

**DIRECTIONS FOR COMPLETING PERSONAL SERVICE CONTRACT**

- (1) Review the definition and criteria contained in the **External Consultants and Independent Contractors Manual** (summarized below) to make a determination about the status of an individual, i.e., employee or independent contractor.
- (2) If the individual qualifies as an independent contractor, complete the contract on the reverse and a **CHECK REQUEST for SERVICES RENDERED** and submit both forms to the **Accounts Payable Department**.
- (3) An individual who does **NOT** qualify as an independent contractor must be paid through the payroll system.
  - (a) Staff members **currently** on payroll and who render a service or do consulting work across departmental lines must be paid through the payroll system. Complete the appropriate payroll form and submit to the Payroll Office.
  - (b) Individuals who are **not currently** University employees must be established as employees and classified as either Temporary or Regular.
- (4) Individuals signing this contract must disclose any conflict of interest relationships that may exist between the two parties.
- (5) Guest lecture fees are exempt from the independent contractor certification requirement.

**DEFINITION:**

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 control over performance. Typically, the independent contractor will have a principal place of business other than at the University and offer services to the general public. Types of independent contractors previously contracted by the University include photographers, graphic artists, computer programmers and manuscript readers.

**External consultants** are independent contractors who provide professional **advice**. **Internal consultants** are University **employees** who provide professional advice across departmental lines.

**CRITERIA:**

**A Yes RESPONSE:** (Strengthens or Weakens the case in support of independent contractors)

	STRENGTHENS	WEAKENS
<b>A. HOW CLOSELY IS THE JOB CONTROLLED?</b>		<b>X YES RESP</b>
1. Does a University representative tell the worker when, where, and how to work?		X
2. Does a University representative train the worker?		X
3. Does a University exercise control over the sequence of work performed?		X
<b>B. WHAT ARE THE TERMS AND CONDITIONS OF THE WORK?</b>		
1. Are the worker's services integrated into the University's general business operations?		X
2. Is there a requirement that services be rendered personally?		X
3. Does a University representative have responsibility for hiring, supervising or paying assistants?		X
4. Are work hours set by the University?		X
5. Must the worker submit reports to the University representative for whom the work is performed?		X
6. Are payments made regularly (e.g., weekly)?		X
7. Is compensation made for business and/or travel expenses?		X
8. Are necessary tools and/or materials provided by the University?		X
9. Does the University have the right to terminate the contract?		X
10. Does the University have the right to discharge the worker?		X
<b>C. DOES THE WORKER HAVE A RISK OF FINANCIAL GAIN OR LOSS?</b>		
1. Does the worker have an investment in facilities and/or materials?	X	
2. Does the worker have a direct interest or share in the profit of the work accomplished?	X	
<b>D. DOES THE WORKER PROVIDE SERVICE TO THE GENERAL PUBLIC?</b>		
1. Are similar services performed for more than one firm at a time?	X	
2. Does the worker have a continuing relationship with one business?		X
3. Does the worker devote full time to the business of the University?		X
4. Are the worker's services available to the general public?	X	
<b>E. WHERE IS THE WORKER'S PRINCIPAL PLACE OF BUSINESS?</b>		
1. Is the work performed on University premises?		X