**EAST CENTRAL COLLEGE**

**Independent Contractor/Temporary Employee Analysis**

This form is used to determine if the work to be performed is temporary employment or independent contractor.Please complete this form if you are considering employing/contracting an individual for a position that is not on the approved staffing plan.

**Service Provider Information – Fill in all applicable information**

Name of Individual:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Name of Corporation, LLC or partnership with EIN?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Brief description of services being requested: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Is this individual a current East Central College employee?

Yes, Complete Section A No, Complete Section B

1. Is the individual a former employee and will the services be substantially similar in direction/control as when employed?

Yes, Pay as employee No, Complete Section B

1. Has the individual worked as an independent contractor in the past and will the services be substantially similar in direction/control?

Yes, Contact Human Resources No, Complete Section B

**Section A Current Employee Status**

Full-time, Department Faculty Professional Staff  Support Staff \*

\*Full-time support staff employees will be eligible for overtime per Board Policy in compliance with FLSA.

Part-time, Department Adjunct/GED Professional Staff  Support Staff

Part-time nonexempt employees are limited to a total of 19.75 hours per week and part-time exempt employees are limited to a total of 17 hours per week. Administration approval will be required to work additional hours. Enrollment into PSRS/PEERS may be required per Board Policy. Maximum number of hours to work in two positions is not to exceed 29 hours per week.

Continue to Section C for Employment and Payment Procedures

**Section B Independent Contractor / Temporary Employee Analysis (Choose one answer for each question – either Yes or No)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Control Factors:** | **Yes** | **Independent Contractor Status** | **No** | **Employee Status** |
| 1. **Can the individual hire his/her own employees for this project?** |  | **Can be performed by individual’s subcontractors or employees. The individual has other employees.** |  | **Must be performed by individual. The individual does not have other employees.** |
| 1. **Can the individual set their own hours of work?** |  | **Responsible for own schedule.** |  | **ECC sets the hours with input from the individual.** |
| 1. **Is the individual engaged for a specific project, training, class?** |  | **A continuing relationship is not anticipated. Projects will be awarded only when the need arises, and will be based on bids and specifications.** |  | **A continuing relationship is a possibility** |
| 1. **Does the individual perform services off-site?** |  | **Maintains own infrastructure such as office space, email and responsible for own business expenses.** |  | **ECC will/may add individual into daily operations with access to ECC email, software or required attendance at meetings.** |
| 1. **Does the individual furnish their own tools and materials?** |  | **Individual furnishes tools, equipment, materials and supplies, or will invoice for supplies.** |  | **ECC provides facilities and equipment, furnishes tools, equipment, materials and supplies** |
| 1. **Does the individual work for other clients?** |  | **Currently performs services for multiple unrelated customers.** |  | **Works only for one client at a time.** |
| 1. **Will the individual decide how work is to be done?** |  | **Individual determines specific detailed tasks required for the work or project.** |  | **ECC determines specific detailed tasks, dates, times, for work or project.** |
|  |  |  |  |  |

**Total Total**

Based on the above checklist and my knowledge of the proposed contract, it is my determination that the individual providing the services should be classified as:

Recommendation: Determination:

Independent Contractor (Process through Accounts Payable)  Independent Contractor (Process through Accounts Payable)

Temporary Employee (Process through Human Resources)  Temporary Employee (Process through Human Resources)

Requestor: Name and Signature/Date Human Resources Verification: Name and Signature/Date

**Section C Temporary Employment Procedures - Human Resources**

The temporary employment will be approved and classified according to board policy for temporary positions. An MOU may be issued outlining duties and expectations. The following information will be required by the requestor prior to the start date:

**Position Information:**

Name of Position:

Rate of Pay:  Hourly  Salary

Budget Code:

Number of Hours:

Dates of employment:

Name of supervisor:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Employment Documentation:**

The individual will be required to complete employment paperwork prior to the first day of employment.

* I-9 Form and accompanying identification – must be verified by Human Resources within three days of approved start date
* Tax Forms
* Direct Deposit Form, if required

**Payment**

Payment will be paid bi-weekly according to our payroll schedule and board policy and will be issued the payroll following signed receipt of the MOU. The employee will be responsible for submitting the signed copy to the supervisor for processing.

* New Individuals hired in a nonexempt (hourly) position will need to complete timesheets for hours worked.
* New individuals hired in an exempt position (salary) will be paid through payroll according to the MOU.

**Human Resources Confirmation**

Is PSRS/PEERS enrollment required?  Yes  No

Is the employment subject to the 218 agreement?  Yes  No

**Section D Independent Contractor Procedures - Purchasing/Accounts Payable**

This individual will not be considered an employee. An MOU may be issued outlining services and the scope of work to be performed.

**Documentation:**

The individual will need to provide the following documentation in order to engage in services and receive payment.

* W-9
* College Invoice

**Payment**

Payment will be processed through Accounts Payable according to the current procedure. Individual will invoice the college for services rendered. Individual will be responsible for submitting a signed copy of the MOU to the supervisor for processing. First payment will be issued within 30 days of receipt of invoice or as indicated on the MOU.

The individual will receive a 1099 issued by the college.

Reviewed by College Attorney 1-17-13