

The Common Law Questionnaire Contractor vs. Employee Status

ENTITY: BMC MC LLU UHC UHS

Requestor's Name:	Date of Request:
Vice President/CEO/Administrator:	Department Name and Cost Center:
Proposed Contractor Name:	Requestor's Phone/Ext. #:
Type of Service:	Duration of the contract:

20 Factor Common Law Test is used to properly classify an individual as an employee or independent contractor. This information is intended only as a guide. The IRS states that the importance of each factor depends on the individual circumstances. This list should be helpful in determining whether the individual meets the contractor status or whether the department head maintains enough control to establish an employer-employee relationship. Please complete and return to the appropriate Compensation Analyst via email, fax (909-558-0449 or 80449) or mail to University Arts Bldg #203.

FACTORS	QUESTION	YES or NO	HRM USE ONLY
1. PROFIT OR LOSS	Can the worker make a profit or incur a financial loss based on the results of his/her work?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
2. INVESTMENT	Does the worker have a significant investment in the facilities used to perform the services or work?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
3. WORKS FOR MORE THAN ONE FIRM	Does the worker provide services for more than one company at a time?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
4. MAKING SERVICES AVAILABLE TO THE PUBLIC	Does the worker make his/her services available to the general public?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
5. INSTRUCTIONS	Does the worker have to comply with the department head's instructions about when, where and how work is to be performed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
6. TRAINING	Does the department head provide training to the worker?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
7. INTEGRATION	Are the services performed or provided by the worker an integral part of the daily business operations?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
8. SERVICES RENDERED PERSONALLY	Does the worker provide services personally, as opposed to delegating tasks to someone else?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
9. HIRING ASSISTANTS	Does the department head hire, supervise and pay the worker's assistants?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
10. CONTINUING RELATIONSHIP	Is there an ongoing employment relationship between the worker and department head?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
11. SET HOURS OF WORK	Does the department head set the workers hours and work schedule?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
12. FULL-TIME WORK	Is the worker required to work on a full-time basis in order to complete the job?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
13. WORK PERFORMED ON PREMISES	Is the worker required to perform work on the employer's premises, or on a route or at a location designated by the department head?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
14. SEQUENCE	Does the department head have the authority to determine the order, routine, sequence, in which services are performed by the worker?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
15. REPORTS	Is the worker required to submit regular status reports about the work in progress?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
16. PAYMENT INTERVALS	Does the department head pay the worker on an hourly, weekly, biweekly or monthly basis?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
17. EXPENSES	Does the department head pay or reimburse for the worker's business or travel expenses?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
18. TOOLS AND MATERIALS	Does the department head provide the worker with equipment, tools and/or materials?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
19. RIGHT TO SEPARATE FROM EMPLOYMENT	Can the department head separate the worker from employment at any time without incurring a liability?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor
20. RIGHT TO SEPARATE RELATIONSHIP	Does the worker have the right to separate his/her employment relationship with the department head at any time without incurring a liability?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Employee <input type="checkbox"/> Contractor