



Independent Contractor Policy

Policy Statement

It is Harvard's policy that an individual who is paid to provide services to Harvard must be hired as an employee unless the engagement satisfies the three-part Independent Contractor test defined in [Section II](#) below.

An Independent Contractor (IC) is generally an individual who is in an independent trade, business, or profession and offers services to the general public. An IC may work as an individual or through a business entity such as a sole proprietorship, partnership, or limited liability corporation. ICs are sometimes also referred to as consultants, 1099s, contractors, or vendors.

A worker's preference is not relevant to the classification determination, nor is that of the local department or unit wishing to engage the individual.

Reason for Policy

Under Massachusetts and federal law, the University is required to meet a number of obligations with respect to the treatment of employees, including wage and hour requirements, payroll tax withholding, and provision of workers compensation and unemployment benefits.

Unlike Harvard employees, ICs are not paid through the payroll system, do not receive W-2s, are not enrolled in the University's benefits plans, are not covered by the University's workers compensation program, and are not eligible for unemployment benefits following the contract performance period.

The consequences of misclassifying workers as ICs instead of employees may cause the University to fail to meet its legal obligations and give rise to significant liability, including taxes and related penalties, criminal sanctions, and civil liability. The University has adopted this Policy to guide local departments or units seeking to engage ICs and to establish procedures to ensure that individuals are properly classified as employees unless the strict requirements of the IC test are met.

All proposed IC engagements must be reviewed and approved as set forth in this Policy BEFORE engaging the individual, to ensure proper classification.

Who Must Comply

All Harvard University schools, tubs, local units, Affiliate Institutions (e.g., Harvard Global, Wyss Institute, etc.), Allied Institutions (e.g., HUP, Arnold Arboretum, etc.) and University-wide Initiatives must comply. Harvard-affiliated Hospitals are not considered affiliate institutions.

This Policy applies to single-employee companies which may be a sole proprietor, unincorporated, incorporated, or a limited liability company (LLC). This Policy applies to all individuals engaged directly to perform any service for the University, including those performing work inside and outside of Massachusetts. In cases when you need to engage individuals for work outside of the United States, *Harvard must follow the rules and regulations based on the country in which the work is taking place.* These provisions may be different than Massachusetts and US law and are occasionally more stringent (Europe) or entail tax withholdings on payments to contractors.¹

This Policy does not apply when contracting with vendors with more than one employee.

¹ If you are engaging an individual who will be performing work internationally, please contact Harvard Global Support Services for additional guidance.



This Policy does not apply to Human Subject Payments.

This Policy does not apply when the University is contracting with a third-party entity (*e.g.*, managed services provider, temp agency, payroll service, IT staffing firm) to obtain personnel **who are classified by those firms as employees or contractors** to perform services. However, certain third-party entities are not considered managed service providers and do not go through a formal classification process, but rather act as “freelancer marketplaces” (*e.g.*, TaskRabbit, freelancer.com). This Policy **does** apply to individuals contracted through freelancer marketplaces.

Responsibilities and Procedures

I. Responsibility for Compliance

When Harvard is directly employing or contracting with an individual to perform a service for Harvard, the responsibility for making a correct classification decision rests with the local department or unit that is engaging the individual, in consultation with human resources. **The local department or unit is responsible for any liability resulting from a misclassification decision, including fines, penalties, and attorneys’ fees.**

- A. The local department or unit seeking to engage the individual is responsible for initiating the procedure described in this Policy. The initial step is to determine whether the Policy applies; that is, is the unit contracting with a single individual to perform a service (including individuals operating as single-employee LLCs, sole proprietors, or individuals contracted through freelancer marketplaces, and corporations that do not follow a classification process). If the Policy applies, all proposed IC engagements must be reviewed and approved consistent with this Policy BEFORE a contract is signed or any services are performed. This procedure, including approval and documentation to support a proposed Independent Contractor (IC) classification, is set out in [Section II](#).
- B. The **local human resources office** is responsible for reviewing proposed IC engagements to determine whether the worker may be classified as an independent contractor or must be classified as an employee. Unless an exception set forth in [Section IV](#) applies, local human resources offices must review and sign the [Independent Contractor Questionnaire](#) (ICQ), as evidence of the classification review process.

The local human resources office is also responsible for ensuring that its departments or units are familiar with, and receive adequate training regarding, this Policy and its requirements.

Local human resources offices may contact the Office of Labor and Employee Relations (OLER) to seek training resources and guidance on reviewing compliance with this Policy,

- C. The **local department or unit’s accounts payable approver** is responsible for ensuring that required documentation that supports the IC classification decision has been completed before a vendor is created in the Accounts Payable system or any payment is issued. Required documentation includes a signed contract, an approved ICQ or attestation or written statement of why an ICQ is not required, and an invoice.

