

Employee/Independent Contractor Classification Checklist (EICCC)

Section 1: Relationship with the University

YES NO

1. Does the individual currently work for Marshall University or MURC as an employee?
2. Did the individual work as an employee of the university during the 12 months prior to the date of this contract?
3. Has an offer of employment been extended to the individual?
4. Is the individual a student of the university or a nonresident alien with a student or research scholar immigration status?

If the answer to all of these questions is "No," PROCEED to Section 2.

If the answer to any of these questions is "Yes," STOP. Check the Employee box in Section 3 below.

Section 2: Classification Guidelines (Complete only ONE of the following sections [A, B, or C])

YES NO

A. Teacher/Lecturer/Instructor

1. Is the individual an invited guest lecturer (lectures in a seminar, colloquium, class, etc.)?
2. Has the individual been at the university in this capacity fewer than four times in the past 12 months?

If the answers to questions 1 and 2 are "Yes," STOP. Check the Independent Contractor box in Section 3.

If the answer to either question is "No," PROCEED.

3. Is the individual teaching a course for which the students can receive credit toward a university degree?

If the answer to question 3 is "Yes," STOP. Check the Employee box in Section 3.

If the answer to question 3 is "No," PROCEED.

4. Has the individual provided the same or similar services as an ongoing business to other unrelated entities in the last 12 months?

5. Does the university have any control over course materials that are used by the individual?

If the answer to question 4 is "Yes," AND the answer to question 5 is "No," STOP.

Check the Independent Contractor box in Section 3; otherwise, check the Employee box.

B. Researcher

1. Will the individual perform research under the direct supervision of a university professor or employee?
2. Will the individual serve in an advisory or consulting capacity for a university professor or employee?

If the answer to question 1 is "Yes," STOP. Check the Employee box in Section 3.

If the answer to question 2 is "Yes," check the Independent Contractor box.

C. Individuals Not Covered Under Sections A or B

1. Has the individual provided the same or similar services to other unrelated entities or to the general public as a trade or business during the last 12 months?

2. Will the department provide the individual with specific instructions regarding performance of the required work rather than rely on the individual's expertise?

3. Can the university set the number of hours and/or days of the week that the individual is required to work, as opposed to allowing the individual to set his/her own work schedule?

If the answer to question 1 is "Yes," AND the answer to questions 2 and 3 is "No," STOP. Check Independent Contractor box in Section 3.

If the answer to question 2 OR 3 is "Yes," check the Employee box in Section 3; otherwise, check the Independent Contractor box.

Section 3: Classification and Method of Payment (Check only one.)

Employee Classification

Independent Contractor Classification