

Past BYA Practices and Current Best Practice Guidelines

(revised June 2018)

UCPath Instructions Coming Soon!

For Staff and Academic Positions

*Note: If a position is funded with federal or federal flow-through funds, payment for that position **CANNOT** be processed using DOS code BYA (By Agreement), as it will not allow the payroll data to be captured in the Effort Reporting System (ERS).*

If an employee/employer relationship exists, the department must set the employee up in PPS as an employee with a regular (REG) rate of pay. Below are some scenarios of when BYA flat rate payments have been made in the past and how these should be paid going forward.

1. Non-UC Students:

Past BYA Scenarios:

- Student of other college/university works for one month in summer to perform work on a research project. Student is given a list of tasks to perform to meet expectation for payment. PI wants to pay them a flat rate BYA and does not want to track hours.
- City College and/or High School Students are paid to assist in the lab to gain experience and department wants to pay them as “Interns” on a Form 5.
- A department is unable to find UCSB students to fill open Student Assistant positions so they’d like to hire non-UCSB students for one quarter on with a flat rate BYA.
- A UCSB student graduates and the department wants to keep them employed for one more quarter so they can finish up their projects or train incoming students and they would like to place them into a flat rate BYA title.

Current Best Practice:

Because an employee/employer relationship exists in the above scenarios, these non-UC students should be paid through the payroll system as a “Non-UC Student Assistant 1” (4927) (see [Student Employment Guidelines](#)). These would be limited appointment employees with a DOS code of REG. A job description should be submitted to HR via OACIS for review and approval and hours worked should be tracked and reported using a timesheet.

2. Non-UC Employees/Community Members:

Past BYA Scenario:

- PI asks a local religious/community leader to come speak at a conference for one day. The PI wants to pay the person \$1000 on a Form 5.

Current Best Practice:

Because the person is NOT an employee of UCSB and they are a recognized expert in their field, they can be paid as an [Independent Contractor \(link is external\)](#) through the Procurement Services unit in Business and Financial Services. This type of work is considered a personal and professional service, defined as being infrequent, technical, or unique functions performed by an independent contractor. The selection of an independent

contractor providing personal and professional services is usually based on skill, knowledge, reputation, and creativity. Examples of personal or professional services are trainers, speakers, translators, technical writers and editors, web designers, art models, practitioners of medicine and the medical arts, suppliers of architectural and engineering services, researchers, and the performing artists. To process this type of agreement complete and submit a [Request for Services Form \(link is external\)](#) to the [Procurement Services unit \(link is external\)](#) in Business and Financial Services.

If the Procurement Services unit rejects the scenario as an Independent Contractor, because an employee/employer relationship exists, and because this is being paid for with federal funds, this person would need to be paid through the payroll system as a limited appointment employee with a DOS code of REG. The department must create a job description in OACIS and send it to HR for classification review and approval. An hourly rate or salary within the appropriate classification level must be assigned and hours or % time worked must be tracked and reported using a timesheet.

Note: If this were funded differently (non-federal funds), a flat rate BYA payment, under the title code '9999 Special Speaker/Presenter', would be appropriate also. This would require a job description to be reviewed and approved by HR.

3. UC Staff Employees:

Past BYA Scenario:

- A full-time UCSB employee is asked by another department to give a presentation to their staff after regular business hours. The presentation is relevant to the employee's personal knowledge and skill and the presentation will benefit the employees in the other department. The department wants to pay them a flat rate BYA.

Current Best Practice:

Because this person is already employed full-time at the University –AND- they are being paid with federal funds, they cannot be paid additional compensation via a flat rate BYA. Depending on the exemption status of the employee, they MAY be eligible to receive additional compensation with an additional appointment under the Dual Employment policy. Please refer to the Dual Employment policy on the HR website for more information.

Note: 100% time employees may ask to reduce their percentage of time temporarily to accommodate other employment.

4. UC Undergrad Students:

Past BYA Scenarios:

- Student works for one month in summer to perform work on a project and PI wants to pay them a flat rate BYA.
- Student works in a Professor's lab assisting with research and the department wants to pay them on a Form 5.

Current Best Practice:

Because the person is an Undergraduate Student and a case could be made that an employee/employer relationship exists, these scenarios should be paid through the payroll system using the Student Assistant 1 title (tc 4922). The DOS code should be REG and hours worked should be tracked and reported using a timesheet.

5. UC Graduate Students:**Past BYA Scenarios:**

- Department wants to pay a stipend to several Graduate Students to mentor/supervise Undergraduate Students for one quarter.
- Department wants to pay a flat rate BYA to a Graduate Student to serve as a Panelist and/or Facilitator at a Summer Institute or Conference.
- PI wants to pay a flat rate BYA to a Graduate Student for giving a special presentation at a conference.

Current Best Practice:

Because the person is a Graduate Student and a case could be made that an employee/employer relationship exists, these scenarios should be paid through payroll using the regular Student Assistant 1 title (tc 4922). The DOS code should be REG and hours worked should be tracked and reported using a timesheet.

Note: Graduate Students cannot work in excess of 75% time during the school year (unless by exception of the Graduate Division). They can work up to 100% in summer. Also, graduate students on F visas cannot work in excess of 50% at any time during an academic period.

6. UC Fiscal Year Academic Appointees (including Postdoctoral Scholars):**Past BYA Scenario:**

- Faculty member wants to pay a stipend to a researcher for doing a special project for performing additional activities or serving as a mentor.

Current Best Practice: Fiscal year employees are not allowed to earn in excess of their 100% time appointments. Postdoctoral Scholars by definition must be 100% while other titles may be at less than 100% time. 100% time employees may ask to reduce their percentage of time temporarily to accommodate other employment and are subject to review and approval by the Graduate Division and/or Academic Personnel. Appointees at less than 100% time may be compensated with an appropriate title and title codes using REG pay.

7. UC Faculty (Professor or Lecturer):**Past BYA Scenario:**

- Department Chair wants to pay a faculty member a flat rate BYA for a one-day speaking engagement.

- PI wants to pay a stipend to a Professor or Lecturer for participating in a Summer Institute as a panelist and/or facilitator.

Current Best Practice: Professors and Lecturers can be paid for speaking engagements as Faculty Consultants through the payroll system using DOS code FCA. This amount will not be included in the Effort Reporting System because it is not for services rendered.

Note: The above applies to UC employees on any campus. If an intercampus payment is to be made, the department must verify that the policies at both the home campus and UCSB allow payment.