



Independent Contractor Determination Checklist

Full Name of Worker (as it appears on their Social Security Card)

Date of Proposed Activity

Task Description

The following questions are to be used to determine whether an individual is an employee or an independent contractor. The responses to the following questions must be weighted and evaluated to determine the proper classification. An *E* indicates that the individual is more likely an employee; a *C* indicates that the person is most likely a contractor. If you have questions about the checklist call the Purchasing Department.

Question:	Yes	No
1. Does the District determine where, when and how the work is to be done?	<input type="checkbox"/> E	<input type="checkbox"/> C
2. Does the District provide training to the worker?	<input type="checkbox"/> E	<input type="checkbox"/> C
3. Are the worker's services an integral part of the District's operations (not incidental)?	<input type="checkbox"/> E	<input type="checkbox"/> C
4. Is the worker required to perform the services personally (cannot delegate)?	<input type="checkbox"/> E	<input type="checkbox"/> C
5. Does the worker hire, supervise and pay assistants?	<input type="checkbox"/> C	<input type="checkbox"/> E
6. Is the work relationship continuous or indefinite (not a specified time period)?	<input type="checkbox"/> E	<input type="checkbox"/> C
7. Does the worker work exclusively for the District during this time?	<input type="checkbox"/> E	<input type="checkbox"/> C
8. Does the District set the hours of work?	<input type="checkbox"/> E	<input type="checkbox"/> C
9. Must the work be performed on our premises?	<input type="checkbox"/> E	<input type="checkbox"/> C
10. Does the District require the worker to perform services in a certain sequence?	<input type="checkbox"/> E	<input type="checkbox"/> C
11. Does the District require the worker to provide regular written or oral reports?	<input type="checkbox"/> E	<input type="checkbox"/> C
12. Is the worker compensated based on time worked (not based on completion of job)?	<input type="checkbox"/> E	<input type="checkbox"/> C
13. Is the worker reimbursed for travel or other expenses?	<input type="checkbox"/> E	<input type="checkbox"/> C
14. Does the District provide tools, supplies and other materials?	<input type="checkbox"/> E	<input type="checkbox"/> C
15. Does the worker have a significant investment in facilities (such as an office)?	<input type="checkbox"/> C	<input type="checkbox"/> E
16. Can the worker realize a profit or suffer a loss relative to the services provided?	<input type="checkbox"/> C	<input type="checkbox"/> E
17. Does the worker work for more than one person or firm at a time?	<input type="checkbox"/> C	<input type="checkbox"/> E
18. Are the worker's services available to the general public?	<input type="checkbox"/> C	<input type="checkbox"/> E
19. Can the District discharge the worker even if the terms of the contract are being met?	<input type="checkbox"/> E	<input type="checkbox"/> C
20. Can the worker quit before the specific job is completed without legal recourse?	<input type="checkbox"/> E	<input type="checkbox"/> C

The worker and the related tasks have been reviewed. I have determined the above criterion indicates that the worker is:

- Employee
 Independent Contractor
 Not sure, request review

- ✓ If you determine that the individual is an independent contractor, check the Distinction between Personal Services and Purchased Services on the reverse side to determine whether to proceed with an Independent Contractor Agreement for Personal Services or a Purchase Order for Purchased Services.
- ✓ If you determine that the individual is an employee, contact Human Resources to proceed.
- ✓ If you are unable to make a determination, send this form to Payroll and request a review.

Note: The person preparing the contract must attach to this document a complete list of services/deliverables to be provided by the proposed contractor.

Signature of Initiator

Date

Signature of Review Supervisor

Date

Payroll Review:

Determination Employee Contractor
 If a Contractor: Personal Services Purchased Services

Signature

Date

Personal Service Characteristics	Purchased Service Characteristics
<ul style="list-style-type: none"> ✓ Services are professional or technical in nature and meet more specialized needs. Work is predominantly intellectual and varied. ✓ Work is independent from the day-to-day control of the agency; consultant maintains control of work methods. ✓ Work requires regular exercise of judgment, discretion, and decision-making; involves providing advice, opinions or recommendations; may have policy-implications for agency; often addresses management-level issues. ✓ May require advanced or specialized knowledge, or expertise gained over an extensive period of time in a specialized field of experience. ✓ Work may be original and creative in character in a recognized field of endeavor, the result of which may depend primarily on the individual's invention, imagination or talent. ✓ Consultant generally assumes risk of loss if the requirements are not satisfied. 	<ul style="list-style-type: none"> ✓ Services are more repetitive, routine or mechanical in nature; following established or standardized procedures as contrasted with customary and regular exercise of discretion or independent judgment. ✓ Services contribute to the day-to-day business operations of the agency, rather than the management or policy side of the agency, and may meet more general needs of the agency. ✓ Services generally involving completion of an assigned task, rather than an entire project. ✓ Decision-making and analysis, if required, is more routine or perfunctory in nature. ✓ Services that are generally performed based upon agency direction.

Personal Services Contracting

1. Before the contractor performs services:

- Determine the scope of work
- Complete the Independent Contractor Status Checklist
- Complete the Independent Contractor Agreement for Personal Service
 - Determine the length of the contract
 - Identify the compensation requirements
 - Identify the insurance requirements (see insurance requirement section below)
 - Obtain the signature and necessary information from the contractor
- Collect the original Independent Contractor Agreement for Personal Services, a completed W-9, insurance certificate (when required...see section below).
- Send the original Independent Contractor Agreement and two copies, the completed checklist, completed W-9, and insurance certificate to Purchasing for signature (Purchasing will send you a signed copy of the agreement for your files).
- Write a requisition for the contract amount if under (??) and send to Accounts Payable
- Issue a Purchase Order (if over??)

2. During or after the contractor performs service

- Contractor must invoice the District as indicated on the agreement
- Other?

If the service falls into the category of Purchased Services, the procedures for Goods and Services should be followed.