

Name of Contractor: _____

Total \$ Amount of Contract: _____ **FOAP:** _____

On September 18, 2019, the CA legislature passed AB5 amending Labor Code Section 3351, and adds Section 2750.3; and amends the Unemployment Insurance Code Sections 606.5 and 621 relating to employment. On September 4, 2020, the CA legislature passed AB2257, an act to add Article 1.5 (commencing with Section 2775) to Chapter 2 of Division 3, to repeal Section 2750.3 of the Labor Code, to amend Sections 17020.12 and 23045.6 of, and to add Sections 18406, 21003.5, and 61001 to the Revenue and Taxation Code relating to employment.

The purpose of this checklist is to assist in the determination of employee or independent contractor status. Federal and State law places the burden of proof on the employer to show that an independent contractor relationship exists.

Please answer the following questions:

Step	Description	Yes	No	Action
1.	Is the Contractor a current employee of Antelope Valley Community College District?			If YES : Contact HR to process as employee If NO : Go to step 2
2.	Is the Contractor a government agency, an agency registered as a LLC, LLP, Corporation (C-Corp, S-Corp)			If YES : Submit checklist with RFC If NO : Go to step 3
3.	Is the Contractor providing a service under an exempt occupation including, among others: <ul style="list-style-type: none"> • Lawyer • Architect • Engineer • Private investigator • Fine artists (performing artist/musicians/vocalist and single event performers) • Certain licensed health-care professionals • Marketing (original and creative content) • Travel agent services • Graphic design • Photographer/photojournalist • Freelance writer • Grant writer • HR Administrator • Tutoring • Event vendor • Interpreting services • Workers providing licensed barber • Esthetician or cosmetology services • Others performing work under a contract for professional services with another business entity or pursuant to a subcontract in the construction industry • "Sports official" including umpires, referees, judges, scorekeepers, timekeepers, or other person who is a neutral participant in a sports event (LAB 3352(a)) 			If YES : Submit checklist with RFC If NO : Go to step 4
4.	ABC test in which <u>a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless all of the following conditions are satisfied:</u> (A) The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact. (B) The person performs work that is outside the usual course of the hiring entity's business. (C) The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.			If YES : Submit checklist with RFC If NO : Contact HR to process as employee

Dean/Director Signature

Printed Name

Date

