



## ADMINISTRATIVE MEMORANDUM COUNTY OF SAN MATEO

SUBJECT: Individual Contractors

RESPONSIBLE DEPARTMENT: District Attorney

NUMBER: C-4

APPROVED: David H. Nichols  
County Manager

DATE: February 1, 1984

Due to potential legal conflicts and increased financial risks to the county, individuals performing professional and specialized services should either be in employee status or be covered by a written agreement firmly establishing an independent contractor's status. Expert witnesses and election precinct workers may be paid on "Blue Claim" without a contract. Any other exceptions must be approved in advance by the District Attorney.

The following criteria should be used as a guideline for determining whether persons performing specialized or professional services should be independent contractors or employees:

### Independent Contractor

- 1) Has more than one source of employment.
- 2) Furnishes own tools.
- 3) Has no fixed hours during which the contractor is obliged to render services or be present at a specific place or area.
- 4) Is not supervised by the county in rendering the services.
- 5) Is responsible only for fulfilling the contract obligation.
- 6) Has no legal basis for exercising line authority over a county employee.
- 7) No established salary ordinance position exists.

### Employee

- 1) Has the county as the primary source of employment.
- 2) Has fixed working hours.
- 3) Receives direct supervision from other county employees, not only as to the end product but as to the method, manner, and time of rendering services.

- 4) May exercise line authority over the county employees.

When the department is uncertain as to whether or not a potential contractor meets these conditions that distinguish him/her from status as an employee, the department should review the contract with either the Personnel Department or the District Attorney prior to submitting the contract to the Purchasing Agent.

The District Attorney will return to departments all contracts with individuals which are not in full compliance with this Administrative Memorandum. The Controller will make payments to individuals only when there is a contract or approval from the District Attorney.