

INDEPENDENT CONTRACTOR OR EMPLOYEE...WHICH IS IT???

10/26/2023

WHO are we talking about?

- People who work on projects that are not already employees

WHAT are we talking about?

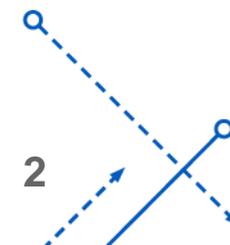
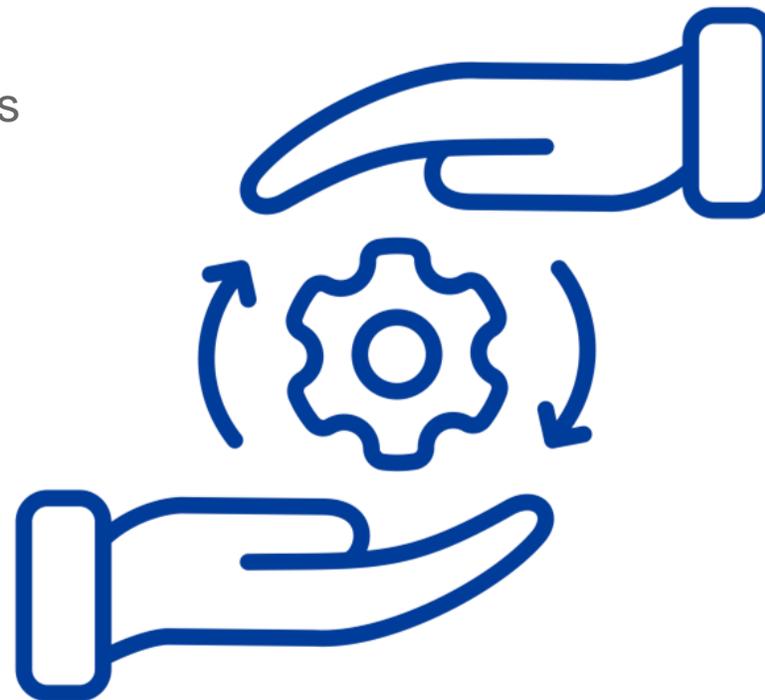
- The new process for **DETERMINING** if someone is an Employee or an Independent Contractor

WHY are we talking about it?

- We believe in many instances we have been out of compliance with IRS Tax Law = **\$\$ BIG FINES \$\$**

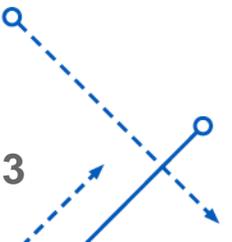
WHEN does it go into affect?

- It already has – October 9, 2023



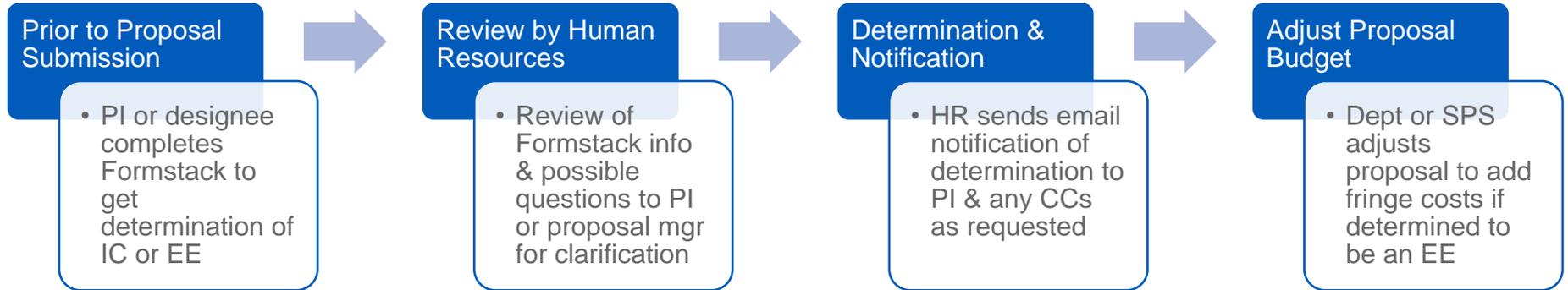
HOW does this affect **me**?

