



**ADMINISTRATIVE
REGULATION AND
PROCEDURE**

Title: EVALUATING USE OF INDEPENDENT CONTRACTORS	Code: CC0508
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Policy Reference: B0801, Procurement of Equipment, Supplies and Services

Independent contractor agreements are used with individuals performing services for the College in limited situations under defined conditions. Prior to engaging any independent contractor for services, **and prior** to performance of any work on behalf of the College, the requesting manager must complete the Contractor/Employment Checklist to determine whether a service provider will be retained classified as an independent contractor (IC) or employee.

If the Checklist indicates an IC situation, at least sixty (60) days in advance of the date on which the department anticipates receiving any services or work, the department manager shall submit the completed Checklist to the Office of General Counsel. The Office of General Counsel will determine whether independent contractor status is appropriate.

Requestors should consider the following factors in determining whether to retain an Independent Contractor prior to contacting the Office of General Counsel:

- The extent to which the service rendered is an integral part of the employer's business;
- the permanency and duration of the relationship;
- the nature and degree of the employer's control over the independent contractor and the work to be performed;
- the independent contractor's investment in equipment, materials, and staff required to complete the work;
- whether the work requires a special skill; and
- the degree to which the independent contractor has the opportunity for profit or loss.

If the Office of General Counsel determines the request meets requirements for classification as an Independent Contractor, obtain the MATC Independent Contractor Agreement and W-9 forms at the following webpage:
<https://portal-prod.ec.matc.edu/departments/purchasing/Independent%20Contractor%20Information/Contractor%20Employment%20Checklist%20and%20Independent%20Contractor%20Agreement.pdf>. Complete and attach both forms to the approved Contractor/Employment Checklist and route to the Purchasing Department.

The department processing the IC Agreement must enter an EPR into the COSMO system.

The Checklist is valid for one (1) year and must be completed annually, generally when the contract is renewed. If an IC is performing work under more than one (1) contract, a



Title: AUTHORIZATION TO PROCURE TEMPORARY AGENCY EMPLOYEES	Code: CC0507
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separate Checklist should be completed when the new contract is entered unless the services being provided are identical to other services the IC provides.

If the Office of General Counsel determines that the request does not meet requirements for classification as Independent Contractor, it will work with Human Resources to to facilitate the hiring process in accordance with Human Resources policies and procedures.

Office of Responsibility: Office of General Counsel
Last Reviewed: Mar-2022