Additional policy and legal guidance are available from the [Office of Labor & Employee Relations](#) and the [Office of the General Counsel](#).

II. Guidance for Classifying Workers

A. Presumption of Employee Status

Under Massachusetts law, every individual receiving payment for services to the University is considered to be an employee of the University unless all of the factors in the following three-part IC test are satisfied.

Massachusetts IC law is generally more stringent than the guidance provided by the Internal Revenue Service



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on IC classification. For this reason, Harvard will be guided by the Massachusetts law in making classification decisions.

An independent contractor is an individual who – whether working as an individual or doing business through a business entity such as a sole proprietorship, partnership, or limited liability corporation – provides services pursuant to a contract or other agreement.

A worker's preference is not relevant to the classification determination, nor is that of the local department or unit seeking to engage the worker. Former Harvard employees should generally be hired as employees if they are engaged to perform services for Harvard.

B. Independent Contractor Test

In order to be classified as an IC for Harvard, the worker must satisfy all three parts of the following test. Failure to meet one or more of these three parts means that the worker must be hired as an employee – either directly by Harvard, or by an outside agency, staffing firm, or payrolling service that would place the employee at Harvard. See [Hiring and Payment Categories and Hiring Methods for Individuals Classified as an Employee](#).

- 1. The worker must be free from Harvard's control and direction in connection with the performance of the service, both under a contract for the performance of the service and in fact.** In order to be considered an IC, the individual must be able to bring their own approach to the performance of the task. For example, the worker should be free to set their own hours, determine the appropriate tools and methods to use, use their own materials and supplies, set the order in which the services will be performed, and decide where to perform the services. This does not mean that the individual must be free from all direction, but the activities should be carried out with minimal instruction, training, and supervision. The University should have the right only to dictate the desired work product and the deadline for its completion, not the means and methods of accomplishing the result (*i.e.*, where, when, and how the services are performed).

There must be a written contract between Harvard and the IC, explicitly stating that the worker has independent control and direction over the work, including the ability to dictate the hours that they will perform the services, and the work should be performed consistent with this statement over the course of the engagement. A purchase order or invoice is not sufficient to satisfy this requirement. (The Office of the General Counsel makes available model consulting/services contracts, which may be suitable for the engagement. These model agreements are available [here](#).)

If there is not a written contract covering the engagement, the worker must be hired as an employee.

- 2. The service performed by the worker must be outside the usual course of Harvard's business.** Generally, an employer cannot use ICs to perform services within its normal, regular and continuing business operations. The service performed by the individual must be incidental to the operations of the University, rather than a necessary or integrated component of operations. **This assessment should consider whether the service is a regular and continuing part of the operations of the School, local unit, or department engaging the worker.** If the service is a regular and continuing part of operations, the individual should be hired as an employee rather than engaged as an IC.

In considering whether the services are in the usual course of business, the duration of the engagement is a significant factor. Longer engagements (for example, those that exceed six months in duration) are more likely to fail this prong of the test, because the services performed may be more likely to be part of the regular and continuing operations of the School, local unit, or department.



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For example, an accounting department needs to engage a painter to repaint its offices. Assuming that the painter meets the other two parts of the test, the individual can be classified as an IC. This is true regardless of whether painters are employed elsewhere at the University. However, if the accounting department needs to bring in an additional accountant to assist during the busy season, that individual could not be classified as an IC even if they met the other two parts of the test, because accounting services are a regular and continuing part of the accounting department's operations. Please see [FAQs](#) for additional examples.

- 3. The worker must be customarily engaged in an independently established trade, occupation, profession, or business of the same type as the service being performed for Harvard.** To be an IC for Harvard, the worker must be operating an independent business enterprise which offers its services to other clients or customers besides Harvard. The individual must be capable of performing the services for other entities and should not be solely dependent on Harvard for work. The fact that the person may perform work for Harvard off-site is not relevant; the test is whether the person is regularly engaged in providing or offering such services for others in addition to Harvard. It also is not relevant whether the individual would be providing services as an individual or through a corporate entity (e.g., LLC, partnership, or other corporation).

Projects that require the worker to devote all or a substantial majority of their working time to Harvard, thereby precluding work for others as a practical matter, should be limited in duration to ensure that the worker is not in effect working solely for Harvard over an extended period.

III. Independent Contractor Review and Approval Procedure

Step 1: Local Department or Unit Completes the Independent Contractor Questionnaire (ICQ)

Unless an exception described in [Section IV](#) applies, before engaging the individual and before any work is performed, the local department or unit should consult with HR, complete the Independent Contractor Questionnaire ([ICQ](#)) if necessary, and return it to its HR Office for review. HR must approve the IC engagement before the local department or unit enters into a contract with, or receives services from, the individual.