- Your PI may have questions
 - Do I really have to do this?
 - Can you make it go away?
 - How do we make it faster?
- You may have adjustments to your processes
- If the determination comes back as an employee
 - This could be a new step that will add time to starting the work – requires a mini-search to hire the person

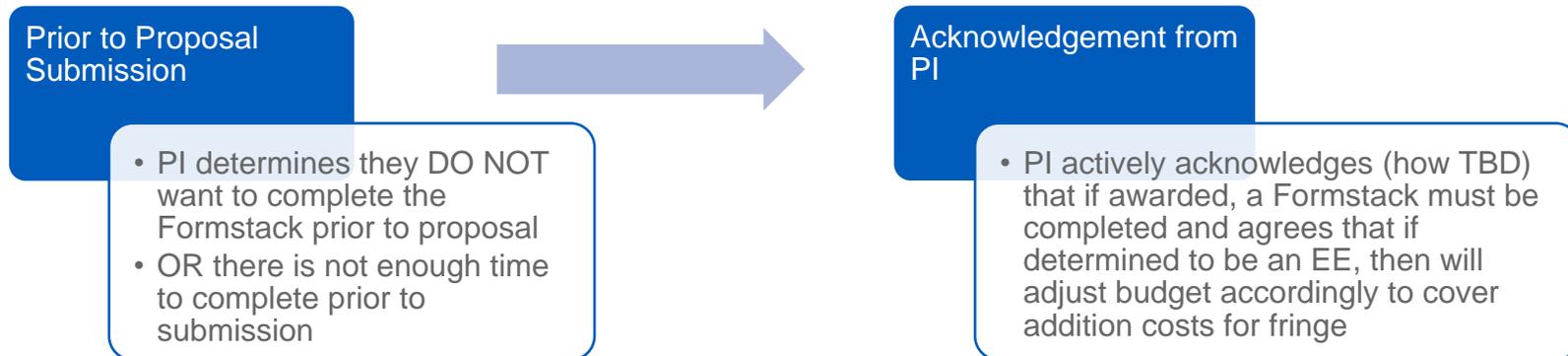


The Process: at Time of Proposal

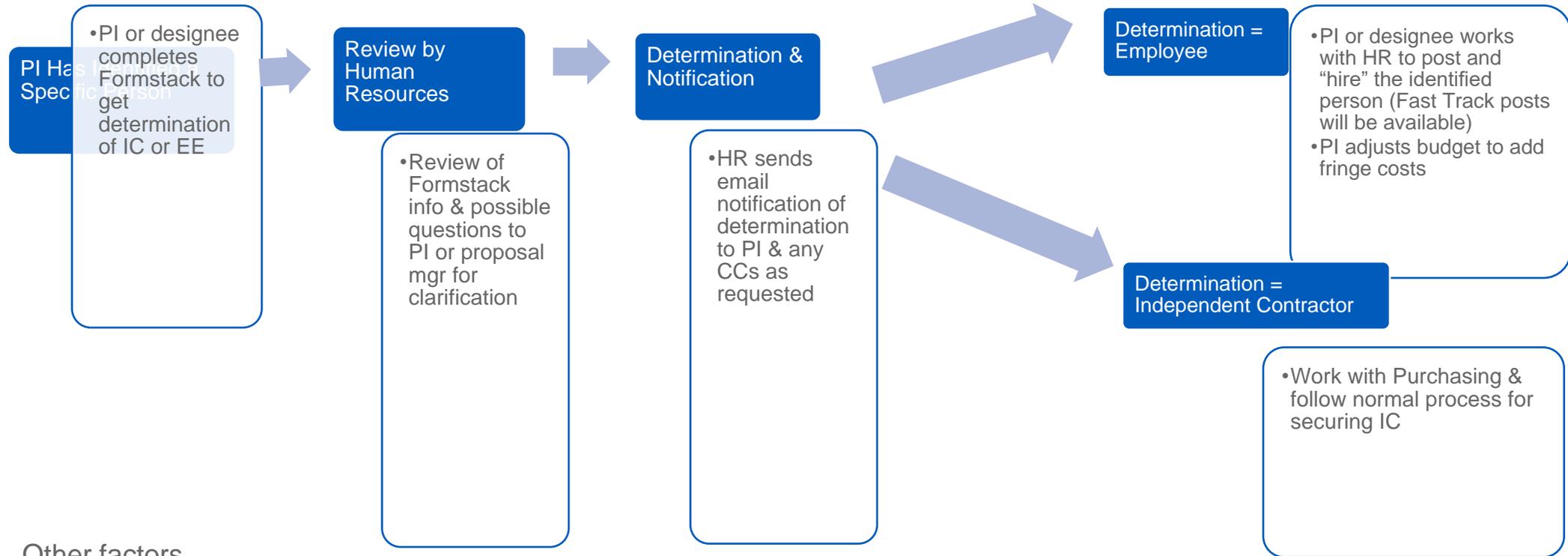
Option 1



Option 2



The Process: after Awarded

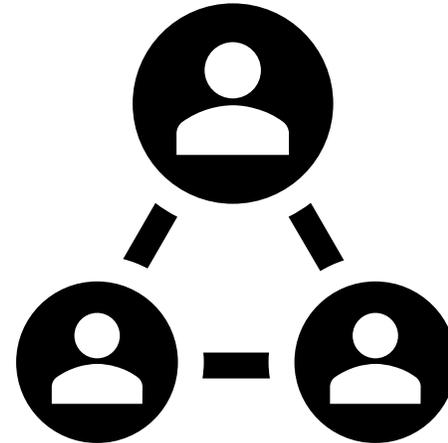


Other factors

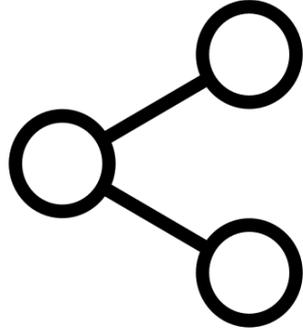
- If a person was identified on the proposal, you may just need to submit CV or other info at the Formstack stage
- If a person was NOT identified, the determination is made solely on the duties of the position

What about ICs prior to 10/9/23?

- Existing active relationships will remain the same
 - Existing ICs remain the same until the end of the project
 - Any award active prior to 10/9/23 where an IC was named during the proposal, they will remain an IC
- Existing awards that budgeted for an IC but no individual was named, they will have to follow the new process
- Even if a person was an IC on a past award, it does not mean they will be on any future awards

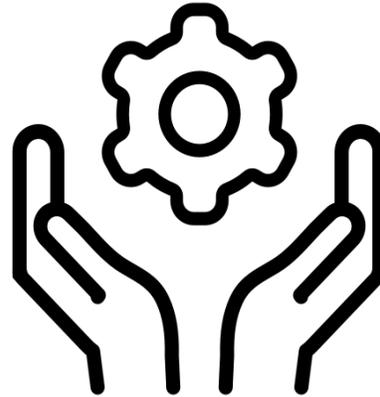


What's Next



Need Help

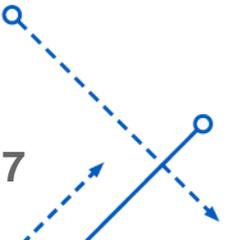
Contact Independent-Contractors@buffalo.edu



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Be Patient & Understanding





Questions?

