

RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK
BUFFALO STATE COLLEGE

REQUEST FOR ADVANCE APPROVAL
INDEPENDENT CONTRACTOR SERVICES

Independent Contractor Name:

Please complete the following items before engaging the services of an Independent Contractor. Questions should be directed to the Grants Office at 878-5724. This must be signed and returned to the Grants Office.

Any individual paid with Research Foundation funds for services performed is either an employee or an independent contractor. This designation is determined by an assessment of the individual's qualifications and the nature of the services performed - it is not discretionary on the part of the principal investigator. There are numerous state and federal taxes and laws that apply if the worker is an employee rather than an independent contractor.

It is illegal to knowingly classify an employee as an independent contractor in order to avoid Affirmative Action recruitment efforts, immigration restrictions, and/or payment of statutory taxes, fees, insurance premiums, fringe benefit/overhead charges or to circumvent compliance with any other applicable or statutory employment regulations.

Generally speaking, if you can answer "YES" to the questions below, the worker is an EMPLOYEE and the use of the Independent Contractor form *would not* be appropriate. RF Human Resources should be contacted for further information at 878-4046.

YES NO

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Does the employer (not the worker) control the means and method of how work is done? |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Is the worker engaged in an activity that is in the regular business of the employer? |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Is the worker paid by a unit of time (i.e. hour, week, or month)? |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Are oral or writer reports (i.e. status reports, timesheet) required from the worker? |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Is work performed on the employer's premises? |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Are supplies, materials and equipment furnished by the employer? |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Does the worker provide the services on a regular, ongoing basis? |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Does the employer provide detailed work instructions or procedures to the worker? |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Does the employer have the right to terminate or fire the worker at will? |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Is the worker protected from significant risk or potential loss while performing the service? |

Generally speaking, if you can answer "YES" to the questions below, the worker is an INDEPENDENT CONTRACTOR, and the use of the Independent Contractor form *would* be appropriate:

YES NO

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Does the worker have a Federal Employer Identification Number (EIN)? |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Does the worker hold his/her services out to the general public? |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Does the worker advertise his/her services? |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Is the work activity in question customarily performed by non-employees? |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Does the worker own or rent office space away from home? |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Does the worker have multiple sources of income from the activity in question? |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Is the worker's enterprise of sufficient substance that it could be sold? |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Is the worker allowed to delegate or assign the work to others? |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Is the worker paid a specific sum at the conclusion of the project? |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Does the worker perform a "high-skill" activity (i.e. doctor, lawyer, accountant, engineer, psychologist, licensed nurse, etc.)? |

PLEASE SIGN THIS PAGE INDICATING YOUR REVIEW AND SUBMIT with **either** an Independent Contractor form or Employment Form:

Questions should be directed to Grants Office.

Principal Investigator's Signature

Date