

<b>Name of Policy:</b> <b>Independent contractor status</b> <b>Policy Number:</b> 3364-25-44 <b>Approving Officer:</b> President <b>Responsible Agent:</b> Chief Human Resources Officer <b>Scope:</b> All University of Toledo Campuses		 <b>Effective date:</b> March 8, 2024  <b>Original effective date:</b> June 10, 2010	
<b>Keywords:</b> independent contractor, employee, classification			
	New policy	X	Minor/technical revision of existing policy
	Major revision of existing policy		Reaffirmation of existing policy

(A) Policy statement

The university of Toledo will classify individual service providers as independent contractors only when there is a reasonable basis for such a determination and in compliance with federal standards. As used in this policy, "independent contractor" is defined as any individual service provider who contracts with the university to provide specialized or requested services on a limited time or project basis.

(B) Purpose of policy

This policy is to provide guidance for proper determination of independent contractor status for those providing services to the university. It is in the university's best interest to evaluate these services prior to agreement or payment processing to ensure compliance with university policy and federal tax guidelines.

(C) Classification Determination

A classification review of an individual service provider as an independent contractor is completed by human resources, and such determination is required prior to service commencement. As required by law, human resources will utilize the internal revenue service's guidance in three key areas: behavioral control, financial control, and type of relationship, in making the determination on if the service provider qualifies as an independent contractor or should be an established university position.

The following rules will be applied to independent contractor status:

1. If the individual is currently an employee of the University, the individual must be considered an employee no matter if the work could be considered independent contractor work.
2. If the individual is a former employee, they should be considered an employee if the work they are returning to perform is similar to the work they performed before they left the university.
3. If an individual is an Ohio Public Employees Retirement System (OPERS) pension benefit recipient (receiving pension) and the University of Toledo was the last employer from which that individual contributed to OPERS prior to retirement, that individual may not be an independent contractor.

An individual service provider properly classified as an independent contractor will be engaged by written agreement through purchasing services. As part of this agreement, the university will require completion of the OPERS independent contractor/worker acknowledgement form.

An individual service provider found to be more properly classified as an "employee" of the university will follow normally established university hiring procedures.

**Approved by:**

/s/

President

**Date:** March 8, 2024

**Review/revision completed by:**

- *Chief Human Resource Officer*
- *Senior Leadership Team*

**Policies superseded by this policy:**

- *None*

**Original effective date:**

*June 10, 2010*

**Review/revision date:**

*February 6, 2014*

*September 25, 2017*

*October 27, 2020*

*March 8, 2024*

**Next review date:**

*March 8, 2027*