TO: All Supervisors

FROM: Nancy Anderson, Director of Human Resources
Steve MacLeod, College Counsel

RE: Policy Regarding Independent Contractors

Since your department occasionally works with independent contractors, this is to alert you to changes in the Massachusetts Independent Contractor Law that may affect the way you wish to pay these folks.

The new law is much more restrictive than the IRS guidelines that have helped us to determine whether a person performing services for the College could be paid as an independent contractor. The Massachusetts law excludes many more workers from independent contractor status and requires that any person performing services must be classified as an employee unless the College can establish that each of the following three factors applies:

1. The individual must be free of Gordon’s “control and direction” in performing the job;

2. The individual’s service must be outside the college’s “usual course of business”; and

3. The individual must routinely work in an “independently established trade, occupation, profession or business of the same nature as that involved in the service performed.”

In addition, the law requires that we must have a written contract with any individual for whom we wish to claim independent contractor status.

This may mean that some people who we have previously paid as independent contractors must now go on payroll. The Controller’s Office will no longer be able to process check requests unless the request is accompanied by Gordon’s Independent Contractor Agreement which is available on the Controller’s Office and Payroll GO! Site web pages

If you have questions about how these changes affect your department, please call Nancy Anderson in Human Resources, or Steve MacLeod, college counsel.