

INDEPENDENT CONTRACTOR CHECKLIST

Name of Contractor: _____ Total Contract Amount: \$ _____

Source of Funds: _____ FOAP: _____

The purpose of this checklist is to assist in the determination of employee or independent contractor status (AB5 / AB2257). Federal and State law places the burden of proof on the employer to show that an independent contractor relationship exists.

Please answer the following questions:

Step	Description	Yes	No	Action
1.	Is the Contractor a current employee of the District?			If YES : Contact HR to process as employee If NO : Go to Step 2
2.	Is the Independent Contractor a government agency, an agency registered as an LLC, LLP or Corporation (C-Corp, S-Corp)?			If YES : Use the Standard Services Agreement (SSA) If NO : Go to Step 3
3.	Is the Independent Contractor engaged in an exempt occupation including, among others (must select on exempt occupation below): <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Lawyer <input type="checkbox"/> Architect/Engineer <input type="checkbox"/> Private investigator, <input type="checkbox"/> Fine Artist (performing artist/musician/vocalist and single event performers), <input type="checkbox"/> Certain licensed health care professionals <input type="checkbox"/> Marketing (original and creative content) <input type="checkbox"/> Travel agent services <input type="checkbox"/> Graphic design <input type="checkbox"/> Still photographer/photojournalist <input type="checkbox"/> Freelance writer <input type="checkbox"/> Grant Writer <input type="checkbox"/> Editor </div> <div style="width: 45%;"> <input type="checkbox"/> Tutoring <input type="checkbox"/> Event vendor <input type="checkbox"/> Interpreting services <input type="checkbox"/> Workers providing licensed barber, <input type="checkbox"/> Esthetician or cosmetology services, <input type="checkbox"/> Others performing work under a contract for professional services with another business entity or pursuant to a subcontract with the construction industry <input type="checkbox"/> Sports official (includes umpire, referee, judge, scorekeeper, timekeeper, or other person who is a neutral participant in a sports event) </div> </div>			If YES : Use the Independent Contractor Agreement (ICA) and check off on "N/A" box in step 4 below If NO : Go to step 4
4.	<u>ABC test in which a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless ALL of the following conditions are satisfied:</u> A. The person 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 of the work and in fact. B. The person performs work that is outside the usual course of the hiring entity's business. C. The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.			<input type="checkbox"/> N/A If YES : Use the Independent Contractor Agreement (ICA) If NO : Do Not Hire the individual as an Independent Contractor, Consult with HR

I certify to the best of my knowledge that the information provided is correct:

Name of Requester	Signature	Date
Name of Dept. Administrator	Signature	Date
Name of College VPA	Signature	Date