

1.0 PURPOSE

To clearly define those persons or firms who are independent contractors and are not considered employees of the school district. This may be a person or firm who: is contracted to perform specific services for the school district; retains control over how the job is performed; and meets the requirements of the Internal Revenue Service (IRS), State Teachers Retirement System (STRS) and the Public Employees Retirement System (PERS) for independent contractor status.

- 1.1 No person or firm may be retained in an independent contractor status, such as professional consultant, resource person, or student service provider if such person or agency will directly influence decisions which will benefit him/her financially.
- 1.2 A professional consultant is an independent contractor who is retained to provide opinions and advice in financial, economic, accounting, engineering, legal, or administrative matters.
- 1.3 A resource person is an independent contractor who is a recognized expert in the field with a level of talent and skill not available in the school district and who provides services for instructional programs and instructional support programs.
- 1.4 A student service provider is an independent contractor who provides direct pupil services.

2.0 Current Employees, Retired Employees and Employees of Other Public Agencies

- 2.1 Current employees of the school district, including employees on a leave of absence, may not be retained as independent contractors. They may provide additional services as employees of the school district. Teachers and other certificated staff may work outside their contract day for specific in-service presentations, curriculum writing, and other instructional tasks, earning the hourly miscellaneous pay rate. Classified employees must be paid time and one-half for all time worked over 8 hours a day or 40 hours a week, with the exception of irregular ASB activities, which are excluded under the Fair Labor Standards Act. ASB activities will be paid on a unit basis on the regular time sheet of classified and certificated employees of the school district.
- 2.2 Retired district employees must be regarded as "Employees" and processed through the appropriate personnel office for employment. Retired employees are subject to their retirement system's earnings limitation and deductions for social security, Medicare, and other employment taxes as required by law.
- 2.3 Employees of other public agencies who serve as professional consultants, resource persons, or student service providers are required to certify as part of the consultant agreement that they will not receive salary or remuneration, other than

vacation pay, from any other public agency for the specified calendar days worked, on a form provided by the district.

3.0 Other Requirements

- 3.1 Student service providers who work directly with students must provide evidence of tuberculosis clearance as required by law.
- 3.2 The principal or department head requesting the services of a professional consultant, resource person, or student services provider will complete all required documents, at least two weeks prior to the actual start date. All for review by the Human Resources Department, to determine if the person or firm shall be classified as an independent contractor or as an employee.
- 3.3 Pay rates for independent contractors will be determined by grant monies available, budget of individual schools or departments, and the services to be provided, and will require pre-approval of the Board of Trustees.
- 3.4 Independent contractors will be evaluated on forms provided by the school district. District employees who are responsible for the obtaining of services of independent contractors will also be responsible for their evaluation.
- 3.5 An independent contractor rendering service that does not require a teaching or administrative credential must obtain the approval of the Personnel Commission to perform such services.

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Reviewed: June 18, 2020
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