

APPENDIX B

Before entering into a service contract, complete the following questionnaire in order to ensure that the proposed contract does not constitute an employment contract. Refer to Appendix A for guidance also. If the answer to any of the questions is "yes", the proposed contract may be an employment contract. If there is an implied employer/employee relationship:

1. review the Human Resources Manual requirements for employment contracts; and,
2. ask the departmental Director, Finance and Administration or the Regional Superintendent, Financial Management Board Secretariat to preview the proposed contract.

If it is determined that an employer/employee relationship would exist, the proposed contract is inappropriate. Either revise the contract or initiate proper staffing actions as directed in the Human Resources manual.

Questions	Y / N
Q. 1 Is the contract with a person or a person operating under a proprietorship name?	
Q. 2 Will the contract authority determine the hours, methods and location of work? see Appendix A, 1.1 "Hours of Work" and 1.3 "Premises and Equipment"	
Q. 3 Will the contract authority supply the facilities, tools and/or equipment necessary to perform the work? see Appendix A, 1.3 "Premises and Equipment"	
Q. 4 Will the person be paid regularly according to a rate for time (hourly, weekly, or similar) and not an amount set by the contract? see Appendix A, 1.4 "Continuing Services"	
Q. 5 Do the contract terms imply a continuous relationship between the person and the contract authority? see Appendix A, 1.4 "Continuing Services" and 1.9 "Length of Service"	

Q. 6	Will the person performing the work be required to follow established routines and schedules? see Appendix A, 1.5 "Established Routines and Schedules" and 1.6 "Accounting for Actions"	
Q. 7	Will the person be required to submit an accounting of time spent on the work? see Appendix A, 1.5 "Established Routines and Schedules" and 1.6 "Accounting for Actions"	
Q. 8	Will the contract authority train the person to perform the work? see Appendix A, 1.8 "Training"	
Q. 9	Will the person performing the work lack the power to delegate or sub-contract it? see Appendix A, 1.7 "Compliance with Instructions"	
Q. 10	Will the contract authority directly supervise the work? see Appendix A, 1.7 "Compliance with Instructions"	
Q. 11	Will the contract authority have the right to discharge the person? see Appendix A, 1.10 "Right to Discharge"	
Q. 12	Will the contractor be separated from opportunity for profit and risk of loss in the performance of the contract? see Appendix A, 2. "Economic Reality-The Possibility of Profit or Loss"	
Q. 13	Is the work part of the contract authority's regular business routine more than it is the contractor's business? see Appendix A, 3. "Integration"	
Q. 14	Is there a reason to believe that the person doing the work is not acting as an independent contractor, given the tests in Appendix A?	
Q. 15	Do the facts indicate that an employer/employee relationship would be created ?	