



**GUIDE FOR DETERMINING TAX STATUS –
INDEPENDENT CONTRACTOR VS. EMPLOYEE**

Section 1: Current Relationship with TTU		
	YES	NO
A. Does the individual currently work for TTU as an employee, or has the individual been employed by the University in the past six months (including as an adjunct)?	<input type="checkbox"/>	<input type="checkbox"/>
B. Does TTU desire to hire this individual as an employee immediately following the termination of his/her services as an independent contractor?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If the answer is "NO" to both questions, proceed to further questions. If the answer is "YES" to either of these questions, the individual should be classified as an employee and paid through TTU Human Resources.</i>		
Section 2: Classification Guidelines (Complete section(s) – A, B, and/or C – depending on the services to be performed by the individual.)		
A. Lecturer / Instructor		
1. Is the course offered for credit and is the individual a "guest lecturer", e.g., an individual who lectures at only one or two class sessions under the supervision or at the invitation of a faculty member who has primary responsibility for the course?	<input type="checkbox"/> Treat as Independent Contractor	<input type="checkbox"/> Go to #2
2. Is the individual the primary or adjunct instructor in a department course being offered for academic credit toward a University degree?	<input type="checkbox"/> Treat as Employee	<input type="checkbox"/> Go to #3
3. Is the individual responsible for the content of the lecture/presentation (as opposed to presenting materials that have been prepared or dictated by the University, and is the course non-credit, and does the class last one week or less)?	<input type="checkbox"/> Go to Section C below	<input type="checkbox"/> Treat as Employee
B. Researcher (Note: Researchers hired to perform services for a University department are initially presumed to be employees of the University. Please complete the following questions.)		
1. Will the individual perform work using University facilities (as opposed to facilities available to him/her outside of TTU)?	<input type="checkbox"/> Treat as Employee	<input type="checkbox"/> Go to #2
2. Will the individual perform research for a University faculty member under an arrangement whereby the University faculty member serves in a supervisory capacity (i.e. the individual will be working under the direction of the University faculty member)?	<input type="checkbox"/> Treat as Employee	<input type="checkbox"/> Go to #3
3. Will the individual serve in an advisory or consulting capacity with a University faculty member or director in a "collaboration between equals" type arrangement?	<input type="checkbox"/> Go to Section C	<input type="checkbox"/> Go to Section C
<i>If the answer is "NO" to all three of these questions, proceed to Section C, answering all questions.</i>		
C. Individuals Not Covered Under Sections 2A or 2B and/or Additional Criteria for Determining Status (Note: The following represent indicating factors to help in determining the individual's tax status. All questions should be completed in order to yield a preponderance of evidence on which to base a final determination.)		
1. Question for information purposes only: Has the individual been employed by the University in the past twelve months? If yes, provide department and position title: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the individual routinely provide the same or similar services outside of TTU to the general public as part of a continuing trade or business? Please provide approximate number of clients per year: _____	<input type="checkbox"/> (Independent Contractor)	<input type="checkbox"/> (Employee)
a) Does the individual prepare a Business Form 1040 Schedule C or other business tax return?	<input type="checkbox"/> (Independent Contractor)	<input type="checkbox"/> (Employee)

<p>b) Does the individual advertise to the general public? Where, e.g. publications, yellow pages, website, etc.? (Please list):</p> <p>_____</p> <p>_____</p> <p>Provide URL for company's website (if none, mark N/A):</p> <p>_____</p>	<input type="checkbox"/> (Independent Contractor)	<input type="checkbox"/> (Employee)
<p>2. Will the department provide the individual with specific instructions regarding performance and sequence of the required work rather than rely on the individual's expertise?</p>	<input type="checkbox"/> (Employee)	<input type="checkbox"/> (Independent Contractor)
<p>3. Will the University set the number of hours and/or days of the week that the individual is required to work, as opposed to allowing the individual to set their own work schedule and/or will the University pay the individual an hourly rate similar to what other employees are paid on campus for similar work?</p>	<input type="checkbox"/> (Employee)	<input type="checkbox"/> (Independent Contractor)
<p>4. Does individual furnish his/her own tools and supplies/materials?</p>	<input type="checkbox"/> (Independent Contractor)	<input type="checkbox"/> (Employee)
<p>5. Is the individual responsible for his/her own training as opposed to receiving instructional training from the University on the services to be performed?</p>	<input type="checkbox"/> (Independent Contractor)	<input type="checkbox"/> (Employee)
<p>6. Could the individual risk legal action if contractual terms are not met?</p>	<input type="checkbox"/> (Independent Contractor)	<input type="checkbox"/> (Employee)
<p>7. Does the individual engage in entrepreneurial activities in an established business at risk for loss? Is there a risk of financial loss based on good or bad decisions as opposed to the University compensating the individual regardless of performance or outcome?</p>	<input type="checkbox"/> (Independent Contractor)	<input type="checkbox"/> (Employee)
<p>8. Does the individual have his/her own insurance for work-related employees?</p>	<input type="checkbox"/> (Independent Contractor)	<input type="checkbox"/> (Employee)
<p>9. During the performance of services for the University will the individual be provided or reimbursed for such expenses as travel, lodging, meals, rental car, computer access, cell phone, email account, office space, etc.? (Note: This does not include travel to and from the University, which may be negotiated as a part of the contract fee.)</p>	<input type="checkbox"/> (Employee) Enter Determination Below	<input type="checkbox"/> (Independent Contractor) Enter Determination Below
<p>Based on the answers to the questions stated above and upon my knowledge of this contract, it is my determination that the individual providing the services should be classified as an: <input type="checkbox"/> Employee <input type="checkbox"/> Independent Contractor</p> <p>Signature of University Personnel Completing Form: _____</p> <p>Name of Person Completing Form (printed): _____</p> <p>Date Form Completed: _____</p>		