

SAMUEL MERRITT UNIVERSITY (SMU)  
Independent Contractor Classification Checklist

The following list contains the critical factors used by federal and state agencies to determine whether an individual is an independent contract (IC) or and employee (EE). The SMU representative or independent contract should complete the following checklist by marking either “YES” or “NO” for the appropriate response to the statement. No one factor determines whether an individual is an IC or EE.

**INDEPENDENT CONTRACTOR**

Legal Name: \_\_\_\_\_  
 DBA: \_\_\_\_\_  
 Business Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Business Phone: \_\_\_\_\_  
 Social Security/Tax ID: \_\_\_\_\_  
 State of Residence: \_\_\_\_\_

	Yes	No	
1.			Is the individual paid by the job/project, instead of by the hour?
2.	___	___	Does the individual offer services to the general public, not just SMU?  ___ Has a business license (and fictitious name statement if appropriate – attach copy). ___ Has a professional license (if required – <b>attach copy</b> ) ___ Advertises services in newspaper, yellow pages, etc. ___ Lists services in a business director ___ Has an office, materials, and supplies ___ Hires, directs, and pays assistants or employees ___ Carries business liability insurance – <b>attach copy of proof</b> ___ Carries workers compensation insurance – <b>attach copy of proof</b>
3.			Does the individual actually perform services for other organizations, instead of just SMU?
4.			Does the individual pay his/her own business expenses (e.g.: telephone, office supplies)?
5.			Will the individual use his/her own tools and equipment (e.g.: computer, desk, hand and power tools)?
6.			Will the individual be able to set his/her own work hours within reason?
7.			Will the individual decide where to work within reason?

	YES	NO	
8.			Will the individual be relatively independent?
9.			Will the individual be able to have other people assist or do the actual work?
10.			Will SMU have to do any training of this individual?
11.			Does SMU have a limited right to terminate contract?
12.			Are the services provided by this individual unique? In other words, are there SMU employees also doing the same job?
13.			Was the individual ever an employee of SMU? If yes, what were his/her duties?
14.			Is there any potential conflict of interest (e.g. individual has a spouse or relative that works for SMU)?
15.			If there is a conflict of interest, who and where does the current SMU employee(s) work? Name/Department _____
16.			Will the individual provide regular written or oral progress reports?
17.			Will the individual incur monetary liability if they quit the project?

A SMU representative has reviewed this checklist and determined that this individual meets the criteria for an independent contractor.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date