

CONSULTANT CONTRACT SERVICES

An individual is an independent contractor if the organizations, for which the services are performed have the right to control or direct only the result of the work and not the means and methods of accomplishing the result. People such as lawyers, contractors, subcontractors, and etc. who follow an independent trade, business or profession in which they offer their services to the public are generally independent contractors. However, if the worker provides services that are a key aspect of our regular business, which is education, it is more likely that they must be considered an employee rather than an independent contractor.

To determine whether an individual is an employee or an independent contractor under the common law, the relationship of the worker and the business must be examined. On the next sheet are facts that assist with determining whether a worker or business has an employee/employer relationship with the District or can be paid as a consultant.

Consultant Contracts must be completed and approved by the appropriate person. The approved contract must be forwarded and approved by the Director of Professional Standards before services are rendered.

Instructions for completing the Consultant Contract form are provided on the back of the document.

Subject: Consultant Contracts

The following checklist should be used to determine that an individual/agency complies with Federal, State and District guidelines for payment as a Consultant.

If the answer to questions 3, 5, 7 or 10 is “yes”, the individual/agency **can not** be paid as a Consultant.

If the answer to questions 4, 8, 9 or 12 is “yes”, the Consultant contract should be forwarded for review to the Assistant Director or Director of Financial Accounting.

A copy of the completed checklist must be attached to each consultant contract.

- 1) Is the transaction paid **by** an outside company/agency
- 2) Is the transaction being paid **to** an outside company/agency
- 3) Is the business owned or operated by a current employee of the LCSD
- 4) Is the business owned or operated by a former employee
- 5) Is the business owned or operated by a spouse or child of an employee
- 6) Is the transaction being paid to an individual
- 7) Is the individual a regular employee of the LCSD
- 8) Is the individual a former employee of the LCSD
- 9) Are the services similar or routine services provided by LCSD employees
- 10) Are the services for a TALC supplement
- 11) Is the individual engaged in business activities with other parties outside of the LCSD
- 12) Does the person work directly with students during routine school activities
- 13) Are the services unique to those commonly provided by our employees
- 14) Are the services short term in duration