

Job Aid: Checklist for Classifying Employee Fellow vs. Nonemployee Fellow

This job aid is for local department use only and does not need to be retained locally or sent to Central Accounts Payable or NRA Tax Compliance Office. See [Classifying Employee Fellow or Nonemployee Fellow](#) or the [Flowchart](#) for additional details.

All classifications must be based on the specific facts and circumstances of an individual’s responsibilities. What a department calls a payment or job title does not determine legal classification. **An individual’s or hiring department’s preference and budget cannot influence the classification determination.** As stewards of University resources, it is essential that departments classify employees and nonemployees correctly to protect both Harvard and the individual.

NOTE: Departments must confirm that an individual’s visa status allows them to be paid based on the classification. For example, recently graduated students with an Occupational Practical Training (OPT) may not be paid as a nonemployee fellow. In some cases, an individual may not be permitted to work on a project based on their classification, visa type, and work location.

Individual Name: _____ Faculty Advisor: _____

Funding Source (check one):

- NIH National Research Service Award (NRSA):** NIH NRSA Training grants are always classified as a nonemployee fellow per IRS 201705001 (117.05-00, 117.05-06).
- Federal Award:** Generally federal funding is compensation for services (employee fellow). Nonemployee fellow/stipend/training payments are only allowed on specific grant types or for participants (i.e., training or fellowship grants, participant support costs). Use the checklist below if there is uncertainty.
- Non-Federal Award/Grant/Gift/Endowment:** Classification varies based on the nature of the funding awarded and scope of work/duties. Use the checklist below if there is uncertainty.
- Other** _____ Classification varies based on the nature of the funding awarded and scope of work/duties. Use the checklist below if there is uncertainty.

Funding Source Name: _____

Award/Project Name: _____

Attach a description of the work or a copy of the award letter.

Control and Direction	Characteristics of an Employee Fellow	Characteristics of a Nonemployee Fellow
Is the individual doing work previously done by an employee fellow or are they acting as a replacement or substitute for an employee fellow, such as a research assistant/associate?	<input type="checkbox"/> Yes*	<input type="checkbox"/> No
Would an employee (regular or employee fellow) have to perform any of the work if this grant had not been awarded?	<input type="checkbox"/> Yes*	<input type="checkbox"/> No
Does the individual determine the research topic and activities based on the terms of the grant/fellowship? A faculty advisor may assist and consult with the individual.	<input type="checkbox"/> No	<input type="checkbox"/> Yes

Who benefits from the work?		
Will Harvard be the primary beneficiary of the work or activity? (See primary beneficiary guidance, below.)	Harvard is primary beneficiary	Individual is primary beneficiary
Does Harvard determine the research and activities based on its needs (e.g., completing work on a University research grant)?	<input type="checkbox"/> Yes*	<input type="checkbox"/> No
Selection of Individual		
Was the individual selected on the basis of experience?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the amount of the fellowship based on compensation of employees performing similar activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the sponsor require a particular payment classification?	Follow sponsor restrictions.	

*A "Yes" response to this question is a strong indication that the department should classify the recipient as an employee.

Based on the above, it is my determination that the individual should be most properly classified as an (check one):

Employee Fellow¹

Nonemployee Fellow

Additional Notes

Primary Beneficiary: Harvard or the grantor/sponsor is the primary beneficiary if one or more of the following is true:

- services are for a grant that has a deliverable to the sponsor;
- individual is performing a function that directly enhances the program or activities of Harvard or the sponsor;
- individual is participating in an activity that generates income to Harvard or the sponsor;
- primary purpose of the work is for Harvard to obtain useful results from the individual's research;
- Harvard or the PI determines the research activities.

¹ In limited circumstances, if a payment is in exchange for services but Harvard does not control the work, the payment could be considered independent contractor income rather than employment income. That would not be the norm in a research or academic context. Please review the [Independent Contractor Policy](#) and consult with your local Human Resources Office for additional guidance.