University of Massachusetts Dartmouth
Independent Contractor/Employee Determination Form

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The following form has been created for the University of Massachusetts Dartmouth's critical determination of whether certain individual(s) providing services to the University are employees or independent contractors. Please read the following University guidelines and examples of Independent Contractors and Employees. Also, please take note of the differences between the two in order to determine if you or your organization is an Independent Contractor or a University Employee.

Who is an Independent Contractor?
A general rule is that The University of Massachusetts Dartmouth (the payer) has the ***right to control or direct only the result of the work*** done by an independent contractor, and ***not the means and methods of accomplishing the result.***

> **Example:** Vera Elm, an electrician, submitted a job estimate to a housing complex for electrical work at $16 per hour for 400 hours. She is to receive $1,280 every 2 weeks for the next 10 weeks. This is not considered payment by the hour. Even if she works more or less than 400 hours to complete the work, Vera Elm will receive $6,400. She also performs additional electrical installations under contracts with other companies, that she obtained through advertisements. Vera is an **independent contractor**.

Who Is an Employee (of the University)?
A general rule is that anyone who performs services for the university is an employee ***if the university can control what will be done and how it will be done.***

> **Example:** Donna Lee is a salesperson employed on a full-time basis by Bob Blue, an auto dealer. She works 6 days a week, and is on duty in Bob's showroom on certain assigned days and times. She appraises trade-ins, but her appraisals are subject to the sales manager's approval. Lists of prospective customers belong to the dealer. She has to develop leads and report results to the sales manager. Because of her experience, she requires only minimal assistance in closing and financing sales and in other phases of her work. She is paid a commission and is eligible for prizes and bonuses offered by Bob. Bob also pays the cost of health insurance and group-term life insurance for Donna. Donna is an **employee** of Bob Blue.

Contractor or Employee Name: _____
(First) (Last) (MI)

Contractor or Employee Address: _____
(Street) (City, State) (Zip)

Contractor or Employee Social Security Number: _____

Please answer the following "yes or no" questions and provide further details in necessary:

1) Is the individual free from control and direction in connection with the performance of a service and in fact? Yes ____ No ____

2) Is the service performed outside the usual course of business of the employer?
Yes ____ No ____

3) Is the individual customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the service performed?
Yes ____ No ____

Explanation:

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