

Process:	Independent Contractor or Employee		
Contact:	Humanities and Social Sciences Financial Services	Last Revision Date:	4/20/16

### Introduction:

When services are to be rendered by an individual rather than a company, we must first determine if services should be rendered as an independent contractor to be paid through the financial system using a social security # (SSN) or as an employee to be hired and paid through the HR system using a (SSN). It is important to note that an individual could be operating under a company name but still use the (SSN) as the tax identifier. We cannot simply choose one method over the other as there are very specific tax laws in this regard. It is extremely important to follow the steps necessary to determine which method is appropriate. Note: If you are using the services of a company to be paid through the financial system using a Federal ID # (FIN), these steps are not relevant to that process.

### Steps:

1. **Prior** to services being negotiated, the Independent Contractor Checklist must be completed and signed by the employee who is most familiar with the project. It is important to use the checklist on the Humanities and Social Science's website as it has the certification statement that the college requires. The checklist should be reviewed by the Head/Unit Leader or their designee and submitted to the Financial Business Officer.
2. If a contract is desired or required, services should not be rendered prior to the contract being approved by Purchasing. Please note: only Purchasing can sign contracts; departments and colleges do not have authority to sign contracts. (<https://materialsmgmt.ofb.ncsu.edu/Contract-Review-Services/Contract-Review-Services.php>) A draft of the Independent Contractor Agreement should also be submitted with the checklist (standard version found at [http://www.ncsu.edu/general\\_counsel/contracts\\_library/documents/IndependentContractorAgreement\\_008.pdf](http://www.ncsu.edu/general_counsel/contracts_library/documents/IndependentContractorAgreement_008.pdf)).
3. If the total cost of the project will be \$5,000 or more (including shipping and all other costs), a competitive bid process by University Purchasing or an approved sole-source justification will be required. A contract is also required. **No agreements should be entered into or services rendered PRIOR TO APPROVAL from Purchasing.** Splitting payments to the vendor to make the purchase appear to be for less than \$5,000 is a violation of purchasing policy.
4. Specific instructions related to design, writing, and print services can be found at <http://materialsmgmt.ofb.ncsu.edu/Sourcing-Procurement/Design-Writing-and-Print-Services.php>.
5. **Current employees of the university or of a state agency cannot be paid as independent contractors.** Previous employees should not be paid as independent contractors unless the services are different than those provided as an employee and the employee has been separated for at least 12 months.

6. The Financial Business Officer will evaluate the checklist based on the answers given, consult with University Purchasing when appropriate, and email notification to the Department/Program Designee to proceed as an independent contractor or recommend pursuit of hiring the individual as a temporary employee. If the latter, the notification will also be copied to the Humanities and Social Sciences HR Business Officer.

7. Once services have been rendered as an independent contractor, an invoice should be submitted by the contractor to the department. Independent contractors should **never be paid via a university purchasing card.** The invoice, a copy of the approved checklist, and a copy of the contract if applicable, should be submitted to Financial Services for payment via a small purchase.

### **Additional References:**

Employee or Independent Contractor:

<https://controller.ofa.ncsu.edu/tax-compliance/employee-independent/>

Independent Contractor Agreement:

<https://generalcounsel.ncsu.edu/legal-resources/contracts-library/>

Independent Contractor Copyright Clause:

<http://www.provost.ncsu.edu/copyright/ownership/IndependentContractorLanguage.php>

Independent Contractors and the IRS:

[http://www.ncsu.edu/human\\_resources/employment/contractor.php](http://www.ncsu.edu/human_resources/employment/contractor.php)

Purchases from State Employees:

<https://ncsu.edu/3d-memos/pdf/3dmemo-107.122-purchases.from.university.employees.pdf>