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Applies To: Colleges and the System Office
Procedure Responsibility: KCTCS Purchasing

Temporary Labor – (Individuals)

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Section 4.18.1 – General

The purpose of this procedure is to define temporary labor to comply with IRS regulations. IRS regulations state that payments made to individuals for services where an employer/employee relationship exists are subject to employment taxes and withholdings. If it is determined that the individual is acting as a vendor, then the individual will probably be classified as a 1099 vendor unless they are incorporated.

Section 4.18.2 – KCTCS Employees

Under no circumstances should a KCTCS employee be considered a vendor or contractor of KCTCS. If employees are performing additional tasks than those normally assigned then the procedures and policies relating to additional compensation must be used.

Section 4.18.3 – Temporary Vendor Employees

KCTCS has relationships with various temporary employment services that provide temporary employees. Those employees are exempt from this procedure.

Section 4.18.4 – Independent Contractor Status Test

A. An employee/employer relationship exists when KCTCS has the right to direct and control an individual in the way they work, both as to the final results and as to the details of when, where and how the work is done.

B. Each business unit has the responsibility to ensure that the following questions are answered **no** for any individual providing temporary labor to KCTCS. If the answer to any question is yes, then the individual needs to be identified as a part time or temporary KCTCS employee.

1. Will the individual performing the work be paid upon a guaranteed hourly, weekly or monthly basis for a specific time period as opposed to completion of the work?

2. Will the individual be provided with detailed instructions or training in the manner or method in which work is to be performed as opposed to general instructions?

3. Will the individual be provided with the tools, equipment or materials necessary to complete the work performed by KCTCS other than large musical instruments?

4. Does the person performing the work have the ability to terminate the relationship at will prior to completion without incurring a loss?

C. Questions concerning the determination of independent contractor status should be directed to the KCTCS Director of Purchasing.

Section 4.18.5 – Establishing an Individual as a Vendor

If the contractor has not been established as a vendor in the PeopleSoft system, then a completed Vendor Add Form (BA-13), a completed Substitute W9 form and an Independent Contractor form (BA-18) should be submitted to KCTCS Purchasing for approval and before any work begins if one is not already on file for that contractor.

Section 4.18.6 – Temporary Faculty

A. Regular Credit Classes – Anyone providing instruction in a class for students that are not KCTCS employees are considered temporary faculty and must comply with KCTCS Human Resource procedures processes. An exception is those classes that are contracted to a vendor. (e.g. truck driving)

B. Non-Credit Classes – A person teaching these classes (e.g. CED classes) and has a business in the same field (e.g. a florist teaching flower arrangements) and their business rather than the individual compensated for the instruction is

to be classified as a vendor and must comply with the requirements of section 4.18.5 and in addition a “Independent Contractor Form” (Form BA18) completed. Otherwise, the instructor status must be as an employee in paragraph A above.

C. Individuals providing instruction to KCTCS employees, such as in workshops, seminars etc, may be classified as a vendor. If this situation occurs, compliance is required to procurement procedures. Please refer to Business Procedures 4.15 (Personal Service Contracts) and 3.15 (Honorariums).

D. Workshops for standardized previously developed curriculum or presentations may be classified as temporary labor. Situations where the services require professional skill or judgment to develop curriculum, render analysis or opinion or other forms of consulting shall be processed as a Personal Service Contract. See business procedure 4.15 for more information about Personal Service Contracts.

Section 4.18.7 – Student Vendors

Students may from time to time provide services to KCTCS and be classified as a vendor. In such cases the student must comply with the independent contractor status test in Section 4.18.4. If the student is already a student worker (student work-study program is excluded) the student cannot be a vendor/supplier and must be compensated via the payroll system.

Section 4.18.8 – Maintenance Contractors

Anyone providing contractor building maintenance is considered a vendor. This includes, but is not limited to such activities as painting, installing building fixtures, such as carpet, lighting, windows etc and also includes plumbers, electricians etc. Payment should be made in compliance with procurement procedures.

Section 4.18.9 – Payment of Temporary Labor

Payments for temporary labor shall be made by processing invoices for the service provided by using a confirming requisition after compliance with section 4.18.5. See Business Procedure 4.3.7 for more information about confirming requisitions.

End of Procedure