



UNIVERSITY CORPORATION, SAN FRANCISCO STATE

User Group Training

February 13, 2017

Agenda

- **Welcome**
- **New updates in HR**
 - Background Checks
 - Paid Parental Leave Ordinance
 - San Francisco/CA Sick Leave Policy
 - Independent Contractors
- **Project Administration**
 - Procurement Policy
 - Conflict of Interest
 - AB 1887
 - Invoicing
- **Risk**
 - Special Events
- **Closing Remarks**

Tammie Ridgell

Mark Angstman

Kathleen Bruno

Anthony Victoria

NEW UPDATES IN HR

Background Check Requirements Update

- Any employee with direct contact with minors or handles cash must undergo a background check as required by law;
- Employees under voluntary consideration for a sensitive position will require a background check
- Students and volunteers in a position that is required by law to have a background check

Background Check Requirements Update

(Con't)

- Background Checks May Include:
 - Employment Verification
 - Education Verification
 - Reference Checks
 - Criminal records
 - Other job-related checks depending on the position
- Background Check Notifications should be included on all job postings

Sensitive Positions (non-exhaustive list)

- Accounting Managers
- Procurement
- Collections
- Cashiers
- Recreation related services
 - Camp and Clinic Staff

Paid Parental Leave Ordinance

- Provides partial wage replacement of up to 45% when receiving CA Paid Family Leave benefits (which pays 55%.)
- Offers an employee six-weeks of paid benefits taken all at once or spread out for up to 12-months to bond with a new baby (newborn, adopted or foster.)
- Paid Parental leave form
- Employee is required to reimburse employer if they voluntarily separate from employment within 90 days of the end of leave period.

Who qualifies for Paid Parental Leave

- Employed at least 180 days before leave period
- Works at least 8 hours per week in San Francisco
- Applies for and receives CA Paid Family Leave

San Francisco Sick Leave Policy

- Effective February 1, 2007
- After 90 days of employment offers sick leave accrual of one hour for every 30 hours worked.

California Sick Leave Policy

- Effective July 1, 2015.
- UCorp advances 24 hours of sick leave per 12-month period.
- San Francisco Sick Leave accruals stop until employee works a total of 720 hours (when 24 hours are advanced up front.) Once this milestone is met then the employee would continue accruing San Francisco Sick Leave.

Independent Contractor – Characteristics

Things to consider when compensating an individual for time, expertise or deliverables.
Below are some characteristics of independent contractors:

- Is the work performed essential to the project / program
- Compensation based on deliverables
- Establishes own work hours
- Is paid by the job, not by the hours (contract may be estimated based on an hourly rate)

The independent contractor agreement can be found at:

<http://ucorp.sfsu.edu/sites/default/files/documents/performance-independent-contractor.pdf>

In conclusion . . .

- All job postings must include background check language
- To qualify for Paid Parental Leave must also be receiving CA Paid Family Leave

PROCUREMENT POLICY

How to avoid payment delays and other fun facts.

Procurement Policy

Review of U Corp's Procurement Policy

University Corporation Procurement Policy was adopted in July 2014. The full text of the policy can be found at

<http://ucorp.sfsu.edu/sites/default/files/documents/procurement-policy.pdf>

Procurement Policy (con't)

Highlights of Policy

- “Purchases shall be made in a cost-efficient manner which supports and facilitates competition while still meeting the operational requirements of the U Corp, such as quality, specifications, service, and product availability.”
- “Purchases shall follow what is customary in the marketplace for a particular commodity or product and be consummated in such as manner so as to constitute a reasonably prudent and well documented business transaction.”

Procurement Policy (con't)

When reviewing a specific transaction, U Corp staff will verify that all necessary documentation is in place, proper approvals have been obtained, the expenditure is consistent with donor intent, the expenditure is reasonable, and the purchase serves a legitimate UCorp purpose.

Procurement Policy (con't)

PROCUREMENT LIMITS

- **Purchases of less than \$5,000** may be approved by the appropriate project director, administrator, or designee. Where possible, U Corp strongly encourages the use of a Procurement Card to make purchases of less than \$2,500.
- **Purchases of \$5,000 or more** must be approved by U Corp's Director of Finance & Administration or his/her designee. To the extent practicable, three competitive bids based on price, quality, performance and/or technical specifications should be provided. If three quotes are not provided, an explanation is required.

Procurement Policy (con't)

Purchases in excess of \$20,000 require a formal written agreement (contract) executed prior to purchase, unless prior authorization is expressly provided by U Corp's Executive Director. Three competitive bids or an approved sole source justification is required.

Purchase Orders are required for purchases in excess of \$10,000 or for repetitive purchases to the same vendor totaling more than \$5,000.

Insurance is required when the service is to be provided on campus. This is the case for all purchases.

CONFLICT OF INTEREST

Conflict of Interest

- On January 26, 2017, U Corp's Board of Directors adopted a Conflict of Interest Policy for Project Accounts. Effective immediately, UCorp will require all persons authorized to approve the expenditure of U Corp funds to complete and submit an annual Conflict of Interest Questionnaire. The form will be due each year on April 1st.
- The full policy can be found at :
<https://ucorp.sfsu.edu/sites/default/files/documents/conflict-of-interest-policy-for-project-accounts.pdf>

Conflict of Interest (con't)

- **CONFLICT OF INTEREST DEFINED**
- The dictionary defines Conflict of Interest as: *a situation in which the concerns or aims of two different parties are incompatible.*
- Conflict of interest occurs when a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

Conflict of Interest (con't)

U Corp needs to ensure that its transactions are free from conflict of interest. Its policy is to protect U Corp's interests when it is contemplating entering into a transaction or arrangement that might benefit the private interest of one of its program personnel.

