

MUW EMPLOYEE VS INDEPENDENT CONTRACTOR CLASSIFICATION CHECKLIST

The purpose of this checklist is to assist in the determination between an employee and an independent contractor. Federal and State regulations assume all services are provided by employees. The burden of proof is on the University to show an independent contractor relationship exists.

Forward completed form to Human Resources. Approval is required **PRIOR TO** authorizing any individual to perform services.

I. General Information

Vendor Name:

Vendor SSN/EIN:

Department:

Project Begin Date:

Project End Date:

Administrative Contact:

Phone:

Describe the nature of the work,
duties or services to be performed:

Is vendor a retiree participating in the State of MS PERS system?
(You must obtain the answer to this question from the vendor/individual.)

Yes

No

If **YES**, **STOP!** Do NOT complete this form and
contact Human Resources.

II. Relationship with Mississippi University for Women

A. Does the individual currently work for the University as an employee?	Yes	No
B. Is it currently expected that the University will hire this individual as an employee in the near future?	Yes	No
C. During the twelve months prior to the date of these requested services, was the individual a full-time or part-time employee providing the same or similar services?	Yes	No
D. Is the individual providing services similar to those currently being provided or can be provided by any MUW employee?	Yes	No
E. Is the task more than of short duration and indicative of an ongoing relationship with the University?	Yes	No

If the answer is **NO** to all questions, proceed to the Section III.

If the answer is **YES** to any of the above, **STOP!** Individual should be classified as an employee & paid through payroll by completing a PAF.

III. Classification of the Relationship [complete only one section (A, B, or C) based on the type of services to be performed]

A. For Teachers/Lecturers/Instructors

1. Is this individual a "guest lecturer," such as a person who lectures for only a few class sections?

Yes

No

If **YES**, treat the individual as an independent contractor. If **NO**, go to #2.

2. Does the individual provide the same or similar services to other entities or to the general public as part of a business?

Yes

No

If **YES**, treat the individual as an independent contractor.

If the answer is **NO** to both questions, **STOP!** Individual should be classified as an employee.

B. For Researchers

Researchers hired to perform services for a department are presumed to be employees of MUW. If the researcher is hired to perform research for a particular MUW faculty or staff member, please indicate which of the following relationships is applicable:
Relationship #1: The individual will perform research for an MUW faculty or staff member in an arrangement where the individual will be working under the supervision of that faculty or staff member.

Yes

No

If **YES**, **STOP!** Individual should be classified as an employee.

Relationship #2: The individual will serve in an advisor or consulting capacity with an MUW faculty or staff member. It will be an arrangement like that of a "collaboration between equals."

Yes

No

If **YES**, treat the individual as an independent contractor. If **NO**, **STOP!** Individual should be classified as an employee.

If the research partner is working under a memorandum of agreement, please forward MOA to Director of Collaborative & Sponsored Projects.

C. Individuals not covered under III A or III B above:

1. Will the department provide the individual with specific instructions or training regarding performance of the required work rather than rely on the individual's own expertise?

Yes

No

If **YES**, **STOP!** Individual should be classified as an employee. If **NO**, go to #2.

2. On an on-going basis, will the University set the number of hours and/or days of the week the individual is required to work, as opposed to allowing the individual to set their own work schedule?

Yes

No

If **YES**, **STOP!** Individual should be classified as an employee. If **NO**, go to #2.

3. Does the individual provide the same or similar services to other entities or the general public as a part of an established trade, occupation, profession or business?

Yes

No

If **YES**, treat the individual as an independent contractor. If **NO**, **STOP!** Individual should be classified as an employee.

IV. I certify the answers above are accurate to the best of my knowledge.

Department Head Signature:

Date:

Dean (if appropriate):

Date:

Supervising President's Cabinet Member:

Date:

V. HR Use Only

Human Resources has reviewed this employee versus independent contractor checklist and found the individual to be classified as follows:

Employee Classification

Independent Contractor/Consultant

Individual is classified as an employee & paid through payroll by completing a PAF.

Approved form will be forwarded to the Initiator, Res. Mgmt. & University Acct.

Human Resources Signature:

Date: