

EMPLOYEE OR INDEPENDENT CONTRACTOR

In order to determine whether an individual is an employee or an independent contractor, the relationship of the worker and the business must be examined. All information providing evidence of the degree of control and the degree of independence must be considered. Facts relating to control and independence fall into the following three categories: behavioral control, financial control and the type of relationship of the parties.

THE FOLLOWING QUESTIONS MUST BE ANSWERED AND SUBMITTED TO THE DEPARTMENT OF PURCHASING WITH THE PERSONAL SERVICE CONTRACT FORM.

Behavioral control: Will the individual be given instructions as to the following:

1. When and where to work ? Yes _____ No _____
2. What tools or equipment to use? Yes _____ No _____
3. What workers to hire to assist with the work? Yes _____ No _____
4. Where to purchase supplies and services? Yes _____ No _____
5. What work must be performed by a specified individual? Yes _____ No _____
6. What order or sequence to follow? Yes _____ No _____

Financial control:

1. Does the worker have un-reimbursed expenses? Yes _____ No _____
2. Does the worker have a significant investment in the facilities he/she used in performing the services? Yes _____ No _____
3. Does the worker make his/her service available to the relevant market?
Yes _____ No _____
4. Does U of L pay the worker a flat fee for services? Yes _____ No _____
5. Can the worker make a profit or loss? Yes _____ No _____

Type of relationship:

1. Is there a written contract describing the relationship? Yes _____ No _____
2. Does U of L provide the worker with employee-type benefits? Yes _____ No _____
3. Is the worker engaged for a specific time period? Yes _____ No _____
4. Does the services performed by the worker represent a key aspect of regular U of L business? Yes _____ No _____