

Personal Service Agreement Independent Contractor (IC) or Employee (EE) Preliminary Determination Questionnaire

A variety of state and federal laws require employers to accurately categorize the work of an individual hired to perform services as that of either an employee or an independent contractor. Failure to accurately categorize the work subjects the University to liability for back unemployment, social security and Medicare taxes as well as potential fines.

To support accurate categorization, you are asked to complete the following questionnaire. Your answers will assist in the determination about whether or not the individual from whom you wish to purchase services is in fact an independent contractor or an employee under applicable laws.

NOTE: Neither guest speakers nor corporations require a questionnaire. Please refer questions to Carol Wallace, Director of Administrative Support Services, (203) 392-5453, or Diane Boutaugh, Assistant Director of Human Resources, (203) 392-5405.

PROJECT DIRECTOR NAME/PHONE/CAMPUS ADDRESS:

The following guidelines will help determine whether the service provider is of independent contractor (IC) or employee (EE) status. Please check either IC or EE for the response that best fits your situation. If neither response appears appropriate, describe the situation in the area marked "Other".

SERVICE PROVIDER NAME: _____

DATE OF SERVICE: From _____ To _____

Does this individual currently work for the State of Connecticut? ____ Yes ____ No

Does this individual have an immediate family member* who is a State of Connecticut employee? _____ Yes ____ No

(*Immediate family member means any spouse, children or dependent relatives who reside in the individual's household)

Is it currently expected that the University will hire this individual as an employee immediately following the termination of his or her services? ____ Yes ____ No

During the 12 months prior to the date on which these requested services will begin, did the individual have an official University appointment (including temporary) and provide the same or similar services? _____ Yes ____ No

DESCRIPTION OF SERVICE TO BE PERFORMED:

- 1. IC The project director and service provider mutually agree upon entering into the agreement when, how, and where the service is to be performed.
- EE The service provider must follow the project director's instructions as to when, how, and where the service is to be performed.

OTHER

2. IC The service provider brings all required skills to the project, and may require only minimal orientation.

EE The service provider must perform the work in a particular manner as trained or instructed by the project director.

OTHER

3. IC The service provider hires and supervises his/her own assistants, if needed, to complete the required service.

EE Hiring, supervising and payment of assistants, if necessary, are handled directly by the University to support the work of the service provider.

OTHER

4. IC This service provider has performed these or similar services for 3 or fewer consecutive years.

EE This service provider has performed these or similar services more than 3 consecutive years.

OTHER

5. IC The service provider determines the number of hours required to complete the project and typically determines his/her own work schedule. Note: The project director may specify a project completion date, however, the service provider is able to determine his/ her own schedule as long as the project is completed within the allotted timeframe.

EE The project director determines the hours of work and work schedule.

OTHER

6. IC The service provider is free to work for other businesses/organizations during the term of the assignment or project.

EE The service provider is restricted from performing services for other businesses/ organizations during the workday.

OTHER

7. IC Usually all or much of the work is performed at the service provider's facility or office. Note: In some cases, such as providing medical aid at a sporting event, making a presentation, or teaching a non-credit course, the service provider's "services" will be needed at the university or site where an event or class takes place.

EE The service provider works at the University or at locations assigned by the project director when the work could actually be done at the service provider's facility.

OTHER

8. IC The service provider is not required to submit regular reports unless so negotiated between the service provider and the project director.
- EE The service provider is required to provide regular reports upon request by the project director.

OTHER

9. IC The service provider receives payment upon completion of the project/service or at intervals negotiated between the project director and the service provider.
- EE The service provider receives payment on a regular basis based upon an hourly, weekly, or monthly rate, etc., as set by the project director.

OTHER

10. IC Travel and business expenses are paid for by the service provider; may be part of the service fee agreement.
11. IC The service provider furnishes his/her own tools, equipment, supplies and materials. Note 1: In some instances as a convenience to both parties, a service provider may use university equipment, for example, a piano. In this case, the "service" he/she is providing would still be that of an independent contractor. Note 2: An independent contractor would supply his/her own office equipment to complete a project, for example, a computer, copier, telephone, paper, etc.
- EE The project director ensures the required tools, equipment, supplies and materials are provided.

OTHER

12. IC The service provider has his/her own facility or office as necessary to perform the service.
- EE The service provider relies on the employer to provide the facility or office to perform the service.

OTHER

NOTE: Typically the more responses you check as IC, the greater the likelihood the service provider is an IC, however, be aware that in some cases, a single "EE" response can indicate employee status. The determination of the nature of the employment relationship is a judgment call and fact specific. By signing below I attest to the accuracy of the information I have provided

Project Director's Signature

Date

Revised: 6/13/07