

## UC Santa Barbara AB5 Independent Contractor Determination

The UC is committed to compliance with the California Labor Code Section 2750.3 (also known as “AB5”), and has created this form to ensure a fair and accurate determination has been made whether or not to hire a worker as an employee. A person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the UC demonstrates that the below conditions are satisfied. UCSB must fill this form out; do not send to the Supplier.

Date: _____	Department: _____
Requisition # (if known) _____	UCSB Contact Name: _____
Supplier Name: _____	UCSB Contact Phone #: _____
Estimated Total Expenditure: \$ _____	
How long will the Supplier provide the services: _____	

1. Provide a brief description of the services the Supplier will provide:

2. Where will the work be performed? Please cite specific locations, including any known addresses:

3. Check any of the following categories that may define the requested services:

- |  |   |
|--|---|
| <input type="checkbox"/> B-Type: Doctor, including dentist or veterinarian   | <input type="checkbox"/> C-Type: Graphic designer, grant writer, fine art                                     |
| <input type="checkbox"/> B-Type: Lawyer, Architect, Engineer, Private Investigator, Accountant, Investment Advisor | <input type="checkbox"/> C-Type: photographer, photojournalist, freelar writer, editor, newspaper cartoonist* |
| <input type="checkbox"/> C-Type: Marketing or Human Resources administrator  | <input type="checkbox"/> D-Type: Real Estate Broker^  |
| <input type="checkbox"/> C-Type: Travel Agent or Payment Processing agent  | <input type="checkbox"/> G-Type: Referral Agency^   |

4. If any of the above categories are checked, move on to Question #6.

5. If none of the above categories are checked, all 3 of the below conditions must be met to consider this Supplier an Independent Contractor. This is known as the ABC test in AB5:

- (A) The person is free from the control and direction of the UC in connection with the performance of this work.
- (B) The work is outside the usual course of the UC’s business.
- (C) The person is customarily engaged in an independently established trade, occupation, or business as the same nature of this proposed service.

Please articulate how all 3 of the above conditions are met for the proposed services:

A)

  

B)

  

C)

6. If you selected a B-type or C-type in Question 4 above, please answer the below questions. This is known as the Borello test:

- a) Is the worker engaged in an occupation or business distinct from that of the UC? Yes  No
- b) Is the work a regular or integral part of the UC? Yes  No
- c) Does the UC supply the equipment, supplies, and/or facility for the worker? Yes  No
- d) Has the worker invested in a business, such as in the equipment, materials and office/space required for their work? Yes  No
- e) Does the worker provide similar services to other hiring entities? Yes  No
- f) Does the worker carry a business license for this service? Yes  No
- g) Does the worker set or negotiate their own rates for this service? Yes  No
- h) Can the worker set their own hours to perform this service? Yes  No
- i) Does the service require a special skill? Yes  No
- j) Is the work usually done under the direction of the UC? Yes  No
- k) Are these services being provided briefly, or are they more of an ongoing relationship? \_\_\_\_\_
- l) Will the worker be paid hourly, or by fixed cost projects/jobs? \_\_\_\_\_
- m) Does the worker hire their own employees? Yes  No

7. Provide any further information you feel is relevant:

\* 35 submissions per year limit

^ Please reach out to [Contracts@bfs.ucsb.edu](mailto:Contracts@bfs.ucsb.edu) if you need to hire for these D or G Types

A Referral Agency is one of the following:

*If for real property:* A brokerage company where licensed salespeople agree to obtain leads only on prospective buyers and sellers; no other real estate services are permitted. The referral agency then receives a fee on sale from the agency referred to.

*If for domestic services:* Refers clients seeking housekeeping services to Independent Domestic Workers/Housekeeping Service Providers who are registered and under contract with the referral agency.