



SAN LORENZO UNIFIED SCHOOL DISTRICT  
 15510 Usher Street  
 San Lorenzo, CA 94580  
 (510) 317-4600

<b>REQUIREMENTS FOR EMPLOYING CONSULTANTS</b>
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**COMPLETION OF THIS PACKET IS REQUIRED** when employing consultants. A consultant can be either an “Independent Contractor” paid through Accounts Payable, or an “Employee” paid through Payroll. Internal Revenue Service (IRS), State Teachers Retirement System (STRS) and Public Employees Retirement System (PERS) guidelines determine who is an “Independent Contractor” or an “Employee” (Limited Term Employee-Consultant).

**NAME OF CONSULTANT:** \_\_\_\_\_

<b>A. STRS/PERS MEMBERSHIP</b>	STRS (Yes/No)	PERS (Yes/No)
Is the consultant a <i>current or former</i> STRS or PERS member?		
Is the consultant a <i>retired</i> STRS or PERS member?		
If the consultant is a retired STRS or PERS member, what is his/her effective retirement date?		
If the consultant is a retired STRS or PERS member, and returned after July 4, 2012, has he /she complied with applicable PERS/STRS 180-day waiting period?		
<i>If the answer to any of these questions is yes, earnings may be reported to STRS/PERS</i>		

<b>B. FINGERPRINTING</b>	YES/NO
Will the consultant ever be alone (unsupervised) with students?	
<i>If the answer is yes, the consultant will need to have fingerprint clearance, at consultant’s expense. Consultant cannot work alone with students until clearance is verified by Personnel Department.</i>	

<b>C. INSURANCE – PROOF OF COVERAGE REQUIREMENTS</b>	YES/NO
a) Workers Compensation: Will the consultant have employees other than the consultant himself/herself working at a school or at the District Office site?	
b) General Liability: Is the contract amount over \$100,000 or will the consultant or consultant’s employee(s) be working directly with students or providing food services?	
c) Auto Liability: Is the consultant or consultant’s employee(s) required to drive between or onto District school/site locations (other than designated parking lots)?	
d) Professional Liability (Errors and Omissions): Will the consultant provide services that the District will rely on for critical decisions with potentially hazardous results?	
<i>If an answer is YES, check “Required” for the related item in section 9 of Independent Consultant Agreement form. For each answer that is NO, check “Not Required” for that item in section 9.</i>	

<b>D. INDEPENDENT CONTRACTOR STATUS (Initial Screening)</b>	YES/NO
1. Is the consultant currently an employee of San Lorenzo Unified School District?	
2. Will the consultant be performing any of the following <b>CREDENTIALLED</b> services: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>administrator</b>  <b>athletic coach</b>  <b>clerical staff</b>  <b>proctor or tutor</b>  <b>school bus driver</b> </div> <div style="width: 45%;"> <b>credentialed counselor or psychologist</b>  <b>credentialed teacher/instructor or substitute</b>  <b>credentialed specialty teacher (art, music, etc.)</b>  <b>individual temporarily filling a position</b>  <b>nurse</b> </div> </div>	
3. Are there currently employees of the District doing substantially the same work as will be required of the consultant?	
4. If consultant provides food service, has consultant provided copy of Health Permit, Serve Safe Certificate, Food Handlers Permit (where applicable), and recent Health Inspection report (within past 12 months)?	
5. Does the District have the legal right to control most or all methods and conditions of work or will the District train the consultant or give instruction as to when, where, how and in what order the work will be performed.	
<b>If the answer to <u>any</u> of the above four (4) questions is yes, the consultant is an “employee.” not an “independent contractor”.</b> <b>Do not complete page 2 of this form. Contact HR for procedures to employ consultants who are not independent contractors.</b>	

**E. NONRESIDENT INDEPENDENT CONTRACTOR (OUT-OF-STATE)**

1.	Is Nonresident Independent Contractor paid over \$1,500.00 in the fiscal year?	
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**IRS Checklist Instructions:** The IRS does not provide a clear-cut definition for “employee” versus “independent contractor.” Instead, the following 20 factors are used by the IRS and must be analyzed for each individual with whom the District intends to hire as an “independent contractor.”

<b>F. Independent Contractor Status (IRS Checklist)</b>		TRUE/FALSE
1.	No instructions: The consultant will not be required to follow explicit instructions to accomplish the job. The employer may provide job specifications, however.	
2.	No training: The consultant will not receive training provided by the employer. The consultant will use independent methods to accomplish the work.	
3.	Work not essential to the employer: The employer’s success or continuation does not depend on the services of the consultant.	
4.	Right to hire others: The consultant is being hired to provide a result, and will have the right to hire others for actual work.	
5.	Control of assistants: Assistants hired at consultant’s discretion; consultant responsible for hiring, supervising, paying of assistants.	
6.	Not a continuing relationship: If frequent, will be at irregular intervals, on call, or whenever work is available.	
7.	Own work hours: Consultant will establish work hours for the job.	
8.	Time to pursue other work: Since specific hours are not required, consultant may work for other employers simultaneously.	
9.	Job location: Consultant controls job location, no direction or supervision, whether on employer’s site or not.	
10.	Order of work: Consultant, rather than employer, determines order or sequence of steps in performance of work.	
11.	No interim reports: Only specific pre-determined reports defined in the contract.	
12.	Basis of payment: Consultant paid by the job, rather than time expended. Total compensation set in advance of starting the job.	
13.	Business expenses: Consultant is responsible for incidental or special business expenses.	
14.	Tools and equipment: Consultant furnishes the tools and equipment needed for the job.	
15.	Significant investment: Consultant can perform services without using the employer’s facilities. Consultant’s investment in own trade is real, essential and adequate.	
16.	Possible profit or loss: Consultant does some or all of these: 1. Hires, directs, pays assistants                      3. Has continuing & recurring liabilities 2. Has equipment, facilities                              4. Performs jobs for price agreed to in advance	
17.	Work for multiple employers: Consultant may perform services for more than one employee simultaneously.	
18.	Services available to the general public (for example) 1. Maintains an office      3. Advertises services 2. Business License      4. Lists services in Business Directory	
19.	Limited right to discharge: Consultant not subject to termination as long as contract specifications are met.	
20.	No compensation for non-completion: Responsible for satisfactory completion of job; no compensation for non-completion.	

***If the answer to several of the first 20 questions above are false, the consultant would be an employee and cannot be hired as an independent contractor***

**IF THE CONSULTANT QUALIFIES AS AN “INDEPENDENT CONTRACTOR,” COMPLETE THE INDEPENDENT CONSULTANT AGREEMENT AND SUBMIT WITH THIS FORM TO THE BUSINESS OFFICE.**

**Recommended for hire as an Independent Contractor:** \_\_\_\_\_ / \_\_\_\_\_  
Program Manager’s Signature Date

**Approved for hire as an Independent Contractor:** \_\_\_\_\_ / \_\_\_\_\_  
Assistant Superintendent, Business Services Date