

## INDEPENDENT CONTRACTOR DETERMINATION FORM

**Please complete the following and follow the instructions. If questions, please contact Payroll/Benefit office at (304)-766-4278, or Fiscal Office at (304)-766-4258**

### Section 1:

		Yes	No
1.1	The individual performing the services is a non-resident alien?		
1.2	The individual performing the services is doing so as the instructor of record for a for credit class?		
1.3	The individual is performing or assisting in the performance of research?		
1.4	The potential service provider is doing so as a government, corporation, or not for profit entity?		
1.5	The individual is a guest lecturer and not an university employee?		
1.6	The individual performing the service is required to submit a bid or proposal including price and scope of work?		
1.7	The potential service provider operates as a legally licensed entity in the field of work being performed?		
1.8	The individual is performing services such as entertainer, attorney, architect, etc.?		

If the answer is YES on any questions 1.1 through 1.3, please contact payroll office for individual to complete the payroll process

If the answer is YES on any questions 1.4 through 1.8, the individual must complete and submit contractual services agreement

If the answer is NO on All questions, continue to Section 2

### Section 2: FINANCIAL CONTROL

		Yes	No
2.1	In connection with performing the services, could the individual realize either a profit or loss by incurring expenses?		
2.2	Will the individual be paid an amount to complete or work toward completion of a specified project ( not paid on a recurring or regular basis)?		
2.3	Does the individual performing the services offer similar services to entities other than WVSU on regular basis?		
2.4	Does the university have the right to withhold payment if it determines the work unsatisfactory?		
2.5	Will the individual pay for ALL of their out of pocket expenses?		

If the answer is YES to ALL of the questions in Section 2, the person should be classified as Independent Contractor

If the answer is No to ANY question in Section 2, please continue to Section 3

If the answer is No to ALL questions in Section 2, the individual is classified as an Employee

### Section 3: RELATIONSHIP

		Yes	No
3.1	Does the individual have a continuing relations with the corporation or university by performing the work on a recurring, on-going, or year-to-year basis?		
3.2	Will the corporation be responsible for hiring, supervising, and paying workers who will assist the individual in performing the requested services?		
3.3	Will the individual be required to comply with instructions from a university or corporation supervisor, as to where, how, and when the work is to be performed?		
3.4	Is the individual required to receive training from a university or corporation representative to enable the individual to perform the work in a particular manner?		
3.5	Will the individual work as part of a team of regular employees and will the individual's day-to-day participation be essential in the success of the department or university?		

If the answer is YES to ALL of the questions in Section 3 , the individual should be classified as Employee.

If the answer is No to ANY question in Section 3, please continue to Section 4

If the answer is No to ALL questions in Section 3, the individual is classified as an Independent Contractor.

#### Section 4: BEHAVIORAL CONTROL

		Yes	No
4.1	Will the individual perform services for which the university or corporation is concerned with the methods used to obtain the results, and not just with the results?		
4.2	Will the university or corporation provide the tools, equipments, or supplies needed by the individual to perform the agreed-upon work?		
4.3	Will the individual be subject to termination for reasons other than nonperformance of the service agreement with the university or corporation, or for violating university or corporation personnel policy?		
4.4	Can the individual terminate the Agreement with the university or corporation without incurring any liability for a failure to complete the services?		
4.5	Does the University NOT permit the individual to perform work at an office off campus maintained at the individual's own expenses?		

If the answer is YES to ALL of the questions in Section 4 , the individual should be classified as Employee.

If the answer is No to ANY question in Section 4, please continue to Section 5

If the answer is No to ALL questions in Section 4, the individual is classified as an Independent Contractor.

#### Section 5: Determination

PLEASE SUBMIT COMPLETED DETERMINATION FORM AND COMPLETED CONTRACTUAL PACKET TO THE BUSINESS AND FINANCE OFFICE IN THE ACEOP BUILDING FOR FINAL DETERMINATION. IF DETERMINE TO BE AN INDEPENDENT CONTRACTOR THE AGREEMENT AND DOCUMENTATION WILL BE FORWARD TO THE FISCAL OFFICE FOR PROCESSING. IF DETERMINED TO BE AN EMPLOYEE THE PAYROLL OFFICE WILL NOTIFY YOU ON HOW TO PROCEED TO PLACE THE EMPLOYEE ON PAYROLL.

To be completed by Payroll Office

☐ Independent Contractor

☐ Employee