

## Independent Contractor Background Screening

The Diocese of Oakland requires that Independent Contractors working on parish or school sites undergo background screening (Megan's Law) and receive criminal clearance prior to starting work. The Independent Contractor's Company must be notified of this requirement in writing. Verification of criminal clearance is to be provided by the owner/company supervisor. Compliance forms follow.

An independent Contractor is someone who provided specific services and brings his/her own tools or instruments of his/her trade. The person is called on to provide a specific service and is not a regular employee. This company/person is paid a set cost and is issued a 1099 at the end of the tax year. ( Examples of independent contractors are: Heating or Plumbing Contractors, Electrical contractors /Companies, General Contractors, Gardening services – not a gardener- music companies that provide music education for the school, to name a few). These services or companies must have Diocesan mandated liability insurance coverage of \$1,000,000.

Examples of people who are employees and not independent contractors: Counselors at a school site (except those from Catholic Charities who are contractors because they come from a company that is the payee of the services rendered) Musicians/ cantors for parish.

- If the Independent Contractor is an individual (such as a contracted music teacher), he or she must be Livescan fingerprinted in the same manner as an employee.
- If the Independent Contractor uses employees or agents (such as a janitorial service), the Contractor will arrange for the fingerprinting of all employees or agents who will work on site, and will notify the parish or school in writing (using the Compliance of Safe Environment Screening form or its equivalent) that all such employees or agents have been cleared by the California Department of Justice and the Federal Bureau of Investigation.

This mandate applies to **ALL** Independent Contractors with these exceptions:

- A physical barrier is installed at the worksite which limits contact with children and youth, or...
- The Independent Contractor is continually supervised and monitored by an employee or volunteer of the parish or school who has been properly screened (such as a referee monitored by the CYO coach or a musician at Midnight Mass supervised by the Choir Director) **AND** that employee or volunteer has been advised in writing of his/her responsibility to supervise and monitor the Independent Contractor from the perspective of child safety.

The term "unsupervised," for purposes of this policy is defined to mean a volunteer not directly supervised by a parish/school employee at when the volunteer has contact with minors, young people or vulnerable adults.

