

Business Operations Series—6000

## INSTRUCTIONAL CONTRACTING

### I. GENERAL ISSUES

- A. Two different questions must always be addressed: (1) Does the service qualify for contracting? If so, then (2) Does the person (entity) providing the service qualify as a contractor?

### II. DOES THE SERVICE QUALIFY FOR CONTRACTING?

- A. Services to the college can only be provided by contracting as appropriate within current collective bargaining agreements, and consistent with the college's needs to maintain control of the methods of service delivery.
- B. Credit classes, or non-credit classes currently recognized in collective bargaining agreements cannot be taught by persons using independent contracts, or corporations, or any other non-employee entities not recognized as a part of current collective bargaining agreements, unless there has been a past practice of exclusively contracting those classes. Exclusively, as used here, means as consistently practiced at all campus locations, e.g., bowling classes.
- C. Any non-credit classes, or special workshops that are not currently recognized in the collective bargaining agreements, and in the past have not been a part of collective bargaining agreements, and have not been regularly paid as employees under non-bargaining policies and procedures, may be taught by employees, independent contractors, instructional service agreements, corporations, or any other non-employee entities.
- D. Questions on which services qualify for contracting should be directed to the **Executive Dean** (399-6593).

### III. DOES THE PERSON (ENTITY) PROVIDING THE SERVICE QUALIFY AS A CONTRACTOR?

- A. Corporations will usually be considered appropriate to provide contracted services.
- B. College employees may be employed by a corporation which provides services to the college.

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**INSTRUCTIONAL CONTRACTING** (Continued)

- C. No college employee, full time or part time, can also provide any service to the college as an independent contractor within the same calendar year.<sup>1</sup>
- D. Individuals will only be considered as independent contractors<sup>2</sup> if they are actively engaged in providing the services to a number of other agencies or corporations and meet all qualifications required by statute.<sup>3</sup>
- E. Questions on qualifications for contractors should be directed to the Vice President/Chief Financial Officer (399-5138).

December 11, 1996

Adopted by College Council

February 9, 2005; June 7, 2006

*Revised*

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<sup>1</sup>OAR 459-010-0030; OAR 459-010-0032

<sup>2</sup>ORS 670.600, 243.105(4)(b)

<sup>3</sup>ORS 670.600, 670.605