

EMPLOYMENT STATUS, INDEPENDENT CONTRACTORS, & VOLUNTEERS

Revised December 2008

SECTION: 4

A. EMPLOYEE

Within these Personnel Policies & Procedures, the generic term “employee” refers to all individuals who receive monetary compensation for work performed for the City, and the City is subject to employment tax contributions for such individuals, unless otherwise specified under this or other specific Sections of this Manual.

B. INDEPENDENT CONTRACTORS AND VOLUNTEERS

1. Independent Contractor – Independent contractors are not City employees. Independent contractors should have general liability insurance appropriate to their business, a business license appropriate for the services rendered, and appropriate worker’s compensation coverage or a worker’s compensation waiver policy, whichever is applicable. To clarify the difference between an “employee” and an “independent contractor” the Fair Labor Standards Act and the Internal Revenue Service specify that independent contractors should also:
 - a. Offer their services to the general consumer base rather than exclusively to the City;
 - b. Have an opportunity for profit/loss;
 - c. Cover their own overhead and related operational expenses; and
 - d. Have a written agreement for results rather than specifying how the work is to be done and while doing so the independent contractor should be independent of the City in all that pertains to the execution of the work.
2. Volunteer – Utah State Law, Section 67-20 regulates the authorized use of volunteer government workers:
 - a. A volunteer is an individual, who performs hours of service for civic, charitable, or humanitarian reasons and performs these services without promise, expectation, or receipt of compensation for services rendered. Volunteers may be reimbursed for expenses, provided reasonable benefits, or a nominal fee (as defined by Fair Labor Standards Act guidelines, nominal fee may not exceed 20% of what would be paid to a City employee providing the same or similar service) or stipend to perform the services for which the individual volunteered. Members of advisory, review, and appeal boards, or similar bodies, volunteers in police services, and firefighters are examples of volunteers.