Step 2: Human Resources Reviews the Independent Contractor Questionnaire

HR will review the ICQ to determine whether the worker should be:

1. Engaged as an IC;
2. Hired as a Harvard employee (regular, term, or temporary); or
3. Hired as an employee by an outside entity (such as a temp agency, staffing firm, or payrolling service directly or through Harvard's managed service providers) and assigned to perform services at Harvard.

The local department or unit must receive HR approval of the classification of a proposed independent contractor before a contract is signed and before any work is performed. If HR classifies the individual as an independent contractor, proceed to Step 3. If not, the local department or unit should work with HR to determine the best way to proceed.

Note: If the work is being completed outside of the U.S., the local department or unit should also contact [Global Support Services](#).

Step 3: Local Department or Unit Completes and Signs Contract.

If the engagement is approved as a permissible use of an IC, then the department or unit must complete a contract with the IC before any services are provided. Written contracts define the relationship, outline the



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expectations of both Harvard and the IC, and document the terms and conditions by which the IC is hired. Contracts must be carefully reviewed to ensure terms are reasonable and should include at a minimum, detailed services to be performed, deliverables, contract term, payment amount and schedule, and clause regarding the use of the Harvard name and ownership of work. If services are for a federally-funded research project, Schools and units must follow additional contract requirements. See the [Procurement Policy](#) for additional guidance.

The contract with the IC must contain the following language:

[Consultant/Contractor/Vendor] shall be an independent contractor, free from Harvard’s direction and control, and not an agent or employee of Harvard.

The Office of the General Counsel makes available model consulting/services contracts, which may be suitable for the engagement. These model agreements are available [here](#).

Step 4: Submit Documentation to Approver for Payment

At appropriate times as described in the contract (usually after the IC has completed the work to the local department or unit’s satisfaction), the IC must provide an invoice to the department or unit for processing.

The department or unit must have completed and received the required documentation listed below:

- A completed ICQ (if required), signed by HR, approving the classification of the individual as an IC OR a written statement of why an ICQ is not required (See [Section IV](#));
- A completed and signed contract; and
- An invoice.

The local approver is responsible for ensuring that the documents listed above have been completed before approving any payment to an IC. If an ICQ was not required due to one of the exceptions listed in [Section IV](#), the department or unit must provide the approver with written confirmation that an ICQ was not required and the specific exception that applies to the engagement. **Payment by AP is the only acceptable method of payment for independent contractors. Harvard must not pay for IC services via out-of-pocket reimbursement or by using a Harvard Corporate or PCard.**

This documentation must be maintained by the School, department, or unit following Harvard’s General Records Schedule requirements. Some schools and units use [Conga-Novatus](#) or other internal systems for tracking and storing the signed contracts and the completed ICQ. This is encouraged.

IV. Exceptions to Independent Contractor Questionnaire (ICQ) Requirement

Under the following circumstances, the formal completion of an ICQ is not required. **However, the local department or unit must still confirm that the classification satisfies the three-part IC test set forth above**, and a written contract is still required. In addition, the local department or unit must provide the approver with a written statement of why an ICQ is not required. See sample [Exception Attestation Form](#).

Individual schools and units may have more restrictive exception processes; check with your tub human resources or finance office for more information.

A. Single, Short-Term Engagements for Less than \$3,000

An Independent Contractor Questionnaire is not required if: (1) the engagement satisfies the three-part IC test set forth above; (2) the engagement will last no longer than **three months (90 calendar days)**; AND (3) total payments to the IC **will not exceed \$3,000**.



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If the local department or unit renews, extends, or enters into a subsequent engagement with the IC within a 12-month period, then then a completed ICQ is required.

The contract with the IC must contain the following language:

[Consultant/Contractor/Vendor] shall be an independent contractor, free from Harvard's direction and control, and not an agent or employee of Harvard.

A short form model services /consulting agreement may be found on the [OGC's Model Documents](#) website.

Special Note on Limited Liability Companies (LLCs): an individual providing services will require an ICQ even if that individual is operating as an LLC. However, if an LLC has two or more employees, it falls outside of this policy and an ICQ is not required.

B. Guest Speakers or Guest Lecturers

An ICQ is not required when hosting a guest speaker or guest lecturer receiving an honorarium or speaking fee for a one-time speaking engagement. Performers and musicians may also fall into this category.

This exception cannot be used for individuals teaching or co-teaching a substantial portion of a course, those listed as instructors in the course catalog, or those who hold a Harvard appointment for their teaching role.

If an audio or video recording will be made of the event, the speaker must sign a consent form, which may be found on the [OGC's Model Documents](#) website.

V. Record Retention

Follow Harvard's [General Records Retention Schedule](#) regarding record retention. Independent Contractor Questionnaires should be retained as long as the contracts are retained.

