

Independent Contractor Agreement
Personal Services Classification Analysis

To be completed by requesting Project Director, Department Head, Accounting Specialist, 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 tax withholding and independent contractors are subject to IRS reporting on Form 1099 and to Self-Employment tax.

If question A or 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.

Contractor Name: _____ YES NO N/A

A. **Does the University pay as employees others who perform essentially the same duties that are to be performed by this individual?**

B. **Has this individual previously been paid as an employee to perform essentially these same tasks?**

1. **Instruction:** Does the University have the right to require compliance with instruction about when, where, and how the individual is to work?

2. **Training:** Will the individual be trained in the job by working with an experienced University employee, by required attendance at meetings, seminars, etc.?

3. **Integration:** Is the success or continued operation of the Department dependent to an appreciable degree upon the services performed by this individual?

4. **Services rendered personally:** Does the University control the selection of the person who will perform the work?

5. **Hiring, supervising, paying assistants:** Does the University pay or otherwise control the activities of the workers who assist this person in the performance of his or her duties?

6. **Continuing relationship:** Does the arrangement with this individual establish continuing or recurring work, even if the services are seasonal, part-time, or of short duration?

7. **Set hours of work:** Does the University establish the hours of work or otherwise prevent the individual from being the "master of his or her own time"?

8. **Full-time required:** Does the University have control over the amount of time this person spends working so as to restrict him or her from other gainful employment?

9. **Doing work on University premises:** Does the University have the right to designate the place the work will be performed?

10. **Order or sequence set:** Does the University have the right to require the work be performed in a particular order or sequence?

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YES

NO

N/A

11. **Oral or written reports:** Can the individual be required to submit regular oral or written reports to the University which will account for his or her actions?
12. **Payment by hour, week, or month:** Will this person receive payments of regular amounts at stated intervals?
13. **Payment of business and/or travel expenses:** Does the University reimburse the individual for business or travel expense?
14. **Furnishing tools and materials:** Will the University provide the tools and materials needed to perform the work?
15. **Right to discharge:** Can the person be dismissed for failure to obey the instructions of a University employee?
16. **Right to terminate:** Can the person terminate the relationship with the University without incurring any liability?
17. **Significant investment:** Does the individual have a significant investment in the facilities used and is this investment essential as well as adequate for the job?
18. **Realization of profit or loss:** Does the person have the opportunity to realize a profit or loss for the job?
19. **Working for more than one firm at a time:** Can the person make the services available to a number of persons or firms at the same time?
20. **Making services available to the general public:** Does the person make the services available to the general public by a business directory listing, a business license, advertisements, etc.?

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

Signature of Project Director, Department Head, Accounting Specialist, or Dean