

Independent Contractor Status

Keep the following guidelines in mind when establishing independent contractor status (v. employee status):

1. **Don't exercise too much control over the person.** The association may reserve the right of final approval, for example, but the more the person works on her or his own, the stronger the evidence of true independent contractor status.
2. **Make sure the contractor maintains her or his own place of business and supplies.** If the association gives the contractor an office on its premises which the contractor uses a great deal, and if the association provides office equipment and support staff, these factors will count heavily as evidence that the person is an employee and not an independent contractor.
3. **Make sure the contractor's opportunity for profit and loss is independent of the association's.** If the contractor's pay is tied to the organization's, this is evidence of an employment relationship. The contractor must have other clients besides the association; otherwise, the contractor is working virtually full-time for the association, and this will count against independent contractor status.
4. **Make sure the contractor performs work that is not performed by the association.**

Source: *American Society of Association Executives (ASAE)*

Sample Contract between PTA and Independent Contractor for After-School Enrichment Class

Date: ____/____/____

Program/Class Description: _____

What will happen with student work after the class is over (art/pictures):

Rules of use (school and PTA materials use, space, cleaning, closing door upon exit, food/drink):

Note: Contractor will be held liable for any ABC School District property that is damaged during contracted time.

Cancellation policy:

Independent contractor fee: _____

Student tuition: _____ PTA administrative cost: _____

Name of independent contractor that will be providing the service(s) described above:

Name of instructor(s), if different:

Tax ID Number: _____ Email: _____

Address: _____

Phone number: _____ Mobile: _____

Do you hold a Master Business License? ____ Yes ____ No

Do you hold a city business license*? ____ Yes ____ No

*If yes, attach a copy of the business license(s) to your W-9 when submitting this form.

Contractor services will be provided:

Starting ____/____/____ Ending ____/____/____

Holidays/days class will not be offered: _____

Date of end-of-class activity: _____

Instructor's contact information (if different than above): _____

Mobile: _____ Email: _____

Has the instructor submitted the volunteer application to _____ school district
for approval? _____ Yes _____ No

As an enrichment class instructor, I certify that I have read and understand the PTA enrichment class policy and will adhere to the policy as it pertains to instructors. I also certify that I will release the students solely to their parent/guardian or per written instructions signed by the same. I will not use the PTA registration list for my own promotions or communications.

Signatures:

Independent Contractor: _____ Date: ____/____/____

PTA Elected Officer: _____ Date: ____/____/____

PTA Elected Officer: _____ Date: ____/____/____

Note: Signatures of independent contractor and two elected PTA officers are required.

Note: Retain a copy of the documents in both the secretary and treasurer's notebooks.