

**THE COLLEGE OF SOUTHERN NEVADA
INDEPENDENT CONTRACTOR AGREEMENT (ICA)
QUESTIONNAIRE INFORMATION AND INSTRUCTIONS**

The information provided in this document is intended to assist employees when submitting a request for an independent contractor agreement. For more information on submitting a request for an independent contractor click on: https://www.csn.edu/data/assets/pdf_file/0020/196130/Contracts-Plus-Request-a-Contract-Instruction.pdf

Independent contractor agreements are required when contracting for services with an individual, sole proprietor, or an LLC with one owner. The answers to the questions will assist CSN in determining whether the service provider should be treated as an independent contractor or as employee. The correct classification is critical for both CSN and the service provider.

A. Independent Contractor Information - All information is required.

1. Does CSN pay others, as employees, who perform the same duties that are to be performed by this independent contractor?

No

CSN is an institution of higher education in the general business of teaching and instruction. If the answer to this question is yes, do not proceed with a Contract Request. Contact Human Resources.

2. Is the recommended independent contractor a current or former (during the current calendar year) employee of CSN or Nevada System of Higher Education (NSHE) which includes CSN, Desert Research Institute, Great Basin College, Nevada State College, Truckee Meadows Community College, UNLV, UNR, Western Nevada College or any NSHE System Administration Office?

No

An individual cannot receive payments as an employee (W-2) and as an independent contractor (1099) within the same calendar year. If the answer to this question is yes, do not proceed with a Contract Request. Contact Human Resources.

3. Is the recommended independent contractor a member of the same household as a NSHE employee?

No

If the answer to this question is yes, do not proceed with a Contract Request. Under the Board of Regents Conflict of interest Policy (BOR Title 4, Chapter 10, Section 1.7 this is not allowed unless an exception is granted.)

4. Is the recommended independent contractor a U.S. citizen or lawful permanent resident (green card holder?)

Yes or No

The answer to the question can be yes or no. No means the contractor is not a citizen of the United States. Immigrants are taxed under different regulations than citizens. Purchasing will perform an analysis to determine the withholding requirements.

B. Evaluation for Determining Independent Contractor Status.

It is important to provide information in order to properly classify service providers as employees or independent contractors. The following questions are intended to measure the extent of control which the CSN may exercise over the worker(s). Generally, if there is a good deal of control over what the worker does and how the worker does the work, there should be an employee relationship established. If there are few elements of control, an independent contractor relationship may be appropriate.

1. Must the service provider follow substantial instructions from CSN personnel?

Yes or No

The answer to the question can be yes or no. Substantial instruction to the contractor may indicate an employee relationship.

If yes, describe the type and direction and control, and who will supervise the services:

2. Is substantive training, guidance, and/or assistance provided to the contractor by CSN?

Yes or No

The answer to the question can be yes or no. Substantial training, guidance or assistance may indicate an employee relationship.

3. Is the contractor's job substantively integrated in the general operation of a department/CSN?

The answer to the question can be yes or no. CSN is an institution of higher education in the general business of teaching and instruction. If the answer is yes it may indicate an employee relationship.

4. Are services rendered personally by the contractor?

The answer to the question can be yes or no. If the answer to this question is no, CSN may require additional information.

5. Does the contractor hire, supervise, and pay assistant workers?

The answer to the question can be yes or no. Having employees indicates the contractor is independent of the college. However, employees are not a requirement to be considered and independent contractor. If audited, the IRS may require additional substantiation from the contractor.

6. Does this arrangement contemplate continuing or recurring work?

The answer to the question can be yes or no. Continuing or recurring work may indicate an employee relationship. The length of time that is acceptable is subjective. The IRS will consider other factors, such as does the contractor provide service to non-NSHE entities.

If yes, explain:

7. Does CSN establish set hours of work?

The answer to the question can be yes or no. Establishing hours of work may indicate an employee relationship.

8. Is there a full-time requirement?

The answer to the question can be yes or no. Working full-time may indicate an employee relationship.

9. Will the services be performed on CSN premises?

The answer to the question can be yes or no. However, this is a liability issue and if answered yes, CSN will require proof of insurance.

10. Does CSN require that the work be done in a specific order or sequence?

The answer to the question can be yes or no. This is a matter of exerting substantial control. If the answer is yes it may indicate an employee relationship.

11. Is regular accountability required?

The answer to the question can be yes or no. This is a matter of exerting substantial control. If the answer is yes it may indicate an employee relationship.

12. Is payment by the hour/week/month as opposed to payment by the job worked or task completed?

The answer to the question can be yes or no. Payments other than by the job or task may indicate an employee relationship. If the answer is yes it may indicate an employee relationship.