Responsibilities and Contacts

Financial Policy Office is, together with the Office of Labor and Employee Relations, responsible for maintaining this Policy and acting as a resource for local finance offices and payment approvers for questions regarding this Policy. It also may provide training resources regarding this Policy.

Local department or unit considering engaging an individual to perform services is responsible for initiating the procedures described in this Policy. Departments or units must either secure proper review and approval of an IC engagement or confirm that an exception to the ICQ requirement applies, **before a contract is signed or any services are performed.**

Local payment approver is responsible for ensuring that required documentation that supports the IC classification decision has been completed before a vendor is created in the Accounts Payable system or any payment is issued. Required documentation includes a signed contract, an approved ICQ (if required) or written statement of why an ICQ is not required, and an invoice.

Local human resource office is responsible for reviewing IC classification decisions, seeking guidance on difficult classification questions, and training its local departments or units on this Policy.

Office of Labor and Employee Relations (OLER) is, together with the Financial Policy Office, responsible for maintaining this Policy and acting as a resource for questions regarding this Policy. It also may provide training resources regarding this Policy.



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Office of the General Counsel (OGC) is responsible for notifying OLER and of any changes to federal or state regulations around independent contractors and acting as a subject matter resource for any questions around this Policy.

Related Resources

[Business Expense Reimbursements Policy](#)
[Buy to Pay System](#) – Procurement Platform
[Conga-Novatus Contract Management Tool](#)
[Contingent Workforce Project](#)
[Exception Attestation Form](#)
[Global Support Services.](#)
[Hiring and Payment Categories and Hiring Methods for Individuals Classified as an Employee](#)
[Honoraria and Reimbursements for Foreign Nationals](#)
[Human Subject Payments](#)
[Independent Contractor Policy](#) – Additional materials including FAQ, Detailed Financial Processing
[OGC Model Documents](#)
[Performer Tax Information](#)
[Policy on Eligibility for Harvard Payroll and Outsourced Payrolls](#) (see also Contingent Workforce Project)
[Policy Subrecipient vs Contractor Guidance](#)
[Procure to Pay Manual](#)
[Procurement Policy](#)
[Record Retention Schedule](#)
[Responsibilities of Purchases, Preparers, and Approvers](#) (ROPPA)
[Strategic Procurement Contract Information](#)
[Travel Policy](#)

Revision History

10/04/2000: Policy Implemented
03/24/2010: Policy revised guidance on Massachusetts independent contractor law
07/01/2019 + 07/01/2019 EA: The policy dated 07/01/2019 EA was an early adoption version. No substantive changes were made to the final policy dated 07/01/2019. Mandates that review and approval of IC classification must occur before IC is retained and services rendered and/or payment made. Clarifies roles and responsibilities of hiring department, HR, and financial approver. Presumption of employee status unless 3-part Massachusetts IC test is met. Revised ICQ reflects Massachusetts law and is easier to complete and analyze. Identifies lower risk engagements as exceptions to ICQ requirement (but must still comply with 3-Part test).

Appendices

[Appendix A: Independent Contractor Questionnaire \(ICQ\)](#)
[Appendix B: Independent Contractor Policy Process Flowchart](#)
[Appendix C: Detailed Instructions Regarding Financial Processing and Approval Process for Independent Contractors \(IC\)](#)
[Appendix D: Sample Independent Contractor Questionnaire Exception Attestation Form](#)



Appendix A: Independent Contractor Questionnaire (ICQ)

The following questionnaire must be completed by the local department or unit seeking to engage a worker to perform services. It must be submitted to and approved by Human Resources before the IC is engaged to perform services for Harvard. If an individual meets certain exception criteria as noted in the policy, no ICQ is required but please submit an attestation or written statement that the engagement satisfies the three-part IC test with the contract and/or invoice. See [ICQ Exception Attestation Form](#) template.

Contact Information

Harvard Department/Unit: _____

Department/Unit Contact [name, title, email, and phone]: _____

Name of Worker/Service Provider: _____

U.S. Citizen or Permanent Resident? **Yes** **No**

If No, school or unit must review their visa and confirm if individual is eligible to work in the U.S.

Overview of project

Proposed period of engagement [start date, end date]: _____

Scope of work [brief description of work to be performed]:

Location where services will be primarily performed [city/state/country]: _____

Estimated Total Cost: _____

Questions for classification analysis	YES	NO
1. Will there be a written contract?		
2. Is the individual a current or former Harvard employee? If yes, provide the Harvard department, position, and relevant dates:		
a. If yes, are the services to be performed related or similar to services the worker performed as a Harvard employee?		
3. Control and Direction: Will the proposed IC be free from Harvard's control and direction in connection with the performance of the service, both under a contract and in fact?		
a. Will the duties be carried out with minimal instruction/training from Harvard?		
b. Will the individual be free to determine the means and methods to accomplish the result?		
c. Will the individual be free to determine the hours worked, within general parameters (e.g., during regular business hours)?		
d. Will the individual be free to determine the location where some or all of the services will be performed?		
e. Will the individual provide their own workspace?		
f. Will the individual provide their own supplies and equipment?		
g. Is the individual free to use substitutes or assistants?		
h. If the individual will have assistants, will the individual have control over hiring or supervising those assistants?		



