

Checklist For Determining Independent Contractor Versus Employee Classification

Start through the questions below, beginning with Section I, and stopping as soon as the work relationship is defined.

I. Relationships With Current/Past UH System Employees:	YES	NO
A. Does this individual currently work for the UH System as an employee?	Treat As Employee	Go to #B
B. During the 12 months prior to the date on which the working relationship is to commence, has this individual worked for the UH System as an employee?	Treat As Employee	Go to Section II
II. Relationships With Individuals Outside UHS Employment: <i>(Complete A, B, or C, depending upon the services to be performed by the individual.)</i>	YES	NO
A. Teacher/Lecturer/Instructor		
1. Is the individual to perform teaching services of no more than seven calendar days?	Treat as Employee	Go to #A2
2. Does the individual provide the same or similar services to other entities or make them available to the general public as part of the trade or business?	Treat as Contractor	Go to #A3
3. In performing instructional duties, will the individual use primarily course materials that are created or selected by the individual?	Treat as Contractor	Treat as Employee
B. Researcher (Researchers hired to perform services for a university department are presumed to be university employees. If, however, the researcher collaborates on research with a particular faculty member or employee, the work relationship shall determine whether the individual may be treated as an independent contractor.)		
	YES	NO
1. Will the individual serve in an advisory or consulting capacity with a faculty/employee; i.e., to work on specific research problems of short-term duration?	Treat as Contractor	Go to #B2
2. Will the individual perform research for a university faculty member or employee under an arrangement whereby the faculty/employee serves in a supervisory capacity?	Treat as Employee	
C. Individuals in Other Positions		
	YES	NO
1. Does the individual provide the same or similar services to other entities or to the general public as part of a trade or business?	Treat as Contractor	Go to #C2
2. Will the department provide the individual with specific instructions regarding performance of the required work, rather than rely on the individual's judgment and expertise?	Treat as Employee	Go to #C3
3. Will the department provide the individual with the tools or equipment necessary to perform the work?	Treat as Employee	Go to #C4
4. 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 his/her own schedule?	Treat as Employee	Treat as Contractor

NOTE: This checklist is designed to provide guidance in most cases, but the evaluation and choice are not quantifiable or absolute.