Conflict of Interest (con't)

REPORTING REQUIREMENTS

Persons with signing authority at U Corp will be required to complete an annual Conflict of Interest Questionnaire by April 1st. This is different from California's Form 700, and generally speaking, requires the disclosure of less personal information.

Duty to Disclose - Authorized signers are required to disclose the existence of financial interests that might impact U Corp. The annual Conflict of Interest Questionnaire has been designed to aid in such disclosure. If a change occurs before the next questionnaire becomes due, an interim questionnaire must be completed and submitted.

Conflict of Interest (con't)

EVALUATION OF CONFLICT OF INTEREST

A committee comprised of U Corp's Executive Director, U Corp's Director of Finance & Administration, and appropriate supervising campus personnel, generally the Dean/AVP or Provost/VP will review all available information and make the determination. Program personnel will have an opportunity to ask questions and provide input.

U Corp will first attempt to identify an alternative arrangement or transaction that would not produce a conflict of interest.

If an alternative transaction is not possible, the Committee shall determine by majority vote whether or not the transaction or arrangement is in the best interests of U Corp.

Conflict of Interest (con't)

An email will be distributed by Friday, February 17, 2017 to all personnel required to complete a Conflict of Interest Questionnaire. A link to both the policy and the questionnaire will be provided in the email.

AB 1887

Its Impact at the University Corporation

AB 1887

With the passage of AB1887, the California Legislature determined that “California must take action to avoid supporting or financing discrimination against lesbian, gay, bisexual, and transgender people.” (Gov. Code 11139.8, subd (a)(5))

To that end, AB 1887 prohibits a state agency, department, board, or commission from requiring any state employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that (1) has the effect of voiding or repealing existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; (2) authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression; or (3) creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families on the basis or sexual orientation, gender identity, or gender expression. (Gov. Code 11139.8, subd (b)(1), (2).)

AB 1887 (con't)

In addition, the law prohibits California from approving a request for state-funded or state-sponsored travel to such a state. (Gov. Code, 11139.8, subd. (b)(2).)

The travel prohibition applies to state agencies, departments, boards, authorities, and commissions, including an agency, department, board, authority, or commission of the University of California, the Board of Regents of the University of California, and the California State University. (Gov. Code, 11139.8, subd. (b).)

AB 1887 (con't)

- The four states currently covered by this restriction are:

North Carolina

Mississippi

Tennessee

Kansas

AB 1887 (con't)

U Corp funds are restricted in exactly the same way that Trust Funds and the General Fund are restricted.

If travel is being planned to one of the states previously mentioned, it is important to contact U Corp at the earliest possible juncture to see if an appropriate exemption can be applied.

INVOICING

Invoicing

From time-to-time, programs may need to issue invoices to clients.

Please submit requests to U Corp for processing. This will ensure that the program account is immediately credited, and will allow U Corp to accurately track its Accounts Receivable.

Invoicing (con't)

Requesting an Invoice

Email Kathleen Bruno at kbruno@sfsu.edu the following information:

- Fund Number
- Amount of Invoice
- Description of Products or Services being invoiced
- Backup to be sent along with the invoice
- Email and snail mail address of client/customer

Invoicing (con't)

Invoices are generally emailed, but can be sent via U.S. mail upon request. The requesting department is routinely copied on invoices sent via email.

Departments are notified when an invoice becomes delinquent. UCorp will work with individual departments on how best to proceed with collection efforts.

Key Take-Aways

- Review the Procurement Policy when making purchases exceeding \$5,000 to prevent payment delays.
- Conflict of Interest questionnaires will need to be submitted to U Corp annually, and will be due each year on April 1st.
- Contact U Corp if travel is being planned to North Carolina, Mississippi, Tennessee, or Kansas to see if a suitable exception to the travel restrictions can be applied. U Corp needs to be in compliance with AB-1887.
- Client invoices should be prepared and distributed by U Corp.

SPECIAL EVENTS

Special Events

- UCorp does have general liability insurance coverage that is adequate for the majority of the activities that UCorp fund accounts may sponsor
- ... still, it is important to assess all planned events/functions/etc.,. to determine if additional coverage, tailored for special events, may be required
- ... & it is important to understand that additional insurance coverage is always a consideration regardless of the anticipated costs

Special Events Determining Factors

Description of Event

- What activity(ies) will take place?
 - is participant accident insurance (PAI) better suited for the planned event?
- Duration of Event (i.e., # of hours & time frame)
- Anticipated participants
 - limited to SFSU
 - students
 - faculty/staff
 - non-SFSU individuals
 - minors

Location

- On campus versus off-campus; where off-campus? (i.e.,. physical address required)

Other determining factors

Will there be

- fireworks ?
- carnival rides / bouncy houses / etc... ?
- musical bands or other performances ?
- 3rd party solicitors and/or exhibitors ?

Will food be served

- catered in-house, and/or ?
- 3rd party caterers ?
- Will alcohol be served and/or sold ?

Other considerations . . .

- Alcohol Clearance form may be required to be filed with SFSU's Police Department
- alcohol permit may be required (typically a venue requirement)
- certificate of insurance may be required from third party service providers (i.e. outside caterers, etc.)

...take away

Additional insurance coverage **must always** be considered for planned events

Therefore, when planning an upcoming event,

please contact Anthony Victoria

@ X82238 or avictori@sfsu.edu