**For Non PO- Must be completed for all individuals being paid for services.**

**INDEPENDENT CONTRACTOR DETERMINATION CHECKLIST:**

An independent contractor is an individual or firm who is contracted to work utilizing their own methods and the means by which the work is accomplished is not controlled by the employer. An independent contractor is normally engaged in an established business, trade or profession. As such, an independent contractor is not an employee of the University and is treated differently with respect to tax withholdings, employee benefits, and payment methods.

The general rule is that an individual can be hired as an independent contractor only if all three of the following requirements are met:

* **Minimal Direction:** the worker is free from the employer’s control or direction in the performance of this work;
* **Established Business or Trade:** the worker is normally engaged in an independently established business or trade, which derives income from a number of clients including the University; and
* **Expertise:** the work requires professional knowledge or professional expertise that is not generally available at the University.

To help onboard the prospective service provider in a timely and effective manner, please plan ahead by reviewing this “Checklist” and engaging your senior Human Resources (HR) manager or Procurement as soon as you become aware of the need for the service.

 “Treat as Employees” answered below, please direct your questions to HR. “Treat as Independent Contractor” answered below, please direct your questions to Procurement.

Please note that the guidance above pertains to the hiring of an individual performing services in the U.S. For services provided outside of the U.S., please contact your senior Human Resources manager.

**INSTRUCTIONS: Please check each item as it applies.**

**IC SECTION I**

|  |  |  |
| --- | --- | --- |
| **CURRENT RELATIONSHIP WITH THE UNIVERSITY OF MONTANA** | **YES** | **NO** |
| 1. Grants: Is this individual working under a Sub recipient Agreement?
 | CONTACT SPONSORED PROGRAMS STAFF□ | GO TO #2□ |
| 1. Does this individual currently work for the University of Montana?
 | TREAT AS EMPLOYEE□ | GO TO #3□ |
| 1. Does the University desire to hire this individual as an employee immediately following the termination of his or her services as an independent contractor?
 | TREAT AS EMPLOYEE□ | GO TO #4□ |
| 1. In the Prior 6months was the individual on the University payroll in either a regular or temporary appointment, and are the services the individual will now provide similar to those services provided while on our payroll?

*If an employee own his/her own company, the employee must consult with the office of Legal Counsel regarding Conflict of Interest*  | TREAT AS EMPLOYEE□ | GO TO #5□ |
| 1. Is the individual on the retirement plan – PERS or TERS?
 | TREAT AS EMPLOYEE□ | GO TO #6□ |
| 1. Is the individual / student employee of the University of Montana in any other department?
 | TREAT AS EMPLOYEE□ | GO TO SECTION II□ |

**IC SECTION II**

Classification Guidelines: Complete only **ONE sub-section, A, B, or C**, depending on the services to be performed by the individual.

What IC section are you going to complete? Please fill out just that IC section. **Please select (required field) A, B, or C**

*Please note these are factors in considering whether to hire an individual as an employee. Consult with your senior Human Resources manager for further guidance.*

|  |  |  |
| --- | --- | --- |
| 1. **LECTURER / INSTRUCTOR**
 | **YES** | **NO** |
| 1. Is this individual a “Guest Lecture”, e.g. and individual who lectures at only one or two class sessions?
 | TREAT AS INDEPENDENT CONTRACTOR□ | GO TO #8□ |
| 1. Is the individual the primary instructor in a department course being offered for academic credit toward a University degree?
 | TREAT AS EMPLOYEE□ | GO TO #9□ |
| 1. Is the individual responsible for the content of the lecture / presentation?
 | TREAT AS INDEPENDENT CONTRACTOR□ | TREAT AS EMPLOYEE□ |

|  |  |  |
| --- | --- | --- |
| 1. **RESEARCHER: RESEARCHERS HIRED TO PERFORM SERVICES FOR A UNIVERSITY DEPARTMENT ARE INITIALLY PRESUMED TO BE EMPLOYEES OF THE UNIVERSITY.**
 | **YES** | **NO** |
| 1. Will the individual perform work using University facilities (as opposed to facilities available to him / her outside of the University of Montana?
 | TREAT AS EMPLOYEE□ | GO TO #11□ |
| 1. Will the individual perform research for the 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)?
 | TREAT AS EMPLOYEE□ | GO TO #12□ |
| 1. Will the individual serve in an advisory or consulting capacity with a University faculty member or director in a “collaboration between equals” type arrangement?
 | TREAT AS INDEPENDENT CONTRACTOR | TREAT AS EMPLOYEE |

|  |  |  |
| --- | --- | --- |
| 1. **INDIVIDUALS NOT COVERED UNDER SUB-SECTION A OR B**
 | **YES** | **NO** |
| 1. Does the individual routinely provide the same or similar services outside of the University to the general public as part of a continuing trade or business?
 | TREAT AS INDEPENDENT CONTRACTOR□ | GO TO #14□ |
| 1. Will the department provide the individual with specific instructions regarding performance of the required work rather than rely on the individual’s expertise?
 | TREAT AS EMPLOYEE□ | GO TO #15□ |
| 1. Will the department provide the individual with significant equipment or supplies and / or hire assistants for the individual?
 | TREAT AS EMPLOYEE□ | GO TO #16□ |
| 1. 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 own work schedule?
 | TREAT AS EMPLOYEE□ | TREAT AS INDEPENDENT CONTRACTOR□ |

E.

Is the contractor a Non-Resident Alien or Foreign Entity?? □ Yes

 □ No

**NOTE: No checks are sent to foreign countries with the exception to Canada. Must provide wire transfer information.**

If yes above as a person, please complete the following:

Location of Residence? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Home County \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Origin Date of entry into US? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please attach the following within the attachment area section at the bottom of this form:

* VISA/Passport – a copy of their passport page and the entry stamp (a minimum) when they arrived into the US.
* Tax Treaties (applies if they have a US Tax ID)

NOTE: If a person does not have a US Tax ID, there is a 30% tax withholding. You may choose to gross up your contractor fee.

* IRS W-8BEN
* UM Wire Transfer Form (except Canada)