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Questions for classification analysis	YES	NO
i. Is the scope of the project fixed in advance, so that any additional services and associated compensation must be negotiated with the individual?		
j. Is the individual to be paid by the project or by milestones, rather than by the hour?		
k. Will the individual work without regular or daily supervision by a Harvard employee?		
4. Usual Course of Business: Is the service performed by the proposed IC outside the usual course of Harvard's business, considered at both the School level as well as the local level of the department or unit?		
a. Are the services to be performed a regular and continuing part of the local unit's operations?		
b. Does this Harvard unit typically use Harvard employees to perform these services?		
c. Are the services integrated into Harvard's missions of teaching and research?		
d. Will the individual supervise Harvard employees?		
e. Will the services be provided over an open-ended period of time, rather than a discrete or defined period?		
f. Are the services expected to be performed over a period of 6 months or longer?		
5. Independently Established Trade: Is the proposed IC customarily engaged in an independently established trade, occupation, profession, or business of the same type as the service being performed for Harvard?		
a. Does the individual regularly provide this type of work for other clients or customers?		
b. Will the individual be capable of performing services for others while engaged on this project?		
c. Does the individual have a website, business email address, business card, and/or business stationery?		

This section to be completed by [insert HR REVIEWER name and title] _____

Determination of Classification (check one):

This worker may permissibly be classified as an independent contractor.

This worker must be classified as an employee.

HR Dean or Designee Signature (required):

Signature: _____ School or Department: _____

Title: _____ Date: _____

Authorized Department or Unit Approver Signature (required):

I acknowledge that the University may hold my department or unit financially responsible for any additional taxes, interest, and penalties that may be assessed due to misclassification.

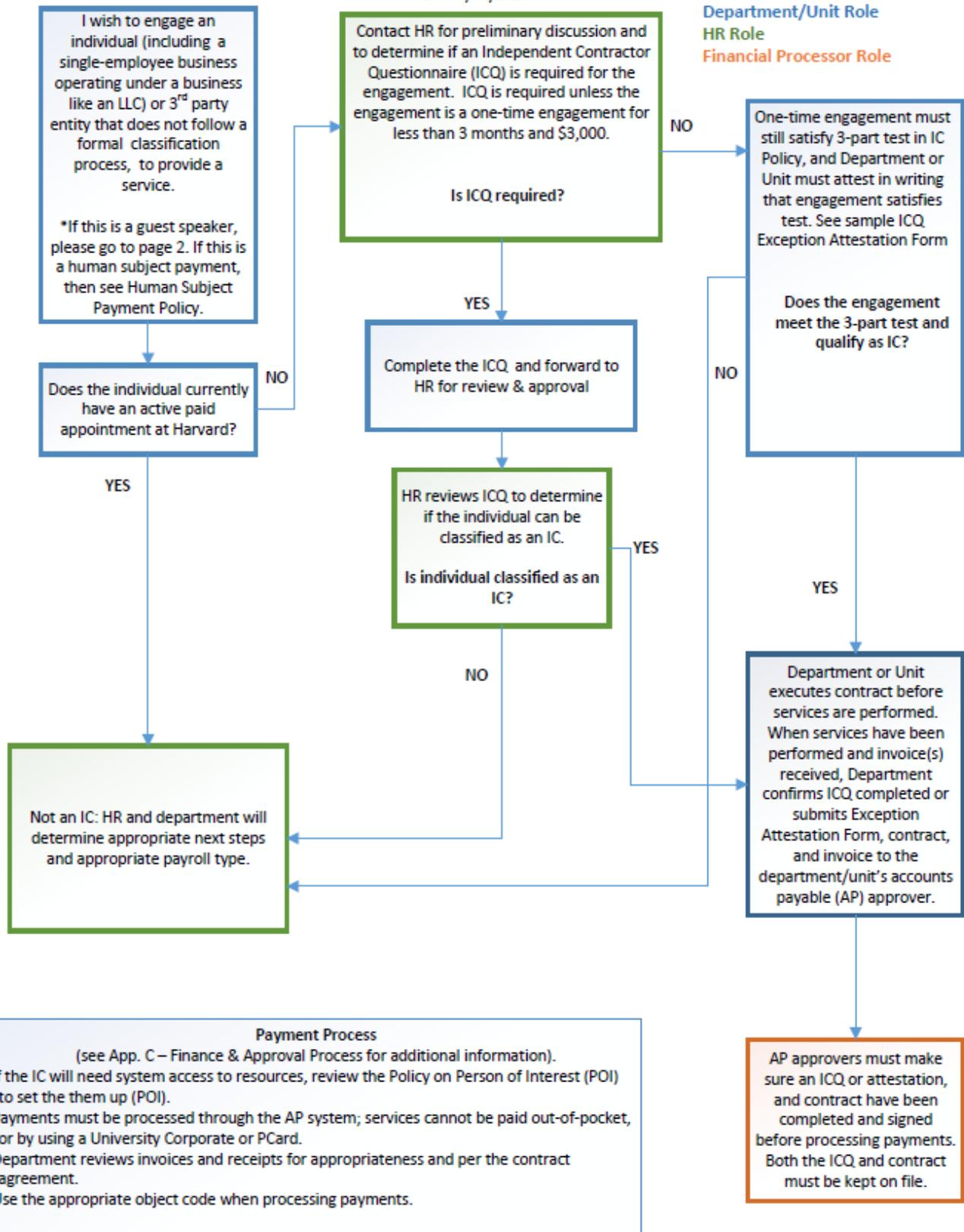
Signature: _____ School or Department: _____

