



Independent Contractor Status Requester Recommendation

Workers must be correctly classified as either a UB employee, or as an Independent Contractor (including status as an employee of an Independent Contractor). An Independent Contractor is an individual who, in reality, operates as a business. Failure to correctly categorize an individual can result in assessment of taxes, penalties and interest by the IRS. The tax withholding and reporting functions are different for each category. Categorizing an individual as an Independent Contractor exposes the University to greater risk because the IRS assumes that all individuals are employees unless it can be documented otherwise. This form will assist the University in determining the proper category of individuals it intends to contract with or hire, consistent with IRS regulation, and labor laws.

This form must be completed for every engagement where the compensation is likely to exceed \$5,000. This form does not replace a PeopleSoft Requisition, contract or invoice requirement(s).

Contractor Name: _____

Federal Tax ID Number: _____ or Social Security No.: _____

CATEGORY I - Incorporated Status	Yes	No
A. The individual provides this service as an incorporated entity (i.e., incorporated, inc., corporation, corp., limited, ltd., LLC, PC)	contractor	
B. The Individual or entity regularly employs at least four (4) employees.	contractor	
If Yes has been checked for both questions in Category I, the criteria to determine that an individual is an independent contractor have been met. It is not necessary to complete Category II or Category III. If No has been checked for either question, please proceed to Category II.		
CATEGORY II. – Employment Status	Yes	No
A. Is the Individual Employed by UB?	employee	
B. Is the Individual Employed by any agency of the State of Maryland, including any campus of the University System of Maryland, St. Mary's College or Morgan State University (other than UB)?	employee	
If the answer to A. above is Yes, the individual is an Employee, and cannot be hired as a Contractor. If the answer to A. above is Yes, it is not necessary to complete Category III. If the answer to A is No, but the answer to B. is Yes, please contact HR for further information.		

CATEGORY III. - Essential Work Relationships with the Individual	Yes	No
1. Would the individual work exclusively or substantially full-time for the University?		
2. Does the individual maintain a separate business with their own work facility, equipment, materials or similar accommodations?		
3. Could the individual suffer a loss or realize a profit in connection with performing work or services?		
4. Does the individual hold or has applied for a federal employer identification number, unless they are a sole proprietor who is not required to obtain a federal employer identification number?		
5. Would the services of the individual be integrated into the operations of the University?		
6. Does the individual perform or agrees to perform specific services or work for a specific amount of money and controls the means of performing the services or work?		
7. Would the University be providing long-term work related assistance to the individual such as additional personnel, support, supplies, equipment, tools, office space, etc, and/or does the individual receive reimbursement for travel and business expenses?		
8. Would the University provide on-going training and direction concerning how to complete the task? Or is the individual getting more than general directions and the objectives of the task?		
9. Would the individual incur the principal expenses related to performing the service or work?		
10. Would the individual be responsible for the satisfactory completion of the work or services performed and are or could they be held liable for failure to complete the work or services?		
11. Would the individual report to a University staff member who has the right to control how, when and where the individual does the work?		
12. Could the individual quit prior to completion of the project without incurring any legal liability?		
13. Would payment be made based on the outcome or completion of the task(s), instead of payment made bi-weekly regardless of progress?		
14. The individual offers similar services to other organizations, businesses, or the general public. Attach a copy of the business license, yellow pages listing, or attach a list of at least three (3) clients for whom the work has been performed during the past twelve (12) months as documentation. Client references should be listed on page 2 of this form.		

If, in the department's judgment, other factors may still support Independent Contractor status, please forward the documentation to Procurement for further consideration BEFORE engaging the individual as an independent contractor. Provide additional information that may be helpful in making a correct determination.

Contractor References

If the individual has been determined to be an independent contractor based on the factors identified under Category II, please use this space to list the client references.

First Client Reference:

Second Client Reference:

Third Client Reference:

My responses to these questions are true and accurate to the best of my knowledge. Based on my responses and the guidance provided by this determination form, I am requesting that this individual be paid as an independent contractor.

I will notify Procurement promptly if our relationship with the individual changes significantly during the course of our contract. I understand that if the individual is paid as a contractor and the IRS or other governmental body determines that the individual should have been paid as an employee, I may be called upon to verify the veracity of the information I have provided on this form.

Program/Departmental Administrator Signature

Date

Dean/Divisional Administrator Signature

Date

Independent Contractor Signature

Date