

POLICY

Churchville-Chili Central School District

2020

6175
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Personnel

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS AND REPORTING TO NEW YORK STATE AND LOCAL RETIREMENT SYSTEM

Elected officials, public officers and employees are eligible for membership in the New York State and Local Retirement System (NYSLRS); individuals serving in the capacity of independent contractor are not eligible for participation in the NYSLRS. The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor.

Employee shall mean an individual performing services for the District for which the District has the right to control the means and methods of what work will be done and how the work will be done.

Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the District as to the means and methods of accomplishing the result.

Pursuant to Regulations of the Office of the State Comptroller (“OSC Regulations”), the District must submit a certification to NYSLRS that individuals in certain covered professions, *i.e.*, those persons providing services as an attorney, physician, engineer, architect, accountant, or auditor, are rendering service as employees at the time such an individual is registered to membership or is first reported by the District to the NYSLRS. When making a determination as to whether an individual is an employee or an independent contractor, the District must utilize the factors enumerated in the OSC Regulations.

The District shall also submit to NYSLRS, upon request, in a form prescribed by the Comptroller and certified by the Chief Financial Officer of the District, an explanation of the factors that led the District to the conclusion that an individual currently engaged by the District is an employee. The District shall submit such explanation to NYSLRS within thirty days of its request or provide an explanation as to why it is unable to do so.

Retirement and Social Security Law Sections 11, 34, 311, and 334
2 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

Adopted: 9/23/2008

Reviewed: 8/11/2011

Reviewed 2/12/2020 by Superintendent, Assistant Superintendent for Human Resources & Assistant Superintendent for Business Services with no recommended changes; BOE agreed & approved on 2/25/2020