

Procedures for Hiring Independent Contractors

Consistent with Internal Revenue Service (IRS) rules, it is the responsibility of an employer to ensure that individuals who are paid compensation as an independent contractor meet specific criteria that demonstrates an employment relationship does not exist. Any individual performing services for the State University of New York at Geneseo will be presumed to work under the direction and control of the college and therefore deemed to be an employee unless the individual meets the independent contractor criteria as outlined by the IRS.

Procedure

1. Review the **Guide to Determining Independent Contractor Status** to understand the difference between employee and independent contractor. The guide is located on the Human Resources website at http://www.geneseo.edu/~vpadmin/forms/IndependentContractor_Guideline.pdf
2. Complete the **Checklist for Determining Worker's Status- Employee or Independent Contractor** form if you believe the individual should be compensated as an independent contractor. The form uses the standard **IRS 20 Factors of the Common Law Test** to determine whether an individual is an employee or an independent contractor. The checklist is located on the Human Resources website at http://www.geneseo.edu/~vpadmin/forms/IndependentContractor_Checklist.pdf
3. If the individual is deemed to be an independent contractor, follow the Purchasing procedures for:
 - Payment of Personal Service for Non-State Employees
 - All forms, including the *Checklist for Determining Worker's Status- Employee or Independent Contractor* must be completed and attached for processing by the Purchasing department. Incomplete forms will be returned to the originating department. Delays in paperwork may cause delays in work to be performed. The individual may not begin assignment/task until Purchasing verifies the information.
 - Advance approval is requested to engage the services of an individual listed as a speaker / vendor / contractor
 - After services are received, the independent contractor submits an invoice to the Accounts Payable department. The department is responsible for contacting the Accounts Payable department to approve payment of services.
4. Contact the Human Resources Office for the procedures to hire if the individual is determined to be an employee.

Note: If the individual is currently employed by the College, SUNY, the State of New York, Research Foundation, or is a statewide elected official in any capacity, he/she automatically classifies as an employee.