ST. NORBERT COLLEGE
INDEPENDENT CONTRACTOR POLICY

Under state statutes an individual that performs services for another is considered an employee. Wisconsin Statute 102.07(8)(b) provides an exception for independent contractors. It is the employer's responsibility to establish an independent contractor exception. Due to serious tax consequences for both the payee and the employer, it is very important to correctly classify a payee.

In most circumstances, individuals working for the College will be considered employees. However, in certain situations, individuals providing services to the College MAY be treated as independent contractors, rather than employees.

These situations primarily occur when the College does not control the manner or means by which the individual accomplishes the result of his or her work. The College has the right to control or direct only the result of the work BUT not the means or methods of accomplishing the result. Independent contractors also generally provide services for other customers besides the College in their given trade or business.

If you believe an individual will control the manner and means of obtaining the result, then the Independent Contractor Verification form should be completed to see if the independent contractor exception can be used.

Examples of such situations that MAY BE ELIGIBLE are:
- Translators - translate documents from one language to another
- Musicians/Singers/Performers - participate in rehearsals and/or perform in concerts or plays
- Speakers - make a presentation or speech
- Thesis directors - provide counsel to students during the thesis writing process
- Thesis readers - read and provide feedback on completed student theses.

Independent contractors are not eligible for unemployment, worker's compensation, health insurance or any other benefits provided by the College.

Current employees, or any person who was paid as an employee within the last 12 months, cannot be an independent contractor without the prior approval of the Payroll Manager. In both situations, without the Payroll Manager’s approval, the individual must be compensated as an employee through Payroll. A Personnel Action Form (PAF) must be submitted to initiate a payment along with completed employment forms (state and federal tax forms, I-9 form, direct deposit form, background check and disclosure statement, and employee data sheet).

Those individuals engaged in instructional activities for the College (i.e. summer camps, Kid's College, etc.) are not presently classified as independent contractors. Such individuals must be compensated as an employee.