Graduate students who hope to have a work study job should speak to their financial aid officer. Salary range is \$16.00-\$18.00 per hour.

<http://www.seo.harvard.edu/icb/icb.do>

Temporary (Temp) Employees

Temp assignments are limited to 90 days in duration (180 days if the individual is covering for an employee on leave). They may have several Temp assignments (each limited to 90 days in duration) at the same time, provided that they are not in the same school. If they return to the same school as a temporary employee there must be a 60-day break in employment at that school. A school may hire the individual back within 60 days, but only as a less than half-time (LHT) employee.

Less Than Half-Time (LHT) Employees

A LHT employee can work under 17½ hours per week for an unlimited period.

Both categories incur fringe 10.4% for Temp and 56.4% for LHT

<http://www.hr.fas.harvard.edu>

Engaging Independent Contractors (Including Guest Speakers)

There are times when you may need to obtain external staff for a discrete task, such as a speaking engagement or a special project. In some cases, such staff are considered to be independent contractors rather than employees. Federal and state laws provide the framework for classifying a worker as an independent contractor or an employee.

To determine whether a prospective worker is an independent contractor, and to arrange for that worker's engagement, please follow the steps below.

1. **Review the Independent Contractor Classification policy** located at http://vpf-web.harvard.edu/ofs/policies/documents/indep_contr_class.pdf ; designate an individual in your department to manage classifications and designate signatories for the Employee/Independent Contractor Questionnaire you will find in Appendix A, pages 6-8 of this policy.
2. Begin by answering the questions at Part I of Appendix A, located on page 6 of the above policy.
3. If you have not classified the worker as an employee based on Part I, next apply the Massachusetts Independent Contractor Law found on page 4 of the policy and set forth below. This law **creates a presumption that a work arrangement is an employer-employee relationship unless the party receiving the services can overcome the legal presumption of employment by establishing that three factors are present:**
 - The worker is free from the presumed employer's control and direction in performing the service, both under a contract and in fact (i.e., carried out with minimal instruction, completes job using his own approach with little discretion, dictates own hours); and
 - The service provided by the worker is outside the employer's usual course of business (i.e., is the worker's service necessary to the employer's business or separate and merely incidental? Will the worker be accomplishing tasks similar to those performed by regular employees? e.g., accounting firm hiring mover is not employee whereas drywall company hiring drywall installer is employee); and
 - The worker is customarily engaged in an independent trade, occupation, profession, or business of the same type (i.e., is worker available to others or dependent on this employer? Would worker survive financially if relationship with employer was terminated?)
4. If you have not classified the worker as an employee based on the above, next (and last),
5. complete the Employee/Independent Contractor Questionnaire located at Appendix A on pages 6-8 of the above policy which sets forth the 23 IRS factors.
6. If you believe that the worker meets all of the above criteria and should be classified as an independent contractor, please forward a copy of the signed Employee/Independent Contractor Questionnaire (with your department and the contractor's name on the top right corner) and a brief description of the work to Andrea Kelton-Harris, FAS HR, at alharris@fas.harvard.edu. If the worker is properly classified as an independent contractor, Andrea will help you determine which contract to use. You should then keep copies of the signed questionnaire and contract for your files, and send signed copies of both to Andrea.