

Employee vs. Independent Contractor Determination Resource

Below are statements that show the differences between actions of an employee compared to an independent contractor. Please use this as guidelines when unsure of the correct employee status. For further questions, please reach out to your Human Resource Business Partner.

Questions	Independent Contractor Status	Employee Status
1. Does the individual hire own help?	Can be performed by individuals subcontractor or employees.	Must be performed by individual or someone from Brown to help
2. Does the individual set own hours of work?	Responsible for own schedule.	Brown sets the hours.
3. Does the individual perform services offsite?	Performs services at individuals place of business.	Performs services at Brown University.
4. Will the individual submit an invoice for commission of project?	Brown will pay invoices for this project.	Brown will pay on an hourly, weekly, or monthly basis
5. Will individual pay for own business and travel expense?	Responsible for all business expenses.	Brown pays for business and travel expenses.
6. Does individual furnish own Tools and Materials.	Individual furnishes tools, equipment, materials and supplies.	Brown furnishes tools, equipment, materials and supplies.
7. Does the individual have an investment in own business?	Individual invests in facilities used to preform services, such as office space or equipment.	Brown provides facilities.
8. Will the individual recognize profit or loss based on good or bad management decisions?	Individual bears risk of economic gain or loss as a result of the individual's services.	Brown compensates regardless of performance or outcome.
9. Is the individual engaged for a specific project?	A continuing relationship is not anticipated. Projects will be awarded only when the need arises.	Brown anticipates a continuing relationship.
10. Does the individual work for other clients?	Can perform services for multiple, unrelated clients at the same time.	Works for only one client at the same time.
11. Does the individual advertise services?	Advertises business in publications, yellow pages, website, etc.	No advertising of services or business.
12. Will the individual maintain independent activities?	Maintains own infrastructure such as office space, email and server.	Brown will integrate individual into daily operations with access to Brown email, software, or required attendance at meetings.

Employee vs. Independent Contractor Determination Resource

13. Could the individual risk legal action if contract terms are not met?	Individual must comply with contract terms or otherwise face legal repercussions.	Right to immediate termination/resignation.
14. Does the individual have professional liability insurance?	Does have liability insurance.	Does not have liability insurance.
15. Which statement best describes the service provided to Brown?	Lecturing (one time), consulting or advisory services.	Teaching, Lecturing or Consulting on a continuous basis.
16. Are the services integral to the functioning of Brown?	Services are ancillary and uninvolved with the Brown educational mission.	Services provided are a key aspect of the Brown business process.
17. Is someone else hired completing similar work and paid as employee?	Services are unique and only one providing it	Services are also provided by someone else in similar capacity and as employee.