



## Operating Protocol & Procedure

### Details:

Number: 206

Title: Independent Consultants

Category: Employees

Office of Primary Responsibility: Purchasing Department

Approval Date: 2/2/15

Effective Date: 2/2/15

Revised: 12/20/18

### Purpose:

To define the policy of augmenting College staffing needs through the assistance of independent contractors.

### Applicability:

All PCC employees

### Definitions:

EIN/TIN – Employer Identification Number/Tax Identification Number

Independent Consultant – A person who provides work for the College on a contractual basis and is not a direct employee of the College.

PERA – Public Employees Retirement Association

SSN – Social Security Number

Ultimus - PCC workflow software for the processing of various administrative procedures within the college.

### References:

[IRS definition for Independent Contractor \(Self-Employed\) or Employee](#)

State of Colorado regulations – CRS 8-40-202, 8-70-115 ([Colorado Employment Security Act 2016](#))

Colorado PERA regulations ([Working After Retirement](#))

### Attachments/Related Forms or Documents:

None

### Operating Protocol:

Individuals may be hired as Independent Consultants provided that the prospective consultant meets the required criteria to be considered an Independent Consultant. To be considered an independent consultant, the prospective consultant must meet the following criteria:

- Selects his/her clients and is free to work for one or more clients during any given period of time.
- Provides services to the general public, other companies and/or other state agencies more than minimally.
- May hire and supervise assistants.
- Determines the time, scope, and place where work shall be performed.
- Provides his/her own cost of tools, materials, or equipment.
- Will assume all costs for travel, supplies and/or materials and will include such costs in the final contract price.
- Will not expect reimbursement for any costs.
- Will provide personal unemployment, Worker's Compensation, and personal and public liability insurances.
- Will not participate directly or indirectly in benefit programs of the State of Colorado or the College.
- Has not worked for the college in the same or similar capacity for at least 180 days and is not expected to fill a position on a permanent basis as a PCC Employee.
- Has not been an employee of the Colorado Community College system in the current calendar year AND has not been paid by CCCS in the past 6 months.
- Is responsible for all State and Federal income and employment taxes.
- Will agree to perform specific services for a fixed price and will not receive regular wage payments or payments at stated intervals.
- Will not be trained by the State or the College for work performance.
- Will not be evaluated or subject to a quality standard by the State or the College for work performance.
- Will not provide monthly progress reports while work is continuing.
- Will not be discharged without liability before the contract term is completed unless the contractor violates the terms of the Purchase Order.
- Will not quit work without liability before the contract term is completed.
- Does not supervise, hire, or control the duties of College employees.
- May be a PERA retiree who is not working in the same month retirement began, nor will work on the first business day of the month retirement is effective and who is not filling the same or similar position as they did when they were employed by the College or CCS System.
- Will not hold the College or the State liable for any incident(s) resulting from the negligence or performance of the Independent Contractor.

At all times, individuals employed to teach or provide instructional services to students of the College are construed to be direct employees of the College and may not be hired as Independent Consultants. However, payments for instructional services to students of the College may be rendered on an independent contractor basis provided that payment is made to a firm, business, organization, or other governmental agency per the requirements above. For payment and tax purposes, the EIN/TIN of the business must be used and payment made in the name of the business and not to an individual or to an individuals' SSN.

College and other State employees may be hired as Independent Contractors provided that the person will not be performing similar duties as are regularly performed while in the State's or the College's employ. In these instances, payment will be made via the College's payroll system and are subject to tax withholding.

Procedure:

To employ the services of an Independent Consultant, a Consulting Requisition must be completed. The Consulting Requisition is completed and submitted through Ultimus.

The prospective consultant must complete paperwork prior to the completion of the Consulting Requisition which must be attached to the Ultimus document. The required paperwork is located in the U Drive, Purchasing folder.

Once the Consulting Requisition is completed and all conditions for independent contractor has been met and approved, the Purchasing Office will issue a Purchase Order for the service.

The Consulting Requisition and the Purchase Order should be considered a binding contract between the College and the Consultant and all information requested is required. The name of the Consultant and/or the Consultant's firm, the term of service, the scope of work, and total cost must be clearly indicated on the Consulting Requisition.

The Consulting Requisition must also indicate the ORG to be charged and bear all required signatures as specified, namely, the signature of the requestor, the requestor's supervisor, and the ORG owner's if required.

Payment will be made to the Contractor upon completion of the work or as stipulated in the terms of service.

Pueblo Community College will not reimburse a consultant for any travel, supply or material costs associated with the work. All costs associated with the service must be directly included in the final contract price.