

EMPLOYEE/INDEPENDENT CONTRACTOR QUESTIONNAIRE

Name of Independent Contractor: _____

Project Title: _____

Brief Description of Work:

Project Begin Date: _____

Project End Date: _____

The common law factor and control test is used as a primary vehicle in making a determination of whether the individual should be an employee or an independent contractor. Evidence of the individual's classification must be documented in order to support the final determination. Please answer the following questions truthfully and to the best of your knowledge. There is no "magic" or set number of factors that "makes" the individual an employee or an independent contractor and no one factor stands alone in making this determination. HR uses its professional discretion to look at the entire relationship, considers the degree or extent of the right to direct and control work and documents each of the factors used in coming up with the final determination.

Common Law Factor	Yes	No
1. Does MCC pay other employees to perform functions which are the same or similar to those being performed by this individual?		
2. Is this individual currently an employee of MCC?		
3. Has the individual been MCC's payroll (regular or temporary) at any time in the past 12 months ?		
4. Would MCC want to hire this individual as an employee immediately following the termination of his/her services as an independent contractor?		
5. Does this individual currently work as an independent contractor or consultant for MCC OR has this individual worked as an independent contractor or consultant for MCC in the past 12 months ?		
6. Will the individual be trained by MCC to perform the services in question?		
7. Is the individual instructed about when, where and how work is to be done?		
8. Will the individual have control over hiring and supervising personnel or assistants?		
9. Is the individual required to perform the services personally?		
10. Will the individual be required to provide regular progress reports?		
11. Will the individual perform the services in a prescribed sequence determined by MCC?		
12. Is the individual required to devote a specific amount of time to performing services?		
13. Will MCC provide the individual with any equipment, tools or supplies?		
14. Is the individual required to work specific hours?		
15. Will the individual perform services on MCC's campus?		
16. Could the individual realize a profit or loss as a result of the work to be performed?		
17. Does the individual have a significant investment in tools or other types of instruments that would be used to perform the work?		
18. Can the individual make his or her services available to the general public during the term of the service agreement?		
19. Can the individual perform his or her services for more than one business?		

Common Law Factor	Yes	No
20. Will the individual paid by the: <input type="checkbox"/> hour <input type="checkbox"/> week <input type="checkbox"/> month <input type="checkbox"/> assignment?		
21. Will the individual be reimbursed for business expenses?		
22. Will the individual's services be integrated into MCC's educational or other activities?		
23. Is there a written contract that set forth the terms and conditions of the services?		
24. Does the individual earn employee benefits from MCC?		
25. Is the individual incorporated?		
26. Does the individual have a continuing relationship with MCC?		
27. Can the individual be terminated at MCC's discretion?		
28. Can the individual end his or her relationship with MCC at any time?		