

Lewis & Clark College
Independent Contractor Checklist

Department: _____

Name of Service Provider: _____

Business Name, if different from above: _____

Tax Identification Number: _____

Describe the service being performed: _____

Has this contractor worked for Lewis and Clark in the past? Yes:_____ No:_____

If yes, is this person: 1) A current employee:_____ Job Title:_____

2) A former employee:_____ Job Title:_____

3) A former independent contractor:_____

Describe the work previously performed by the contractor: _____

Do we have a contract with the service provider? Yes:_____No:_____

If yes, please attach a copy of the contract.

Is the service provider a corporation, Limited Liability Company or other business entity?

Yes:_____No:_____

Is the contractor free from direction and control over the means and manner of providing the services subject only to the College's right to determine and specify the desired results?

Examples of factors which indicate that the contractor is free from the direction and control of the College are as follows:

- (1) Can the "contractor" accept or refuse a job?
- (2) Was a bid made for the job? Were multiple bids taken by the person seeking to retain a service?
- (3) Can the contractor set their own hours within the general time frame of the College?
- (4) Can the contractor use their own methods to accomplish the intended result?
- (5) Does the College refrain from monitoring the Contractor with the exception of periodic progress checks?

Yes:_____No:_____

Is the contractor customarily engaged in an independently established business? (To answer this question “yes,” at least **three** of the following five statements must be true. Circle the items below that apply to this contractor.)

Yes:____No:____

(1) The person maintains a business location:

- (A) That is separate from the business or work location of the person for whom the services are provided; or
- (B) That is in a portion of the person’s residence and that portion is used primarily for the business.

(2) The person bears the risk of loss related to the business or the provision of services as shown by factors such as:

- (A) The person enters into fixed-price contracts;
- (B) The person is required to correct defective work;
- (C) The person warrants the services provided; or
- (D) The person negotiates indemnification agreements or purchases liability insurance, performance bonds or errors and omissions insurance.

(3) The person provides contracted services for two or more different persons within a 12-month period, or the person routinely engages in business advertising, solicitation or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.

(4) The person makes a significant investment in the business, through means such as:

- (A) Purchasing tools or equipment necessary to provide the services;
- (B) Paying for the premises or facilities where the services are provided; or
- (C) Paying for licenses, certificates or specialized training required to provide the services.

(5) The person has the authority to hire other persons to provide or to assist in providing the services and has the authority to fire those persons.

Is the contractor permitted to employ assistants?
(hired and paid by the contractor)

Yes:____No:____

Will the contractor establish the order and sequence
that the work is performed?

Yes:____No:____

Is this person paid by the job performed?
(as opposed to by the hour)

Yes:____No:____

Will the contractor be providing the tools/supplies
necessary to perform the service?

Yes:____No:____

Will the contractor establish the hours of work?

Yes:____No:____

Will the contractor be reimbursed for business or
travel expenses?

Yes:____No:____

Does the contractor obtain his/her own professional licenses where required?

Yes:____No:____

If the contractor is performing construction work, is the contractor licensed by the Oregon Construction Contractors Board?

Yes:____No:____

If the contractor is performing landscape contracting or landscape architect work, is it licensed by the Oregon Landscape Architect Board or Landscape Contractors Board and Oregon Board of Architect Examiners?

Yes:____No:____

Does the contractor have a tax identification number and file its own business tax returns?

Yes:____No:____

Does the contractor hold itself out to the public as an independent business (e.g., places its own ads, is listed in telephone book, conducts its own marketing efforts)?

Yes:____No:____

For Business Office Use Only

Determination: The status of the person performing this service is:

Independent Contractor: _____

Employee: _____

Signature: _____

Title: _____