

## Chapter 2 Interchanges and Contracts

### 2.03 Contracts for Personal Services

#### 1. Appropriate Circumstances

Whenever practical, work should be performed by state employees. However, situations arise which require the University to contract for personal services.

- a. Contracting for services may be appropriate when the required work exceeds the capabilities of University staff or can be done more effectively by non-University personnel.
- b. A contract for personal services is appropriate only when an employment relationship does not exist. The following should be considered:
  - i. When an employment relationship exists, the employee should be on the University payroll.
  - ii. The common test of employer-employee relationship is: "a worker is an employee if the agency for which he or she works has the right to direct and control him or her in a way he or she works, both as to final results and as to the details of when, where and how work is to be done. The employer need not actually exercise control; it is sufficient that he or she has the right to do so."
  - iii. Usually, persons in business for themselves will not be University employees.
  - iv. If consideration is being given to using a state employee for personal services, Wis. Stat. 19.45 (m) should be consulted.

#### 2. Written Contract Requirements

When it becomes necessary to contract with individuals or firms to provide special expertise on a short-term consultant or service basis, a written contract is required. For guidance on preparing a contract of this type, contact the appropriate Dean/Director's office or the UW Purchasing Department.