

Minot State University

Employee-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 and puts the burden of proof on the employer to show that an independent contractor relationship exists.

Contractor's Name or Business Name _____

Home Address: _____

City, State, Zip Code: _____

Social Security # or Federal Employer Identification # (FEIN): _____

Answering "NO" indicates an independent contractor. If you answer "YES" to any of the following questions but still believe this individual should be an independent contractor, you must provide a detailed explanation supporting your decision.

The individual/business to perform services:		Employee	Contractor
1.	Does one person have the right to tell the worker when, where, and how he/she is to work? (i.e. hired for a specific event, job, presentation, time & date, etc?)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2.	Does one person train the worker?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3.	Are the worker's services integrated into the department's general operations?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
4.	Is the worker required to render the service personally?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
5.	Can the worker hire, supervise, and pay other individuals to help fulfill the requirements of the job for which they are being paid?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
6.	Does the worker have a continuing relationship with the department? (I.e. per project or as needed basis?)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7.	Are there set hours for the worker? (Is the conference/seminar/event etc on a specific date/time)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
8.	Does the worker devote full-time to one business?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
9.	Is the work performed on MSU's premises?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
10.	Does the department have control over the order or sequence of work performed? (i.e. dates & times of event)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
11.	Does the worker submit reports, oral or written, to the person for whom work is performed?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
12.	How often is payment made? (i.e. hourly, weekly, monthly, guaranteed minimum - employee ~~ per event, lump sum, fixed rate & hours- contractor)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
13.	Does the worker receive compensation for business and/or travel expenses?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
14.	Are tools and materials provided? (i.e. overhead projector, computer, copies, etc)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
15.	Does the worker invest in the facilities in which he works?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
16.	Does the worker have a direct interest in the profitability of the work accomplished?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
17.	Does the worker work for more than one business at a time?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
18.	Does the worker offer these services to the general public?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
19.	Does the department have the right to discharge the worker?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
20.	Does the worker have the right to terminate the work relationship without incurring liability?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

I certify to the best of my knowledge that the above information is correct:

Department Name: _____ **Phone #:** _____

Authorized Signature: _____ **Date:** _____

TO BE COMPLETED BY HR/BUSINESS OFFICE REPRESENTATIVE:	
Does not constitute an employer-employee relationship. Worker should be paid through AP.	
Does constitute an employer-employee relationship. Worker should be paid through PR.	