

# NEW YORK UNIVERSITY

## INDEPENDENT CONTRACTOR QUESTIONNAIRE

*This is an attachment to Form IND4000 (Payment to Individuals Form) and should be completed only when box 2(e)(ii) is marked.*

PAYEE'S FULL NAME (FIRST, MIDDLE INITIAL, LAST)	PAYEE'S SOCIAL SECURITY NUMBER OR TIN  — — — — —
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**SECTION ONE**

<b>AVAILABILITY OF SERVICES TO THE PUBLIC</b> 1.1 Does the Payee offer services to the public?  <b>If NO, stop here.</b> Payee falls within employee classification and payment should be processed through the Payroll system. <span style="float: right;"><input type="checkbox"/> YES    <input type="checkbox"/> NO</span>
<b>FORMER NYU EMPLOYEE PERFORMING SIMILAR FUNCTIONS</b> 1.2 Is Payee a current or former employee of NYU?  <b>If NO, please proceed to Section Two.</b>  <b>If YES, please provide some documentation to show that Payee offers services to the general public (e.g., advertisement, customer list, etc.). NYU needs such documentation on file because the IRS assumes all work done by former employees should be paid through Payroll. NYU is willing to argue the point as long as documentation is available. If documentation is available, proceed to Section Two. If no documentation is available, stop here; payment should be processed through the Payroll system.</b> <span style="float: right;"><input type="checkbox"/> YES    <input type="checkbox"/> NO</span>

**SECTION TWO**

<b>CONTROL OVER FUNCTIONS AND WORK PATTERNS</b> 2.1 Are Payee's methods or activities controlled or directly supervised by an NYU employee?  <small>(An employee is required to comply with instructions on when, where, and how work is performed. Even when no supervision or instructions are given, an employee is required to follow the protocol, routines and schedules set by NYU. Independent Contractors are not subject to the same factors.)</small> <span style="float: right;"><input type="checkbox"/> YES    <input type="checkbox"/> NO</span>
<b>TRAINING</b> 2.2 Does NYU provide or will provide training to Payee on the manner in which work should be performed?  <small>(An employee is trained to conduct work in a particular manner. Independent Contractors ordinarily use their own methods to accomplish work and are not required to be trained on how they should perform services.)</small> <span style="float: right;"><input type="checkbox"/> YES    <input type="checkbox"/> NO</span>
<b>SET HOURS OF WORK AND PREMISES WHERE WORK IS PERFORMED</b> 2.3 Does or will NYU set Payee's hours of work or define where work should be performed?  <small>(An employee performs work during hours established by NYU and is required to perform work on premises determined by NYU.)</small> <span style="float: right;"><input type="checkbox"/> YES    <input type="checkbox"/> NO</span>
<b>FUNCTIONS SIMILAR TO EXISTING POSITION</b> 2.4 Is Payee providing services similar to those provided by a current NYU employee?  <small>(The services of an Independent Contractor are usually engaged when the resources, skills, or expertise required for particular tasks are not available within NYU. If Payee is performing functions similar to those of a current employee, he/she may be subject to NYU direction or control.)</small> <span style="float: right;"><input type="checkbox"/> YES    <input type="checkbox"/> NO</span>
<b>MEETINGS</b> 2.5 Is Payee asked to attend NYU employee meetings other than to get background project information or to give project reports?  <small>(An employee is required to attend employee meetings and events as part of his/her duties. An Independent Contractor is not required to do the same but may be requested to provide regular updates according to mutually agreed-upon protocol and schedule.)</small> <span style="float: right;"><input type="checkbox"/> YES    <input type="checkbox"/> NO</span>
<b>SUPERVISORY CAPACITY</b> 2.6 Is Payee managing NYU employees in their performance of regular work duties?  <small>(Supervisors and managers are normally NYU employees. An Independent Contractor may direct an employee on a specific project, but not on all regular work duties.)</small> <span style="float: right;"><input type="checkbox"/> YES    <input type="checkbox"/> NO</span>

**CONCLUSION**

<b>If Section One did not direct you to Section Two,</b> an employee/employer relationship exists between Payee and NYU. Payment should be processed through the Payroll system.
<b>If Section One directed you to Section Two, and</b> 1) <b>If no more than 1 answer is YES,</b> payment can be made through Accounts Payable. 2) <b>If 2 or more answers are YES, stop here.</b> An employee/employer relationship exists and payment should be processed through the Payroll system.

**SIGNATURES/APPROVALS:** *In signing this form I certify that all information provided here is correct to the best of my knowledge, and that I understand I am not an NYU employee eligible for benefits or insured by the University. I further understand that the University will deduct all federal, state and local taxes, and report any payments made to me as required by law.*

PAYEE SIGNATURE (MUST BE PAYEE NAMED ABOVE)	TELEPHONE	DATE
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