Employee Determination:

1. DOES THE UNIVERSITY HAVE THE RIGHT TO GIVE SPECIFIC INSTRUCTIONS TO THE WORKER?

   The right to give specific instructions indicates the right to control the activities of the worker.

2. DOES THE WORKER HAVE A HIGH DEGREE OF INTEGRATION INTO THE UNIVERSITY’S GENERAL ACTIVITIES?

   Integration of the worker’s services into ongoing operations generally indicates the worker is subject to control and direction. The more dependent the success or continuation of the entity is on the services provided, the more likely that the worker providing those services will be under the control of management.

3. DOES THE UNIVERSITY PROVIDE TRAINING FOR THE WORKER?

   If the worker is being trained, especially if it is on a regular basis, this is a means of controlling and indicates an employee/employer relationship.

4. DOES THE UNIVERSITY HAVE THE RIGHT TO REQUIRE THE WORKER TO PERSONALLY RENDER THE SERVICE BEING PURCHASED?

   This indicates the University is interested in controlling the means of providing the service. An independent contractor is engaged only to deliver results.

5. DOES THE UNIVERSITY HIRE, SUPERVISE OR PAY ASSISTANTS FOR THE WORKER?

   This is an indicator that the University is controlling how the service is being delivered, which indicates an employee/employer relationship.

6. IS THERE A CONTINUING RELATIONSHIP BETWEEN THE UNIVERSITY AND THE WORKER?

   A continuing relationship, even if the work is irregular, on-call, or part-time, indicates an employee/employer relationship.

7. DOES THE UNIVERSITY HAVE THE RIGHT TO ESTABLISH THE WORKER’S WORK SCHEDULE?

   This indicates control over the way the worker provides services and, therefore, an employee/employer relationship.

8. DOES THE UNIVERSITY HAVE THE RIGHT TO SET THE PERCENT OF FULL TIME THE WORKER WILL WORK?

   If the nature of the agreement requires the worker to devote full-time effort to the University for more than a brief period, an employee/employer relationship is indicated.
9. DOES THE UNIVERSITY HAVE THE RIGHT TO REQUIRE THE WORKER TO WORK ON THE UNIVERSITY’S PREMISES?

   This is an indication of control and, therefore, an employee/employer relationship.

10. DOES THE UNIVERSITY HAVE THE RIGHT TO SET THE WORKER’S SEQUENCE OF WORK ACTIVITIES?

   This is an indication of control because it enables the University to determine if instructions are being followed.

11. DOES THE UNIVERSITY HAVE THE RIGHT TO REQUIRE THE WORKER TO PROVIDE REGULAR WRITTEN OR ORAL STATUS REPORTS?

   This is an indication of control because it enables the University to determine if instructions are being followed.

12. DOES THE UNIVERSITY PAY THE WORKER BY THE HOUR, DAY, WEEK, MONTH, OR SOME OTHER REGULAR INTERVAL?

   This means the worker is being paid for time rather than services provided. Being paid for time "on the job" indicates an employee/employer relationship.

13. DOES THE UNIVERSITY PAY THE WORKER’S BUSINESS OR TRAVEL EXPENSES?

   Paying the workers business expenses normally indicates an employee/employer relationship. This does not include contractual provisions to pay or reimburse certain direct costs related to the service being provided by a worker.

14. DOES THE UNIVERSITY PROVIDE THE TOOLS AND MATERIALS REQUIRED BY THE WORKER?

   This indicates control over what tools and materials are used by the worker. However, normal practice in some trades and professions which run counter to this rule can make this indicator misleading.

15. DOES THE WORKER NOT HAVE ANY SIGNIFICANT INVESTMENT IN FACILITIES TO PERFORM THIS SERVICE?

   Employees normally do not provide services based on any significant personal capital investment. The employer normally provides this as a means of controlling the facilities used to provide the services.

16. IS THE WORKER NOT AT RISK TO INCUR A LOSS AS A RESULT OF PROVIDING THIS SERVICE?

   An employee does not assume the risk of profit or loss from their services.
17. IS THE WORKER’S RIGHT TO SELL SERVICES TO OTHER ENTITIES AT THE SAME TIME LIMITED BY THE UNIVERSITY?

A true independent contractor is in the business of providing services. If the worker accepts this limitation it indicates an employee/employer relationship.

18. DOES THE WORKER NOT MAKE THESE SERVICES AVAILABLE TO THE GENERAL PUBLIC?

Making services available to the general public is an indication the worker is an independent contractor. The absence of this factor indicates the worker may be an employee.

19. DOES THE UNIVERSITY HAVE THE RIGHT TO DISCHARGE THE WORKER WITHOUT ANY FURTHER LIABILITY TO THE WORKER?

One indication of an independent contractor is a contract which establishes penalties if either party fails to perform. The lack of such an agreement tends to indicate an employee/employer relationship.

20. DOES THE WORKER HAVE THE RIGHT TO TERMINATE SERVICES WITHOUT ANY FURTHER LIABILITY TO THE UNIVERSITY?

One indication of an independent contractor is a contract which establishes penalties if either party fails to perform. The lack of such an agreement tends to indicate an employee/employer relationship.
Services Provided by University Departments:

**DOES THE UNIVERSITY HAVE A DEPARTMENT THAT PROVIDES THE SERVICES TO BE PERFORMED (E.G. PHOTOGRAPHY, GRAPHIC DESIGN, CONSTRUCTION, DEMOLITION OF BUILDING STRUCTURES, ETC.)?**

If the requested services are also performed by a department within the University, the requesting department consults with the appropriate service department to determine if they would also be able to fulfill the request. If the service department is not able to fulfill the request, the requesting department then submits a SOW form. Please include the request to the service department (example: copy of e-mail) along with the SOW. If such documentation is not provided, we will remind you to request the information.

For Integrated University Communications, please contact the consultant assigned to your School, College or Department. If you do not know who your consultant is, please contact Micheline.Heckler@ucdenver.edu

Requests for website development and enhancement should be reviewed with Jeremy.Fulbright@ucdenver.edu, Academic Technology/Extended Learning.

Requests for IT Services that do not require approval include database design. Requests for other IT functions should be reviewed with Russell.Poole@ucdenver.edu

No work should be completed before the service department is consulted and the SOW is approved.

*Last Updated 3/2010*