



INDEPENDENT CONTRACTOR REQUEST FORM

Review and submit completed form to Human Resources at ic@csumb.edu

PLEASE READ BEFORE PROCEEDING WITH THIS FORM: "Independent Contractor" or "IC" refers to the hiring of an individual. This process helps assess whether it is legally more correct to hire an individual as an employee or to pay that individual as a contractor.

- This form is not applicable to large service agreements made with a company. Those contract agreements can go directly to Procurement; no review is needed.
- If the proposed independent contractor is a current CSU employee, State of California employee, or a current CSUMB student, **DO NOT** proceed with this form. Please contact Human Resources for further guidance.

Purpose of IC Review: In compliance with [Assembly Bill \(AB\) 5](#), which addresses the "Employment Status" of workers who claim to be Independent Contractors and not employees, a review of the "employer-employee" relationship must be completed. The review requires a detailed analysis of each situation's unique circumstances. Because of changes in the law, past approval of an individual as an independent contractor should not lead to a presumption that the same classification decision will be made again. Convenience cannot be a determining factor for classification. It is important to understand that misclassification can result in serious financial penalties and consequences for the campus.

Instructions: Complete this form signed by the appropriate administrator and email it along with any supporting documents to ic@csumb.edu. Once the IC request has been reviewed, you will be notified of the proposed IC's status. If your IC request has been approved, Business & Support Services will process your requisition into a Purchase Order. **Departments may not move forward without a valid purchase order issued by the campus Procurement department.** If your IC request was not approved, you will be notified by Human Resources for the next steps and applicable hiring paperwork needed.

***** IMPORTANT INFORMATION *****

- ALL INDEPENDENT CONTRACTOR REQUESTS MUST BE APPROVED BY HUMAN RESOURCES **PRIOR** TO WORK PERFORMED ON CAMPUS.
- PLEASE ALLOW AT LEAST 5-7 BUSINESS DAYS TO RECEIVE A DETERMINATION ON YOUR IC REQUEST ONCE ALL REQUIRED DOCUMENTS HAVE BEEN SUBMITTED TO HUMAN RESOURCES.

1. PROPOSED INDEPENDENT CONTRACTOR INFORMATION

Name/Business Name:

Address:

Email:

Check one:

☐ Sole Proprietorship

Partnership

Corporation

LLC

Other

Is the IC licensed?

Yes

No

If Yes, license type:

2. DEPARTMENT REQUEST DETAILS

Department:

Requested By: (Name & Title):

Date Range:

Payment Amount Requested:

Charge to Dept ID:

3a. DESCRIPTION OF SERVICES/SCOPE OF WORK (Please provide a detailed description of the proposed services or attach a copy of the proposal)

3b. JUSTIFICATION (Please provide the reason(s) the department request to hire the proposed as an Independent Contractor instead of a CSU employee)

4. ADMINISTRATOR REVIEW & AUTHORIZATION (Must be signed by the appropriate administrator)		
I hereby declare that the information provided in this document is true and correct and that I have sufficient knowledge of, authority, and responsibility for the work to be performed under this contract to effectively make this certification.		
Requestor Name:	Signature:	Date:
Appropriate Administrator Name:	Signature:	Date:

5. QUESTIONNAIRE		
The following questionnaire is to be completed by the Requestor and will be used by HR to determine if the work can be conducted by an Independent Contractor.		
Is the proposed IC an existing employee of the CSU or State Agency? Yes No (For the purposes of this form, University of California employees are not considered part of a State Agency)		
Is the proposed IC a current CSUMB student? Yes No		
YES	NO	
		1. Is the worker free from control and direction of the public agency in the performance of work?
		2. Does the worker perform work that is outside the usual course of public agency's business?
		3. Is the worker customarily engaged in independently establish trade, occupation or business of the same nature as the work performed for the public agency?

If you answered YES to all of the questions above (1-3), then forward completed form to HR for review. If you answered NO to any of the questions above (1-3), then complete questions below (4-23):

		4. Will the worker be required to comply with university provided instructions about when, where, and how to work?
		5. Will the worker be provided with instructions/training by the university regarding the particular method or manner by which the work will be performed?
		6. Is the work to be performed a regular part of university business/work?
		7. Does your department or another department on campus have employees performing the same, or similar, functions?
		8. Will the worker be required to perform the work himself or herself?
		9. Will the worker be hiring or supervising university employees?
		10. Will the worker and the university have a continuing relationship, meaning that the period of service will not be performed in a finite time frame?
		11. Can the worker terminate his/her relationship without incurring a liability for failure to complete the job?
		12. Will the worker be able to hire and pay his/her own assistants?
		13. Does the worker offer similar services to others as part of his/her own business?
		14. Will the worker be allowed to work concurrently for other organizations/clients while working for the university?
		15. Will the worker be able to determine his/her own hours and priorities?
		16. Will the worker be hired and paid to complete one specific job/project for the university?
		17. Will the worker realize a profit or loss as a result of his/her services?
		18. Will the worker provide his/her own tools or materials?
		19. Did the worker retire/separate from the CSU fewer than two (2) years ago?

		20. Was an employee in a policy making position or an MPP?
		21. Will the worker participate in the process of planning, negotiations, transaction, or any part of the decision-making process?
		22. Will the worker's position be funded by a CSU contract?
		23. Will the worker be responsible for supervision of CSU contracted employees?

HUMAN RESOURCES USE ONLY

HR Approval

IC Request: Approved Denied

Comments/Notes:

Human Resources Signature

Date Returned to Department