

Individuals performing work for the university must be properly classified and paid to ensure compliance with state and federal laws, CSU policies and collective bargaining agreements. This worksheet is to be completed and submitted by the department requesting an individual or a company to perform work for the university.

If your answers to the questions below support hiring the individual as an employee in an appropriate CSU classification, please contact University Personnel at onboarding@sjsu.edu or guidance as to the appropriate next steps.

If your answers to the questions below support hiring the individual as an independent contractor, enter a [Requisition in Financial Transaction Services \(FTS\)](#) and include this worksheet as supporting documentation for [Contracts & Procurement Services](#).

If the answers to the questions below do not clearly define whether the individual should be an employee or an independent contractor, please contact University Personnel at onboarding@sjsu.edu.

Department Information

Date: _____	Department: _____
Contact Name: _____	Title: _____
Email Address: _____	Phone: _____

Prospective Contractor or Employee Information

Name: _____	Phone: _____
Street Address: _____	
City: _____	State: _____ Zip: _____

Questions

Yes	No	#	
_____	_____	1.	Will the worker be required to comply with university-provided instructions about when, where, and how to work?
_____	_____	2.	Will the worker be provided with instructions/training by the university regarding the particular method or manner by which the work is to be performed?
_____	_____	3.	Is the work to be performed as a regular part of university business?
_____	_____	4.	Will the worker be required to perform the work himself/herself (as opposed to assigning the work or part of the work to an assistant)?
_____	_____	5.	Will the worker be hiring or supervising university employees?
_____	_____	6.	Will the worker and the university have a continuing relationship?
_____	_____	7.	Can the worker terminate his/her relationship without incurring a liability for failure to complete the job?

If the majority of the answers to questions 1 – 7 are “Yes”, the worker should be hired and paid as an EMPLOYEE through the university HR payroll system.

- _____ 8. Will the worker be able to hire and pay his/her own assistants?
- _____ 9. Does the worker offer similar services to others as part of his/her own business?
- _____ 10. Will the worker be allowed to work concurrently for other organizations/clients while working for the university?
- _____ 11. Will the worker be able to set his/her own hours and priorities?
- _____ 12. Will the worker be hired and paid to complete one specific job/project for the university?
- _____ 13. Will the individuals realize a profit or loss as a result of his/her services?
- _____ 14. Will the worker provide his/her own tools or materials?

If the majority of the answers to questions 8 – 14 are “Yes”, the worker should be hired and paid as an INDEPENDENT CONTRACTOR through the Contracts & Procurement Services.

- _____ 15. Did the worker retire/separate from the CSU fewer than two years ago?
- _____ 16. Was an employee in a policy making position or an MPP?
- _____ 17. Will the worker participate in the process of planning, negotiations, transactions, or any part of the decision making process?
- _____ 18. Will the worker’s position be funded by a CSU contract?
- _____ 19. Will the worker be responsible for supervision of CSU contracted employees?

If the majority of the answers to questions 15 – 19 are “Yes”, the worker may not engage in any employment or activity for which the employee receives compensation through or by a CSU contract.

- _____ 20. Is the individual you are considering hiring as an independent contractor currently an employee of SJSU or any other campus?

If yes, name campus: _____

Provide other pertinent information as necessary: