



City of Bristol, Connecticut Guidelines for Provision of Personal Services

General Guidelines

In accordance with United States Department of Labor guidelines, the City of Bristol is required to make appropriate classification of services provided by individuals. Effective upon issuance of this policy, any Department seeking to engage the services of an individual as an independent contractor is required to confirm proper classification of said services, prior to the provision of any services. Said classification shall be confirmed via the completion of Form PUR-009 Employee/Independent Contractor Checklist.

A secondary copy of the Employee/Independent Contractor Classification Form must be sent to the Personnel Department, in the event that proposed services are intended to be provided by an existing employee.

Process as an Employee

If it is determined that an individual providing service is considered to be an employee, the said individual will be classified as an employee and will be paid through the payroll system, and will be subject to applicable federal and state withholdings. The individual will be required to complete the necessary forms which include a W-4 for federal tax and a CT W-4 form prior to payment of services.

Process as a Contractor

If it is determined that the individual is considered an independent contractor, the individual will be paid through Accounts Payable by way of the normal processing of vendor payments. Please note that prior to provision of services, the independent contractor must execute a statement indicating that 1) the individual understands and accepts that he/she is acting as an independent contractor, and that 2) the individual understands and accepts that no claim for injury may be filed against the City under the Workers' Compensation Act. Said statement shall be confirmed via the completion of Form PUR-010 Confirmation of Independent Contractor Status, which shall be completed prior to the provision of any services. The individual may additionally be required to complete a W-9 Request For Taxpayer Identification form.

Insurance Requirements

If the independent contractor is expected to perform services for an extended period of time (one month or greater), and is expected to receive compensation in excess of \$5,000.00, the contractor is required to provide a certificate of insurance, naming the City as additionally insured, showing general commercial liability in amounts of \$1,000,000.00 (combined single limit) Bodily Injury-Property Damage Coverage per occurrence, and \$2,000,000.00 aggregate coverage.

If the independent contractor is expected to perform services involving the use of an automobile, the contractor is required to provide a certificate of insurance, naming the City as additionally insured, showing automobile coverage in the amount of \$1,000,000.00.

Insurance guidelines for snow plowing operations are addressed from these guidelines in accordance with direction from the Board of Finance.

Conflicts of Interest

Any individual, corporation or other business entity in which the requester may have a financial interest is specifically precluded from engaging in any contract or service under these provisions.

Municipal employees may not execute a contract on behalf of the City with an immediate family member. Such action may be in violation of the City of Bristol Code of Ethics as defined in Section 55 of the Bristol Charter as well as Section 10 of the Personnel Policies and Procedures, and may be subject to an investigation.

No City employee shall be compensated for services rendered to more than one City department unless the authority of each department certifies that the duties performed are dissimilar from the department of principal employment, that the hours worked at each department are documented and reviewed to preclude duplicate payment, and that no conflicts of interest exist between services performed.

City of Bristol Connecticut Employee / Independent Contractor Classification



The information provided below will assist the City in determining whether the individual performing the service will be classified for federal, state, and FICA tax purposes as an employee of the City or as an independent contractor.

I. Individual Information		
_____	_____	_____
(individual's name)	(social security number)	(brief description of services)
	from _____	to _____
	(start date of service)	(expected end date of service)
_____	_____	_____
(department)	(form preparer name)	(date)

II Definition of Relationships with the City	YES	NO
A. Is it currently expected that the City will hire this individual as an employee immediately following the termination of his/her services requested herein?	_____	_____
B. During the twelve (12) months prior to the date on which these services are expected to commence, did the individual serve as an employee and provide the same or similar services?	_____	_____
<i>If the answer is "YES" to either of these questions, the individual should be classified as an employee and paid via the payroll process.</i>		
C. Does this individual currently work for the City as an employee? <i>If yes, please attach narrative how services proposed to be provided are distinct from and not associated with primary employment. If the services proposed to be provided are not distinct from and are in any way associated with primary employment, the individual shall not be classified as an independent contractor for said services.</i>	_____	_____

III Performance of Services		
A. Does the individual provide the same or similar services to other entities or to the general public as part of a trade or business?	_____	_____
	Treat as Contractor	Go to B
B. Will the department provide the individual with specific instructions regarding performance of the required work rather than rely on the individual's expertise?	_____	_____
	Treat as lemployee	Go to C
C. Will the City set the number of hours and/or days of the week that the individual is required to work, as opposed to allowing the individual to set his/her own work schedule?	_____	_____
	Treat as lemployee	Treat as Contractor

I certify that to the best of my knowledge, the above information is accurate and represents a true assessment of services requested to be rendered, and further certify that I have reviewed the IRS guidelines attached herein prior to completion of this form.

Department Head

Date

**City of Bristol Connecticut
Confirmation of Independent Contractor Status**



You have been requested to provide services to or on behalf of the City of Bristol and/or the Bristol Board of Education.

In providing these services to the City of Bristol, you are performing said services as an independent contractor/sole proprietor.

Separately from provision of this document, you may additionally be requested to provide a Form W-9 Request for Taxpayer Identification Number and Certification, for subsequent annual issuance of an IRS 1099 Earnings Statement (if more than \$600.00 is paid to you annually as an independent contractor/sole proprietor, the City is obligated to issue said earnings statement).

