



EMPLOYEE VERSUS INDEPENDENT CONTRACTOR CLASSIFICATION CHECKLIST (Excluding Visiting Lecturers)

Date _____

The information provided below will assist the University in determining whether an individual performing services will be classified as an employee of the University or as an independent contractor for federal, state and FICA tax purposes. Complete Section 1, Section 2, and if necessary, Section 3 and 4 AND ATTACH COMPLETED FORM TO THE PAYMENT DOCUMENT WHEN CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

SECTION 1. GENERAL

Name of Individual	Your Email Address	Taxpayer Identification Number — —	
Is this person: (check one) <input type="checkbox"/> a US Citizen <input type="checkbox"/> a Nonresident Alien <input type="checkbox"/> a Resident Alien (Green Card Holder)		Requisition Number (if applicable)	
Department Name	Campus Phone Number	Box Number	
Name of BU person responsible for this determination (PLEASE PRINT)		Signature _____	

SECTION 2. MULTIPLE RELATIONSHIPS WITH THE UNIVERSITY

- Yes No Does this individual currently work for the University as an employee?
- Yes No Does the University expect to hire this individual as an employee to provide the same or similar services immediately following the termination of his/her independent contractor service?
- Yes No During the previous 12 months prior to the date on which the independent contractor service commenced, did the individual have an official appointment (including hourly or temporary) to provide the same or similar service?

If the answer is "Yes" to ANY of the above three questions, the individual should be classified as an EMPLOYEE and paid through the normal payroll process. See footnote*.

If the answer is "No" to ALL the above three questions, proceed to the appropriate Section 3 below.

➔ If applicable, complete Section 3. Otherwise proceed to Section 4.

SECTION 3 RESEARCHER

Researchers hired to perform services for a University department are presumed to be employees. If, however, the researcher is hired to perform research for a particular University faculty member or employee, indicate which of the following relationships is applicable:

- Yes No The individual will perform research for a University faculty member or employee under an arrangement whereby the faculty member or employee serves in a supervisory capacity (i.e., individual is under direction and control of the faculty member or employee).

If the answer to the above question is "Yes" the individual should be classified as an EMPLOYEE and paid through the normal payroll process. See footnote*.

If the answer to the above question is "No" then proceed the next question.

- Yes No The individual will serve in an advisory or consulting capacity with a University faculty member or employee (i.e., individual will be working "with" the faculty member or employee in a "collaboration between equals" arrangement.)

If the answer to the above question is "Yes" proceed to Section 4. Complete the Classification Criteria worksheet and attach it along with related support to the Payment Document. To find Classification Criteria see last page of this form. (Payment Documents will not be processed without the attached worksheet or support).

SECTION 4. OTHER

- Yes No Does the University retain the right to provide the individual with specific instructions regarding the performance of the task rather than only the outcome?
- Yes No Does the University retain the right to set the number of hours and/or work days of the week that the individual is required to work or where the work is to be performed?
- Yes No Does the individual expect to receive University benefits such as health insurance and participation in the benefit plans?

SECTION 4. OTHER (Continued)

If the answer to ANY of the three above questions is “Yes” the individual should be classified as an EMPLOYEE and paid through the normal payroll process. See footnote*.

If the answer to ALL of the three questions above is “No”, proceed to the following question.

Yes No Does the individual provide the same or similar service to other entities or to the public as part of a trade or business?

Yes No Does the individual maintain a significant investment in his/her business (i.e., does he/she incur unreimbursed business expenses, etc.)?

If the answer to BOTH of the above two questions is “Yes” proceed to the next question.

If the answer to EITHER of the above two questions is “No”, treat the individual as an EMPLOYEE and paid through the normal payroll process. See footnote*.

Yes No Does the University and the individual intend the working relationship to be that of “independent contractor” and document such intent in a written agreement?

If the answer to the above question is “Yes”, treat the individual as an independent contractor.

If the answer to the above question is “NO”, the individual should be classified as an EMPLOYEE and paid through the normal payroll process. See footnote*.

* If the department requesting services disagrees with this determination, please complete the Classification Criteria worksheet on the last page of this form, provide documentation to support answers, and submit completed packet to the Purchasing Department. A Buyer will work with the department to make a final decision.

QUESTIONS? Contact the Procurement Office, Phone: 570-389-4311 or Email: purchasing@buad.bloomu.edu

Bloomsburg University of Pennsylvania
**EMPLOYEE VERSUS INDEPENDENT CONTRACTOR
 CLASSIFICATION CRITERIA**

An independent contractor is an individual (or non-corporate business entity) that provides personal services to the University in such a manner as to be free from University control over performance. Typically, the independent contractor will have a principal place of business other than at the University, has a business license, and offers services to the general public. External consultants are independent contractors who provide professional advice.

The following criteria are used by the Internal Revenue Service to classify individuals as either independent contractors or employees. No single criterion or group of criteria will provide a definitive determination. The criteria are used in combination to obtain an overall indication of how the individual should be classified. **[A "Yes" response to the questions tends to either strengthen or weaken the case that the individual is an independent contractor.]**

Weakens	Strengthens	BEHAVIORAL CONTROL	
✓		1. Does the University <i>have the right</i> to tell the worker when, where and how work is to be performed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		2. Does the University <i>have the right</i> to determine the sequence, details, or means of work performed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		3. Are work hours set by the University?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		4. Does the University train the worker to perform the service?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		5. Does the University require services be rendered personally?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		6. Does the University have responsibility for hiring, firing, supervising, or paying assistants of the worker?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		7. Does the University dictate which workers should be used or hired to complete the project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		8. Is the worker required to provide oral or written reports to the University periodically?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		9. Does the University tell the worker where to purchase supplies and services?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		10. Does the University provide tools and materials necessary to perform the service?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		11. Does the University <i>have the right</i> to fine or discipline the worker if instructions are not followed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		12. Does the University <i>have the right</i> to terminate the relationship with the worker?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Weakens	Strengthens	FINANCIAL CONTROL	
✓		1. Is compensation made on a regularly recurring basis (e.g., weekly, monthly, or on retainer)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓	2. Does the worker have a significant investment in facilities or materials (other than computer equipment and education)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓	3. Does the worker have a direct interest in or share of any profit or loss of the work accomplished?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓	4. Does the worker incur unreimbursed business expenses in connection with the project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓	5. Are the worker's services available to the general public?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓	6. Does the worker have a business license to perform the services provided to the University?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓	7. Does the worker perform similar services for more than one firm at a time?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Weakens	Strengthens	RELATIONSHIP OF THE PARTIES	
	✓	1. Is there a written contract between the worker and the University describing the worker as an independent contractor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓	2. Do the <i>University and the worker</i> intend for the worker to serve as an independent contractor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		3. Does the worker have a continuing relationship with the University?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		4. Does the worker devote full time to the business of the University?	<input type="checkbox"/> Yes <input type="checkbox"/> No
✓		5. Does the worker expect to receive employee benefits from the University?	<input type="checkbox"/> Yes <input type="checkbox"/> No