

## HOW DO I PAY THE PEOPLE WHO WORK ON MY PROJECT?

### *Differences between employee, consultant, fellow, or intern*

#### **SIGNPOSTS OF A PERSON TO HIRE AS AN EMPLOYEE (payroll)**

Salary payment is made by the hour or at regular intervals

Indefinite (long term) relationship intended.

Controlled by or authority to control by another individual on behalf of the SI.

Right of either party to terminate without contractual liability.

Work must be done personally.

Worker restricted in seeking other employment.

Employer furnishes tools, equipment, or place to work.

#### **SIGNPOSTS OF A PERSON PAID AS A CONSULTANT (contract)**

Payment by the job.

Opportunity of profit or loss for the worker.

Brief duration of relationship.

Single or limited number of transactions.

Services offered to the general public.

Little or no supervision by the Smithsonian.

Contractual liability if relationship terminated prior to completion.

Work can be done by assistants that consultant employs.

Worker can contract for other (non-SI) employment.

Worker expected to supply own tools and workplace.

Substantial investment by the worker (e.g. tools, workplace).

#### **SIGNPOSTS OF A PERSON WHO IS A FELLOW (with stipend)**

Conducting independent research.

Must write own research proposal.

Not supervised.

Paid on a monthly basis.

Must follow SI stipend levels.

Cannot be paid on an hourly basis.

Eligible for health insurance if appointed for more than three months.

Not eligible for workers compensation.

Cannot serve as a supervisor of a Smithsonian employee.

For non-US residents must be on a J-1 or F-1 (does not include F-1 OPT)

Work can not be completed by either a contractor or employee.

Can terminate without contractual liability.

Cannot be terminated if conducting their research in accordance with their proposal.

#### **SIGNPOSTS OF A PERSON WHO IS A INTERN (with stipend)**

Supervised by a Smithsonian employee.

Primary beneficiary of the experience.

Enrolled in degree granting program, graduated or returning to school within 6 mon.

Program of study/career goals must fit with project.

Not eligible for health insurance.

Must follow SI stipend levels.

Cannot be paid on an hourly basis.

For non-US residents must be on a J-1 or F-1 (does not include F-1 OPT)