Individual Information

(individual's name) _____
(social security number) _____
(brief description of services)

for _____ from _____ to _____
(department) (start date of service) (expected end date of service)

I hereby certify that I, as an independent contractor providing services either to the City or on behalf of the City, agree to defend, indemnify and hold harmless the City of Bristol, as well as its officers, agents and employees from any and all claims and losses to the extent caused by a negligent act, error or omission of myself as an independent contractor, resulting from the performance of duties on behalf of the City.

I further certify that I am acting as a sole proprietor as defined in C.G.S. 31-275(10), and that in accordance with Chapter 568 of the Connecticut General Statutes (Workers' Compensation Act), I have provided to the Workers Compensation Commission proper notice that I am excluded from filing any claim for workers' compensation against the City of Bristol.

I further certify that work performed under this contract to the City of Bristol as a sole proprietor does not contribute to eligibility for receipt of benefits through unemployment insurance.

Signature

Date

IRS GUIDELINES

The following is a list of twenty (20) IRS questions one must consider when hiring a consultant. These guidelines will help determine whether the consultant is determined to be employee or independent contractor status.

1.	INSTRUCTIONS	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Must follow employer's instructions as to when, how and where he/she is to work.	Follows own instructions on when, now and where he/she is to work.
2.	TRAINING	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Must perform the work in a particular manner as trained by an experienced employee.	Does not require employer training.
3.	INTEGRATION	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Services are part of the business operations whereby the continuation of the business depends upon the performance of the service.	Service is not necessary for the continuation of the business.
4.	SERVICES RENDERED PERSONALLY	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Services are performed personally by the provider.	Services are not required to be performed personally by the provider.
5.	HIRING, SUPERVISING AND PAYING ASSISTANTS	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Hiring, supervising and payment are paid directly by the employer for the performance of service.	Hires and supervises his/her own assistants to complete the required service.
6.	CONTINUING RELATIONSHIP	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	A relationship is maintained with the employer.	A relationship is not necessarily continued.
7.	SET HOURS OF WORK	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	The employer establishes hours of work.	The consultant establishes hours of work.
8.	TIME REQUIRED	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Restricted from performing services for other businesses during set hours of work.	Free to work for whomever and whenever he/she chooses.

	IRS GUIDELINES	Page 2
9.	LOCATION OF WORK PERFORMED	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Usually works on employer's premises.	Usually work is performed at consultant's location.
10.	WORK ORDER	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Required to follow schedule established by employer.	Develops own pattern of work order.
11.	REPORTS	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Submits regular reports to employer.	Not required to submit regular reports.
12.	PAYMENT	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Receives payment on a regular basis by the hour, week, month, etc.	Generally receives payment upon completion of project, service, etc.
13.	TRAVEL AND/OR BUSINESS EXPENSES	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Such expenses are normally paid for by the employer.	Generally paid by the consultant, however, may be reimbursed by the contracted party.
14.	TOOLS AND MATERIALS	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Such tools and materials are normally provided for by the employer.	Generally provides his/her own tools and materials.
15.	FACILITY INVESTMENT	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Is dependent upon the employer's facility to perform service.	Invests in his/her own facility necessary to perform the service.
16.	PROFIT OR LOSS	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Cannot directly realize a profit or loss as a result of performing services.	May be directly subject to profits and losses.
17.	WORKING FOR MORE THAN ONE BUSINESS AT ONCE	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Cannot generally perform service for more than one organization.	May perform services for multiple organizations at one time.
18.	GENERAL PUBLIC SERVICE	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Service is to one employer at a time.	Service is regularly available and offered to the general public.

	IRS GUIDELINES	Page 3
19.	RIGHT TO FIRE	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Employee can be discharged by the employer.	Consultant cannot be fired as long as he/she meets contractual obligations.
20.	RIGHT TO QUIT	
	EMPLOYEE	INDEPENDENT CONTRACTOR
	Employee can quit at any time without incurring liability.	Consultant can quit but at risk of contractual prosecution.



City of Bristol

BRISTOL, CONNECTICUT 06010

To: Department Heads
From: Roger D. Rousseau, Purchasing Agent
Date: October 5, 2010
Re: Purchasing Policies – Personal Services Guidelines

A handwritten signature in black ink, appearing to read "R. Rousseau", is written over the "Re:" line of the header.

Effective October 15, 2010, the City of Bristol is implementing a new set of guidelines for the provision of personal services by an independent contractor. This set of guidelines shall be followed for engagement of any individual providing services to the City, where said services are not considered employment.

Any individual that is not considered an employee and is expected to provide services to the City, Board of Education, or Water Department is required to sign a Form PUR-010, confirming that the individual's services are excluded for consideration of both worker's compensation benefits and unemployment benefits. Said form must be signed prior to the provision of any services.

Please note that independent contractors that are expected to perform services for an extended period of time and are expected to receive compensation in excess of \$5,000.00 are required to provide a certificate of insurance to the City per the requirements stated in the guidelines. Said insurance certificate must be provided prior to the provision of any service. Insurance requirements for snow plowing operations are addressed separately from those guidelines, in accordance with the direction of the Board of Finance.

In order for an individual to be considered as an independent contractor, departments are required to consider the nature of services performed, and confirm that the services required do not constitute an employment relationship. To assist departments in this review, the IRS has adopted 20 rules to determine whether an individual is considered an employee or a contractor; a copy of the 20 rules is included for reference. Following consideration of the IRS 20 rules, departments are required to complete a Form PUR-009 and submit to the Purchasing Department, prior to provision of any service.

Departments are reminded of existing policies regarding conflict of interest in engagement of individuals for provision of personal services.

Please feel free to contact my office if you have any questions regarding these guidelines.