

**Employee or Independent Contractor:**

<http://www.obfs.uillinois.edu/cms/one.aspx?portalId=909965&pageId=913955>

**Twenty common Law Factors**

Revenue Ruling 87-41, 1987-1 Cumulative Bulletin 296 (Rev. Rul. 87-41) provides the list of **20 Common Law Factors** to assist in determining whether an individual should be classified as an employee or an independent contractor. These factors are intended as guidelines, not as strict rules. In fact, Rev. Rul. 87-41 states, "The degree of importance of each factor varies depending on the occupation and the factual context in which the services are performed." Listed below are five basic questions that capture the essence of the twenty common law factors, which may assist in clarifying the determination of employment status:

Yes	No	Question
		Will this individual provide essentially the same service as provided by a University employee?
		Has the individual previously been paid as a University employee to perform essentially the same tasks?
		Will the University have a legal right to control how the individual will perform or accomplish the service?
		Will the individual supervise or direct University employees as part of the service provided?
		Is it currently expected that the University will hire this individual as an employee immediately following the termination of the contractual service provided?

If the answer to **any** of these five questions is yes, then the individual provider in question most likely should be classified as an employee, and the person certifying the status should contact the Office of Human Resources at UIC, the OBFS, University Payroll at UIS, and the Office of Academic Human Resources or Personnel Services Office at UIUC.