

# University of Northern Colorado

## Independent Contractor Agreement for Individuals

### Personal Services Classification Analysis

**To be completed by requesting Project Director, Department Head or Dean:**

Responses to the following questions will assist in determining whether the individual should be classified as an employee or independent contractor. Payments to employees are subject to withholding tax for which the University can be held liable if it fails to collect. Payments to individuals who are independent contractors are subject to IRS reporting on Form 1099 and to self-employment tax.

If question A or question B is answered “Yes”, the individual is an employee and the person certifying the status need not complete the rest of this form. Affirmative answers to questions #1 through #16 and negative answers to questions #17 through #20 indicate an employee relationship. No one question is necessarily controlling.

**This questionnaire must be completed and attached to the Independent Contractor Agreement.**

INDIVIDUAL NAME \_\_\_\_\_

	YES	NO	N/A
A. <b>Does the University pay as employees others who perform essentially the same duties that are to be performed by this individual?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. <b>Has this individual previously been paid as an employee to perform essentially these these same tasks?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. <b>Instruction</b> - Does the University have the right to require compliance with instruction about when, where, and how the individual is to work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. <b>Training</b> - Will the individual be trained in the job by working with an experienced University employee, by required attendance at meetings, seminars, etc.?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. <b>Integration</b> - Is the success or continued operation of the Department dependent to an appreciable degree upon the services performed by this individual?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. <b>Services rendered personally</b> - Does the University control the selection of the person who will perform the work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. <b>Hiring, supervising, paying assistants</b> - Does the University pay or otherwise control the activities of the workers who assist this person in the performance of his or her duties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. <b>Continuing relationship</b> - Does the arrangement with this individual establish continuing or recurring work, even if the services are seasonal, part-time, or of short duration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. <b>Set hours of work</b> - Does the University establish the hours of work or otherwise prevent the individual from being the “master of his or her own time”?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. <b>Full-time required</b> - Does the University have control over the amount of time this person spends working so as to restrict him/her from other gainful work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	YES	NO	N/A
9. <b>Doing work on University premises</b> - Does the University have the right to designate the place the work will be performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. <b>Order or sequence set</b> - Does the University have the right to require the work be performed in a particular order or sequence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. <b>Oral or written reports</b> - Can the individual be required to submit regular oral or written reports to the University which will account for his or her actions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. <b>Payment by hour, week, or month</b> - Will this person receive payments of regular amounts at stated intervals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. <b>Payment of business and/or travel expense</b> - Does the University reimburse the individual for business or travel expense?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. <b>Furnishing tools and materials</b> - Will the University provide the tools and materials needed to perform the work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. <b>Right to discharge</b> - Can the person be dismissed for failure to obey the instructions of a University employee?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. <b>Right to terminate</b> - Can the person terminate the relationship with the University without incurring any liability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. <b>Significant investment</b> - Does the individual have a significant investment in the facilities used and is this investment essential as well as adequate for the job?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. <b>Realization of profit or loss</b> - Does the person have the opportunity to realize a profit or loss for the job?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. <b>Working for more than one firm at a time</b> - Can the person make the services available to a number of persons or firms at the same time?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. <b>Making services available to the general public</b> - Does the person make the services available to the general public by a business directory listing, a business license, advertisements, etc.?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**I certify the above responses are correct to the best of my knowledge and belief.**

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Signature of Project Director, Department Head, or Dean

Revised by AP 02/05/2009