



## **BP 6370 Independent Contractor (Contracts - Personal Services)**

### **Reference:**

Education Code Section 88003.1; Government Code Section 53060; Labor Code Sections 2775 et seq., and 3353; Public Contract Code Section 10335.5

1. Independent Contractor Qualification
2. The term “independent contractor” is commonly used to identify individuals who perform services on behalf of a hiring entity as distinguished from employees of that same entity. The classification of an individual as an independent contractor carries various tax considerations. The services of an independent contractor generally are of a limited or temporary nature.
3. An individual must meet specific criteria, as determined by District to be appropriate to meet various state and federal guidelines, to be qualified as an independent contractor. Generally, an individual will be considered an independent contractor if all of the following criteria are met: (1) the individual is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance for the work and in fact; (2) the individual performs work that is outside the usual course of the hiring entity’s business; and (3) the individual is customarily engaged in an independently established trade, occupation or business of the same nature as the work performed, Certain exceptions exist but will be narrowly construed in accordance with applicable law. District employees, including adjunct, adult hourly, and college assistants, cannot be contracted as an independent contractor.

Board of Trustees Approved: 10/12/2022

Next Review Date: Fall 2028