

## Determination of Status Form

*Based on the Department of Labor Economic Realities Test for Independent Contractors*

The information provided below will assist HR in determining whether the individual performing the services will be classified for federal, state, and FICA purposes as an employee of the University or as an independent contractor. Complete all sections. **Note: This form is only to be used for contractors who are being paid via their social security number (SSN). If the contractor is being paid through their taxpayer identification number (TIN), please contact Procurement for assistance. This form should be completed by the VSU Employee requesting this review.**

This form is not used for dual appointments (e.g. hiring an individual that is already employed by another USG institution).

Instructions: Requesting departments must receive approval from both Human Resources and Procurement **BEFORE** work is started by an individual. Once the form is processed, a representative from Human Resources will contact you with further directions. Please send the completed form as a PDF attachment via e-mail to [ysuindependentcontractor@valdosta.edu](mailto:ysuindependentcontractor@valdosta.edu) for review (do not submit via DocuSign nor email directly to an employee).

Individual's Name	Individual's Mailing Address	Individual's Email Address
Requesting Department	Form Preparer	Preparer Phone Number

Category / Question	Yes	No	Unsure
<b>Opportunity for Profit / Loss Depending on Managerial Skill</b>			
Does the worker have the ability to set or negotiate their own rates or set their own fees?			
Could the worker lose money or incur losses (e.g. job costs more than expected or due to their own bad business decisions)?			
Is the worker responsible for marketing their own services and seeking out their own business?			
<b>Investments by the Worker and University</b>			
Will the worker use their own tools or equipment to complete the work?			
Will we (the department or University) provide most of what they need to do the job?			
Has the worker made substantial investments to do this work (e.g. tools, equipment, training, insurance, licenses)?			
<b>Permanence of the Working Relationship</b>			
Can either side (worker or University) end the working relationship at any time, at-will?			
Is the worker being brought in just for a specific task, project, or duration of time?			
Is there an expectation of indefinite or ongoing engagement?			
<b>Nature and Degree of Control</b>			
Will the worker decide their own hours and schedule?			
Will we (the department or University) tell the worker what tools, steps, or methods to use?			
Can the worker turn down or say "no" to a task that we (the University) ask them to complete?			
<b>Criticality to the Business</b>			
Is this work something our internal employees would normally do or be responsible for?			
If the work doesn't get done, will it disrupt our ability to serve students or run operations?			
Do other employees already do the same or similar kind of work?			
<b>Skill and Initiative</b>			
Does the work require specialized skills, training, or licensing?			
Did we (the department or University) provide the training necessary to acquire these skills, not as a student in a degree program (e.g. on-the-job training, etc.)?			
Does the worker offer these services to other clients or companies?			
<b>Position Description Questionnaire</b>			
Is the individual working in a position of trust? <i>See back of form for more details.</i>			
Does the individual currently work as an employee for VSU (including Student & Grad Assistant employment)?			
Does the individual currently work for another OneUSG institution as an employee?			
If yes to the above, what institution do they current work for?			
Is the individual currently a student at VSU, or will they be a student at the time of service?			
Is the individual retired from a GA Teachers/Employee's Retirement System (TRS/ERS) affiliate?			
Has the individual worked as an employee/student at a OneUSG institution in the same calendar year (Jan – Dec) as the date of service?			

### THIS SECTION IS FOR HR USE ONLY

Based on the data provided, it has been determined that this worker:

Is an **Independent Contractor**.

Is a **regular employee**.

Requires **additional information** before a determination can be made.

#### HR/Procurement Only:

Background Check Completed \_\_\_\_\_

Date

HR Approved \_\_\_\_\_

Date

Reviewer Name \_\_\_\_\_

Reviewer Signature \_\_\_\_\_

Date Reviewed \_\_\_\_\_



## Valdosta State University Independent Contractor Positions of Trust

Per the University System of Georgia Board of Regents Human Resources Administrative Practices Manual:

*“Positions of Trust are sensitive positions that involve responsibilities demanding a significant degree of public trust with significant risk for causing damage or realizing personal gain. Elements considered in the determination of whether to require a background check may include, but are not limited to:*

- Access to children, including contractors working with children under the age of eighteen (18), including within a childcare center, or working with diminished capacity adults
  - **VSU students are NOT considered minors**
  - **If the contractor has access to or is working with minors (who are not VSU students), then it is mandatory that you contact Minors on Campus**
- Relationships with students where exceptional trust and responsibility are involved, such as counselors, health care providers, coaches, and residence life personnel
- Operating vehicles and machinery, or handling toxic materials/equipment which can cause harm if misused
  - **This includes driving any vehicle including golf carts on behalf of the university**
- Decision making authority, or direct access or responsibility for university funds or financial resources, including cash, checks, credit/debit cards, University property, disbursements or receipts
  - **This includes handling either physical or electronic currency**
- Responsibility for or access to confidential information or sensitive personal information, such as employment, health, donor, financial, or other records
- Responsibility for the safety and security of persons and property, including but not limited to police personnel, security, guard forces, or other security or risk management personnel
- Access to master control and key systems for university buildings, residences, and facilities
  - **This includes if the contractor will need key access or physical keys**
- Requirement for a professional license or certification, the absence of which would expose the University to legal liability
- Responsibility for or access to university information technology systems and/or computer networks
- A requirement of a position regulated by a Federal or State “law, contract, or grant”