Title: _____ Date: _____



Appendix B: Independent Contractor Policy Process Flowchart

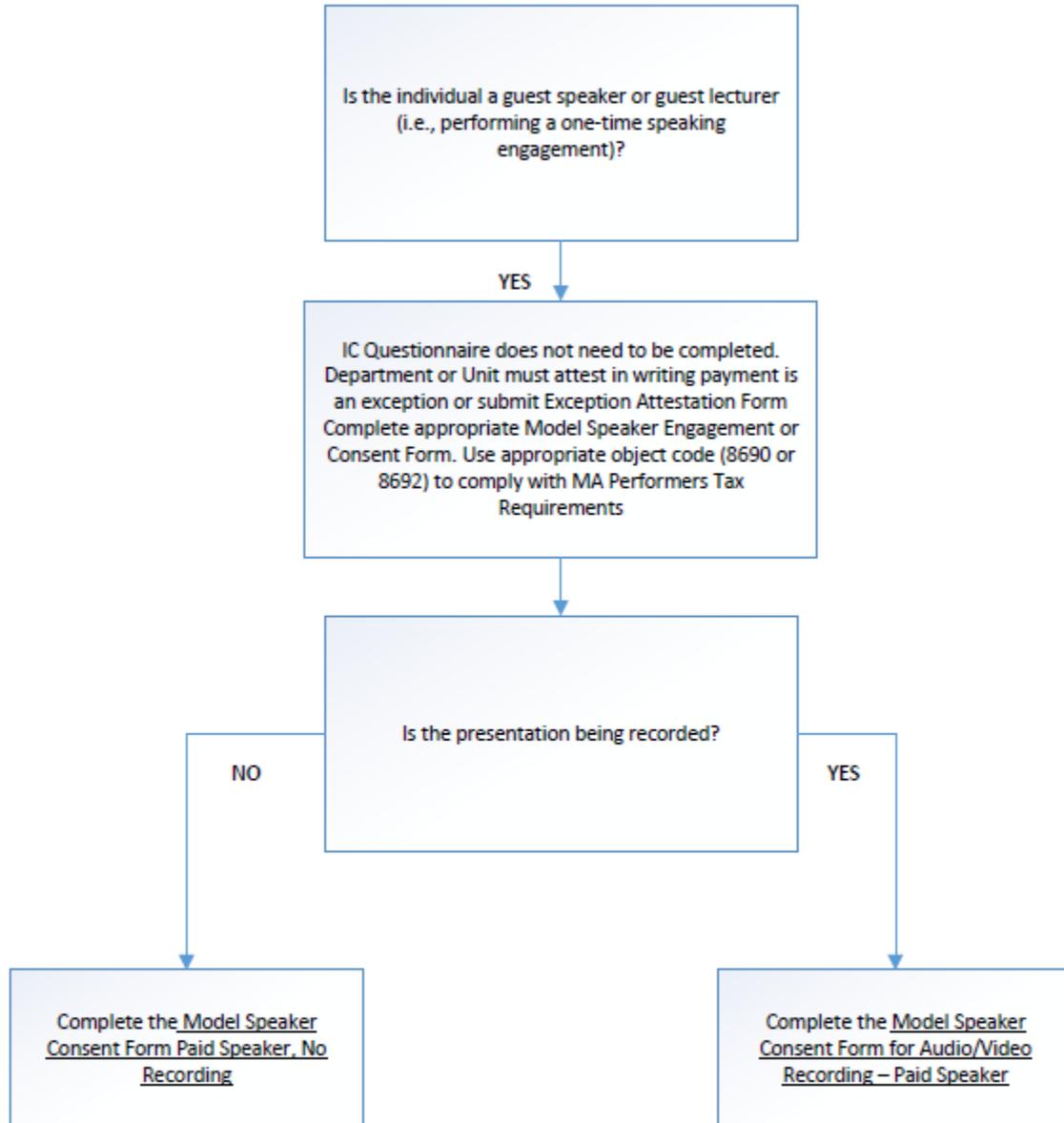
REV: 07/01/2019





Appendix B: IC Process for Guest Speakers or Lecturers

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*Guest speakers and lecturers do not require an ICQ for a one-time speaking engagement. Performers and musicians may also fall into this category. Be sure a foreign individual's visa status allows payments prior to offering a payment.