13. Does CSN furnish equipment, tools, or supplies to the contractor?

The contractor must provide their own tools and supplies.

14. Does the contractor have significant capital investment in the facilities used in performing services?

The answer to the question can be yes or no. This is determined by the type of services being provided.

15. Does any profit or loss accrue to the contractor?

The answer should always be yes.

16. Is the contractor actively engaged in providing these or similar services to non-CSN/non-NSHE entities?

If the answer is no, the contractor should be actively looking for other clients.

If yes, provide the names of three clients for whom similar services were or are being performed:

17. Has the contractor performed this or other services for CSN or NSHE in the past?

The answer to the question can be yes or no. Long periods of time may indicate an employee relationship.

If yes, when:

C. Insurance Requirements.

The contractor shall not commence work before proof of the required insurance is evidenced by a Certificate of Insurance on an ACORD 25 form, provided by the contractor's insurance agent or broker. By endorsement to all general and umbrella or excess liability policies, the "CSN" shall be named as an **additional insured** for all liability arising from the contract. The Certificate of Insurance must be filed with the contract so that it can be found in the event of a loss. Prior approval of the insurance policies by CSN,

shall be a condition precedent to any payment of consideration under this contract. The contractor shall, at contractor's sole expense, procure, maintain, and keep in force for the duration of the contract the following insurance conforming to the minimum requirements specified as follows:

1. Workers' Compensation and Employer's Liability Insurance

(a) Does the contractor have employees?

Yes or No

The answer to the question can be yes or no. If the answer to question 1. (a) is yes, the contractor shall provide proof of worker's compensation insurance as required by NRS 616B.627 or proof that compliance with the provisions of Nevada Revised Statutes, Chapters 616A-D and all other related chapters, is not required.

(b) Nevada law allows the following to reject workers' compensation coverage if they do not use employees or subcontractors in the performance of work under the contract. Indicate the appropriate category below:

- Individual/Sole proprietors (NRS 616B.627.210)
- Unpaid officers of quasi-public or nonprofit corporations (NRS 616B.624 and NRS 617.207)
- Unpaid managers of limited liability companies (NRS 616B.624 and NRS 617.207)
- An officer or manager of a corporation or limited liability company who owns the corporation or company (NRS 616B.624 and NRS 617.207)
- Not applicable

If the contractor has **rejected workers' compensation** coverage under applicable Nevada law, the contractor **must indicate** the basis for the rejection of coverage **above**; and **complete, sign, and have notarized an Affidavit of Rejection of Coverage for Workers' Compensation.**

See Affidavit of Rejection for Worker's Compensation form.

2. Commercial General Liability (Minimum Limits)

(a) Does the contractor have a Commercial General Liability policy?

Yes or No

The answer to the question can be yes or no. If the answer to question is yes, the contractor shall provide a Certificate of Insurance for Commercial General Liability with the minimum limits listed below. If the answer to the question is no, depending

on the services being performed, CSN may require the independent contractor to get the appropriate insurance.

Each Occurrence	\$1,000,000
Products/Completed Operations Aggregate	\$1,000,000
Personal and Advertising Injury	\$1,000,000
General Aggregate	\$2,000,000

3. Business Auto Liability Insurance

(a) Will the contractor drive onto CSN or NSHE property?

The answer to the question can be yes or no. If the answer to question (a) is no, evidence of business auto liability insurance is not required.

(b) Does the contractor have a Business Auto Liability policy?

The answer to the question can be yes or no. If the answer to question (a) and (b) is yes, the contractor shall provide a Certificate of Insurance for Business Auto Liability with the following minimum limits for Owned, Non-Owned, or Hired Automobiles:

Per Accident, Combined Single Limit \$1,000,000

4. High Risk Activities

Activities involving aircraft, boats, and chartered buses will require additional insurance. Architects, Engineers, Construction Contractors, Professional Consultants, Medical Affiliations, and high risk activities will require higher limits than provided above.

D. Payment Source

The total amount paid to the contractor will be subject to IRS 1099 or 1042-S (if nonresident alien) reporting guidelines, unless receipts are submitted for travel expenses. Payments will be facilitated with the use of a Purchase Requisition and any special handling instructions for the disposition of payments should be noted on that documentation. Payment(s) will be made upon receipt and approval by CSN of the independent contractor's invoice.

E. Foreign Nationals

Foreign nationals may not be contracted, paid, or reimbursed without documentation substantiating the individual's immigration status prior to the commencement of services. Contact the Nonresident Alien Tax Specialist for a checklist of additional documentation requirements, general information, and approval. Payments to foreign national contractors are subject to 30% federal income tax withholding. All payments will be reported on Form 1042-S.