PAYMENTS TO PERSONS PROVIDING SERVICES TO THE COLLEGE

PART I. Can we pay this person?

Are they a US Citizen?

1. YES
   A. Complete W-9 if Independent Contractor (A/P)
   B. Complete I-9 & W-4 if Employee (Payroll)

2. NO
   A. Resident Alien Individual
      1) Will have Permanent Resident Card (I-551) and is treated as a US Citizen
         Yes, we can pay this person.
         Complete W-9 if Independent Contractor (A/P)
         Complete I-9 if Employee (Payroll)

   B. Non Resident Alien- The VISA Classification will determine if we can pay the individual.
      1) Prior to completing any employment or contract paperwork: Payroll will need a copy of the Passport and VISA to confirm payment eligibility and determine additional paperwork needed
         ➢ Refer to Chart (Payments that can be issued to Non Resident Persons)

PART II. Will the Non Resident person be an employee or independent contractor?

1. Honoraria Payments
   A. 9/5/6 Rule
   B. Complete Honoraria and Expense Reimbursement Form
   C. Complete W-8BEN if no tax treaty benefit applies
      • 37% tax will be withheld (30% Federal/7% CA State) from payment
   D. Complete 8233 if tax treaty benefit applies
      • Must have US Tax ID number. (e.g. Social Security Number or ITIN)

2. Independent Contractor (or Honoraria Recipient)
   A. Complete W-8BEN if no tax treaty benefit applies
      • 37% tax will be withheld (30% Federal / 7% CA State) from payment
   B. Complete 8233 if tax treaty benefit applies
      • Must have a US Tax ID number to claim treaty benefit
        (e.g. Social Security Number or ITIN)

3. Employee
   A. Complete I-9, W-4, and 8233 if treaty benefit applies
   B. Must have a Social Security Number.
   C. Take the Substantial Presence Test (SPT) to determine whether he/she will be treated as a US Person for tax purposes

PART III. Is this person a Resident or Non Resident for tax purposes?

If determined a US Resident for tax purposes, please complete the appropriate form as in Part I. Step 1 (above). Once determined a US Resident for tax purposes, this person cannot claim tax treaty benefits.