Examples include:

- One-time guest lecturer - Any individual teaching or co-teaching a substantial portion of a course, listed as an instructor in the course catalog or who holds a Harvard appointment cannot be classified as an IC.
- Guest speaker at an educational event, workshop, conference or other similar function.
- Panelist for a workshop or conference.
- One-time performing artist.



Appendix C: Detailed Instructions Regarding Financial Processing and Approval Process for Independent Contractors (IC)

Departments or units must not submit a payment to an Independent Contractor (IC) until:

1. The Independent Contractor Questionnaire (ICQ) has been reviewed and the individual classified as an Independent Contractor (IC) by Human Resources or meets ICQ Exception,
2. A contract has been negotiated and signed, and
3. The work has been completed and an invoice submitted.

I. Independent Contractor Approval Procedure

A. Independent Contractor Questionnaire or Exemption Attestation

Prior to engaging an individual and any work is performed, be sure the individual is eligible to work in the U.S. and has been classified as an IC by Human Resources (HR) through the HR review of the completed Independent Contractor Questionnaire (ICQ) or the individual meets an ICQ Exception.

Note: In addition to the above, an ICQ must be completed for:

- Single-employee companies which may be a sole proprietor, unincorporated, incorporated, or a limited liability company (LLC). Single-member LLCs, including those not in an individual's name must still follow the Independent Contractor Policy and ICQ process, OR
- Third-party entities that are not considered managed service providers and do not go through a formal classification process, but rather act as "freelancer marketplaces" (e.g., TaskRabbit, freelancer.com).

B. Contracts

Follow local school or unit requirements around contracts and the contract review process. Be sure that any IC contract contains the following language:

[Consultant/Contractor/Vendor] shall be an independent contractor, free from Harvard's direction and control, and not an agent or employee of Harvard.

The Office of the General Counsel makes available model consulting/services contracts, which may be suitable for the engagement and are available [here](#). Strategic Procurement (SP) has additional master service agreement templates as well as a contract checklist which may be found on their [internal website](#).

NOTE:

- A debarment form or debarment language must be included in contract language when using federal funds, cost-share funds, or expect expenses to be journaled onto to federal funds. See [Procurement Policy](#) or [Procure to Pay Manual](#).
- Be sure to note in the contract or communicate to ICs the requirement that they follow Harvard Policy for any travel or out-of-pocket reimbursements, as well as requirements related to the Massachusetts [Performers Tax](#) and tax withholding for nonresident aliens (i.e., foreign nationals) for work completed inside of the U.S. See [Performer Tax](#) information.
- Based on the type of service, location of service and individual's tax residency status, additional taxes may be withheld.

- #### **C. Receive and prepare payment.**
- After the work has been completed to the hiring department or unit's satisfaction, the IC must submit an itemized invoice to the school or unit for processing. Purchasers and preparers should confirm that the required documentation has been completed (ICQ and contract) and review



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the invoice following the [Responsibilities of Purchasers, Preparers and Approvers](#) (ROPPA) policy.

Payment through HCOM is the only acceptable method of payment for independent contractors. Harvard must not pay for such services out-of-pocket or by using a Harvard Corporate Card or PCard.

1. Collect required documentation to set individual up as a vendor. See [Vendor Set Up](#) materials in the Training Portal.
2. Review and prepare invoice for payment.
 - a. Invoices should be itemized and contain the following information:
Invoice date, payment due date, full name (which must match the vendor name), address, telephone and email of vendor, full name and address of customer (i.e., Harvard Department), invoice number or other unique tracking number. An itemized invoice should show the total amounts due – each invoice line should have the description of the goods or service, quantity purchased (count of items or number of hours billed) and per-unit price. Tax ID Number is helpful but not required.
3. Be sure to note if work was completed within or outside the U.S., since it may affect tax withholding rates for Nonresident Aliens.
4. Use the appropriate object code based on the services completed.
 - a. Use object codes 8690 or 8692 for ICs who earn income connected with performances (i.e., speakers, presenters, charges related to a performance [actors, musicians, directors, production crew, sound, light, stage workers], athletes, etc.). See [Performers Tax](#) for additional information.
 - b. Other professional services are generally processed within the M784 object code range though other object codes may also be appropriate.

