

MEDICAL COLLEGE OF OHIO

Subject: INDEPENDENT CONTRACTOR STATUS

Policy No.: 05-052

It is the intent of the Medical College of Ohio to classify individuals as Independent Contractors only when there is a reasonable basis for such determination. To ensure that an appropriate determination is made, the following guidelines are to be observed when engaging individuals to perform services for the Medical College of Ohio.

Whenever a non-physician is to be engaged to perform services at any Medical College of Ohio facility or department, the Medical College of Ohio Human Resources Department must be consulted to determine the appropriate status of the individual. If the individual is a physician, the office of Faculty Affairs must be consulted to determine the appropriate status of the individual.

The following situation or conditions should exist for an individual to be considered an independent contractor:

1. The individual should not be an employee or former employee of Medical College of Ohio.
2. Independent contractors ordinarily use their own methods to perform services.
3. Independent contractors have the freedom to control how work results are achieved.
4. Independent contractors are more likely to have unreimbursed expenses. Fixed ongoing costs that are incurred regardless of whether work is currently being performed are especially important.
5. An independent contractor often has a significant investment in the facilities he or she uses in performing services.
6. An independent contractor generally makes his or her services widely available in the relevant market.
7. Independent contractors are typically paid by the job, rather than by the hour, week, or month.
8. An independent contractor can make a profit or a loss.
9. A written contract describing the relationship the parties intend to create if for independent contractor.
10. No benefits can accrue to an independent contractor.
11. Indefinite relationships between a worker and the employer are evidence of an employer-employee relationship rather than an independent contractor.
12. The extent to which services performed by a worker are a key aspect of the regular business of the business of the Medical College of Ohio indicates an employee-employer relationship rather than independent contractor.

Individuals who work for a temporary help agency are not to be considered as independent contractors and covered by these guidelines.

If some, but not all, of the conditions are met, it will be the responsibility of the Medical College of Ohio Administrator for Human Resources to determine whether the individual is an employee or an independent contractor.

The Medical College of Ohio Accounts Payable Department may not pay in excess of \$599 during any calendar year to any individual unless first having written authorization from the Medical College of Ohio Human Resources Department or Office of Faculty Affairs acknowledging the individual is an independent contractor.

For situations where there has been a longstanding, ongoing practice of treatment as an independent contractor, there is a reasonable basis to exclude these individuals from the conditions of the above items. All such situations need to be reviewed and authorized as independent contractors by the Medical College of Ohio Administrator for Human Resources for non-physicians or the Office of Faculty Affairs for physicians. Examples would be:

- anesthesiologists
- specialized medical care providers
- specialized instructional providers

These individuals would perform duties outside the control of Medical College of Ohio representatives who would neither control the work to be done nor how it should be done. As stated previously, all such situations would require written authorization by the Medical College of Ohio Administrator for Human Resources or Office of Faculty Affairs to qualify as an independent contractor.

Source: Vice President for Operations

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