

Employee vs. Independent Contractor Checklist

RELATIONSHIP

- 1) Is the person a U.S. Citizen or U.S. Legal Permanent Resident? If no, contact Payroll Services.
- 2) Does this person currently work as an employee within the Texas A&M University System?
- 3) Has this person worked for any entity in the Texas A&M University System within the last twelve months performing the same or similar services?
- 4) Is there a written contract between Texas A&M University and the person describing the services to be performed as an independent contractor?
- 5) Does the person receive or expect to receive benefits from the University?
- 6) Will the person have a continuing relationship with Texas A&M University?
- 7) If instructional duties are involved, will the instruction apply towards students receiving academic credit?
- 8) If instructional duties are involved, will the person participate in testing/evaluating students for coursework leading towards academic credit?

BEHAVIORAL CONTROL

- 1) Will the University provide the tools, equipment and or materials for the services to be performed?
- 2) Does the University have the right to hire, fire or discipline the person's workers/assistants?
- 3) If office space or other facilities are provided, will the person rent the space?
- 4) Are work hours set by the University?
- 5) If liability insurance is typically required for the type of service being performed, will the person provide it at his/her own expense?
- 6) If the person will perform research, will these services be performed under the direction and control of a University faculty member or employee?
- 7) If research services are performed, is the research primarily for Texas A&M University?
- 8) Is the person required to work a minimum number of hours?
- 9) Will the person receive training by the University?

FINANCIAL CONTROL

- 1) Will compensation be paid on a weekly, monthly basis or other regular basis without submitting an invoice?
- 2) If liability insurance is typically required for the type of service being performed, will the person provide it at his/her own expense?
- 3) Are the person's services made available to the general public?

Provide a description of the services to be performed.

If a current employee or former employee (within last 12 months) within the Texas A&M University System, provide a description of the person's job duties.