D. Documentation and Review Requirements at the Approver Level

The documentation listed below must be completed and on-file prior to approving a payment to an IC. Based on a school or unit's approval hierarchy structure, the documentation may be collected and kept on file at the department, school, or unit level.

1. Approver Responsibilities:
 - a. When submitting the invoice for approval, the hiring department or unit must have completed the required documentation listed below. The approver is responsible for ensuring that the required documentation listed below has been completed before any payment is issued to an IC.

Required documentation includes:

- A completed questionnaire (ICQ), signed by HR, approving the classification of the individual as an IC or the IC Questionnaire Exception Attestation Form (Exception Attestation) or exception language.
 - The ICQ may be submitted with the invoice or evidenced in some other way. Some schools or units may use [Conga-Novatus](#) as an ICQ and contract management tool or have other internal processes for tracking that the ICQ has been completed, OR
 - The Exception Attestation Form or language that confirms the contractor meets the following:
 - Meets all three ICQ criteria below (see [IC Policy](#); if not certain, complete the ICQ Questionnaire)
 - The worker must be free from Harvard's control and direction in connection with the performance of the service, both under a contract for the performance of the service and in fact, **AND**
 - The service performed by the worker must be outside the usual course of Harvard's business, **AND**



**HARVARD UNIVERSITY
HUMAN RESOURCES
LABOR AND EMPLOYEE RELATIONS
and FINANCIAL POLICY**

Responsible Office: HR Labor & Employee
Relations and Financial Policy Office
Date First Effective: 10/04/2000
Revision Date: 07/01/2019
<http://policies.fad.harvard.edu/>

- The worker must be customarily engaged in an independently established trade, occupation, profession, or business of the same type as the service being performed for Harvard, **AND**
 - Total amount to be paid by School, local unit, or department, is \$3,000 or less in a calendar year, AND
 - Period of work is less than 90 calendar days.
 - A completed and signed contract. Some schools or units may use [Conga-Novatus](#) as a contract management tool or have other internal processes for tracking approved contracts.
 - An itemized invoice. See [Section C.2.a](#) regarding information an invoice should contain.
2. Approvers must review the documentation and invoice following the [Responsibilities of Purchasers, Preparers and Approvers](#) (ROPPA) policy.

If the approver does not receive or have evidence of the above required documentation, the payment cannot be processed.

E. Record Retention

Follow Harvard's [General Records Schedule](#) regarding record retention. Independent Contractor Questionnaires should be retained as long as the contracts are retained.



Appendix D: Sample Independent Contractor Questionnaire Exception Attestation Form

If one of the below requirements for exemption are met, completion of an Independent Contractor Questionnaire (ICQ) is not required. A written contract (or agreement/confirmation if a guest speaker) is still required and must be completed. **Individual schools and units may have more restrictive policies or internal processes; contract your tub human resources or finance office for more information before using this form.**

In addition, this form or other documentation attesting to the below must be completed and attached to the payment request upon submission to your local school or unit's approver. *This form is not required by Central Accounts Payable (AP) but must be kept on file in order to comply with the IC Policy and review process. Departments may choose to upload this document into the AP system as part of the IC Policy Documentation Process.*

Exempt from the Independent Contractor Questionnaire (ICQ) Requirement:

One-time, short-term engagement must meet all of the following criteria:

- A. Meets all three ICQ criteria below (see [IC Policy](#); if not certain, complete the [ICQ Questionnaire](#)).
 - 1. The worker must be free from Harvard's control and direction in connection with the performance of the service, both under a contract for the performance of the service and in fact.
 - AND**
 - 2. The service performed by the worker must be outside the usual course of Harvard's business.
 - AND**
 - 3. The worker must be customarily engaged in an independently established trade, occupation, profession, or business of the same type as the service being performed for Harvard.
 - AND**
- C. Total payments to the IC will not exceed \$3,000, **AND**
- D. Period of work is less than 90 calendar days.

Guest Speaker or Guest Lecturer

An ICQ is not required when hosting a guest speaker or guest lecturer receiving an honorarium or speaking fee for a one-time speaking engagement. (An honorarium is a payment provided as a token of appreciation for participation in an activity or event, rather than payment as a contractual obligation for services rendered.)

Name of Worker/IC (Individual or Entity): _____

Worker/IC Email (for supplier set-up): _____

Brief Project Service/Description: _____

Project Start Date: _____ **Project End Date:** _____

Total Amount to be Paid: _____

Attestation:

I have read the exemptions above and certify that the engagement of services by the designated worker satisfy one of the above exemptions necessary to designate the service provider as an independent contractor/consultant.

Signature: _____ School or Dept.: _____

Print Name: _____ Date: _____