

## **Chabot-Las Positas Community College District Employee vs. Independent Contractor**

The District hires or contracts with individuals to provide certain services. These services may be for a specific task, an ongoing but irregular service, or for longer periods. Compensation may be in the form of an hourly or flat fee. These individuals may be hired as employees or contracted with as independent contractors. If an employer-employee relationship exists then the individual must be hired as an employee. If this relationship does not exist then the individual may be contracted with as an independent contractor.

The following are criteria to be used to determine how an individual will be paid:

- I. If the individual has never worked for the District in any capacity as an employee and the service being requested does not involve an employer-employee relationship, then the individual may be treated as an independent contractor.
- II. If the individual meets the above criteria but whose services are being requested for an extended period of time, then the individual will be treated as an employee, paid through the payroll system and subject to all the necessary procedures with regard to hiring an employee, unless documentation is provided showing that an employer-employee relationship does not exist.
- III. If the individual is currently or has been an employee of the District then, regardless of the working relationship, the individual will be treated as an employee, paid through the payroll system and subject to all the necessary procedures with regard to hiring an employee. The individual may be treated as an independent contractor only if documentation is provided showing that an employer-employee relationship does not exist.

**If your status is as an independent contractor, please provide the following items:**

- Company or Business Name
- IRS Employer Identification Number (if available)
- Sample of Business Stationery and Business Card

**Other requirements:**

- The independent contractor is required to submit itemized invoices on business stationery.
- The independent contractor understands that he/she shall provide his/her own Workers' Compensation insurance and shall properly report all income in accordance with federal and state law.

*Please note: The above information is a general overview of the guidelines for employment determination. For reference only.*