

The information below will assist the University in determining whether the individual performing the services will be classified as a Contingent Worker or as an employee of the University. These questions are intended to guide in making this classification. Further evaluation may be necessary based on specific individual circumstances. **Please attach a detailed statement of desired work with this completed checklist.**

**Part A Service Provider Information - Fill in all applicable information**

Name: \_\_\_\_\_

Contract Beginning and End Date: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**Part B Relationship With University?**

 1. Does the individual currently work for Baylor as an employee?  Yes. Stop, this is not an independent contractor  No. Continue to next question

 2. Did the individual work as an employee of the university during the 12 months prior to the date of this engagement?  Yes. Stop, this is not an independent contractor  No. Continue to next question

 3. Is the individual receiving benefits from Baylor? (e.g., insurance, BU Retirement Plan, vacation or sick pay)  Yes. Stop, this is not an independent contractor  No. Continue to next question

 4. Is the individual a student of the University?  Yes. Stop, this is not an independent contractor  No. Continue to next question

 5. Is the individual a U.S. Citizen or U.S. Legal Permanent Resident?  Yes, continue to next question  No. Continue to next question

 6. Is the individual performing a core University function? (e.g., teaching, research, coaching, academic advising)  Yes. Stop, this is not an independent contractor  No. Continue to next question

**Part C Control Analysis**

## Yes Contingent Worker Status

## No Employee Status

 1. Will the individual decide how **and in what order** the work is done without Baylor's direction/instruction?  Individual determines specific detailed tasks required for the work or project and determines the order in which tasks are completed.  Baylor determines specific detailed tasks for work or project rather than only the outcome and/or determines the order in which tasks are completed.

 2. Can the individual set their own hours and/or days of work?  Responsible for own schedule.  Baylor sets the hours and days.

 3. How will the individual be paid?  Baylor will pay invoice on a per project basis.  Baylor pays on an hourly or monthly basis.

 4. Is the individual engaged for a specific project?  A continuing relationship is not anticipated. Projects will be awarded only when the need arises.  Baylor anticipates a continuing relationship.

 5. Does the individual provide the same or similar services for other clients/businesses on a regular basis?  Performs services for multiple unrelated clients.  Works for only one client at a time.

 6. Does the individual perform services off-site?  Maintains own infrastructure such as office space, email, and server and responsible for own business expenses.  Baylor will add individual into daily operations with access to Baylor email or software.

 7. Does individual furnish their own tools and materials?  Individual furnishes tools, equipment, materials and supplies.  Baylor provides facilities and equipment, furnishes tools, equipment, materials and supplies.

 8. Does the individual recognize profit and loss?  Individual bears risk of economic gain or loss as a result of the individual's services.  Baylor compensates regardless of performance or outcome. (e.g., hourly or monthly rate)

 9. Is the individual responsible for their own training?  Responsible for own training related to this engagement.  Baylor will provide training.

 10. Does Baylor provide performance evaluations for the individual?  Individual is not subject to periodic or annual performance evaluations.  Baylor will issue annual or semi-annual performance evaluations.

 11. Does individual report to and/or is supervised by a Baylor employee?  Individual is not supervised by and does not report to a Baylor employee.  A Baylor employee supervises the individual and/or the individual directly reports to a Baylor employee.

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**Part D Conclusion (more Yes than No likely indicates Independent Contractor)**

Based on the above checklist and my knowledge of the proposed contract, it is my recommendation that the individual providing the services should be classified as an:

Independent Contractor (more Yes)

Employee

PLEASE ATTACH A DETAILED STATEMENT OF DESIRED WORK

