

UNITE. GROW.



DENTON PARKS AND REC

Independent Contractor Guide

WELCOME

The City of Denton Parks and Recreation Department is committed to improving the lives of our residents by providing quality parks and recreation experiences for our community. As such we are always on the lookout for exciting new recreation programs to offer to our community. As our mission indicates, to unite and grow lives by preserving parks and encouraging play, we look forward to the possibility of working with others to reach our common goals and serve the community.

This guide was created in order to allow potential instructors to acquaint themselves with the City of Denton and the process of becoming an Independent Contractor for the Parks and Rec Department. It is also designed to serve as a resource for current Independent Contractors on the City's expectations for its instructors.

WHAT CAN THE PARK AND RECREATION DEPARTMENT OFFER CONTRACTORS?

Instructing a program at the City of Denton has many benefits:

- The City has access to great parks and facilities including gymnasiums, classrooms, meeting rooms, aquatic facilities, as well as many athletic fields and courts.
- The City advertises classes in our biannual program guide which is mailed out all households in the City of Denton.
- All class information is also available 24 hours a day on our website. Often classes are also featured in other marketing avenues such as email blast, social media and electronic flyers sent to Denton ISD students.
- The City uses an advanced registration system that allows us to maintain facility bookings for all programs and allows for efficient processing of all registrations. Up-to-date rosters, attendance worksheets, and waitlist information can be viewed by instructors at any time.
- Participants are able to register for programs in the way that is most convenient for them including online for classes at any time of day or night, in person, or by phone. We accept cash, checks, Discover, Visa and MasterCard payments.
- The City accepts registrations from both residents and non-residents, giving everyone the opportunity to participate in our classes and offering contractors the opportunity to attract participants outside of Denton as well.

QUESTIONS ABOUT THIS GUIDE

If you have any questions about the information included in this guide, feel free to contact the Parks and Recreation Department. We can be reached using the information below:

Denton Civic Center
321 E McKinney Street
Denton, TX 76201
parksnrec@cityofdenton.com
(940)349-8271
www.dentonparks.com

HOW TO BECOME AN INDEPENDENT CONTRACTOR

In order to become an Independent Contractor for the Parks and Recreation Department, a potential contractor must first submit a program proposal (included in this guide) for each proposed course. Proposals should be returned to any recreation center and are accepted year round. Incomplete or illegible proposals will not be considered.

Once a proposal has been submitted, a Program Coordinator will review the document and notify the potential Independent Contractor if they would like to meet to discuss the program ideas in more detail. The Program Coordinator can offer advice regarding what types of programs, dates, and times have been popular as well as answer questions regarding facility availability, contractor policies, etc.

Not all programs—even quality ones—will be accepted. For example, the department may not accept proposals that are not in line with the department’s mission or are very similar to programs that the department is currently offering. Also, programs that have been offered in the past that have been cancelled due to low enrollment may not be accepted unless the instructor can demonstrate that they have the necessary number of participants interested. There is no exclusivity to Independent Contractors or the classes they teach and returning Independent Contractors will not automatically continue offering the activity without an updated proposal and acknowledged contract.

Due to IRS employment regulations and tax reporting purposes, a City of Denton employee may not lead programs related to their job description on a contract basis, regardless of department. To avoid potential conflicts, requests of this nature must be submitted and approved through Human Resources. Human Resources has final authority. This also applies to contractors who may become employed by the City of Denton at a later date, if this occurs immediate disclosure is required.

Items Required for Approval as an Independent Contractor

If a program is accepted, Independent Contractors are required to provide the following items in order to be approved as an Independent Contractor for the department.

- Program Proposal
- IRS W-9 Form
- Depending on the program, of Certificate of Liability Insurance with combined single limits of not less than \$1,000,000 per occurrence and lists the City of Denton as an additional insured. Examples of programs that require insurance are personal training, martial arts, wrestling, and programs with chemicals or tools that may cause harm or injury.
- Disclosure and Authorization Form
- Complete and pass electronic background check
- Acknowledge Instructor Contract in CivicRec

REGISTRATION

The department shall be responsible for and have complete control over the registration of the participants. Under no circumstances is a contractor to accept payments, except for pre-approved supply fees. All participants must be registered with the department before being allowed into any class. It is the instructor’s

responsibility to ensure that all participants are registered, fully paid, and completed the liability waiver (by checking participation against the roster) prior to attending the class.

PROGRAM SCHEDULING

Independent Contractors are responsible for submitting class proposals and schedules through the Program Proposal. Typically the department does not sign Independent Contractor Agreements for programs for more than one year at a time. The Program Coordinators will attempt to accommodate instructor’s schedule requests. Programs are normally scheduled to coincide with the printing and mailing of our biannual program guide. In order to maximize the effectiveness of this important marketing tool, contractors should make sure that their programs adhere to the following general schedules:

| | | |
|-----------------------|------------------------------|-----------------------------|
| Program Season | Information Due Date: | Programs Take Place: |
| Spring/Summer Guide | October 1 | March 1 – August 31 |
| Fall/Winter Guide | April 1 | September 1 - February 28 |

Please note that Independent Contractor Agreements must be approved and all necessary paperwork must be completed before a program will be placed in the program guide. Contractors should allow ample time for this entire process.

The City of Denton observes the following holidays: New Year’s Day, MLK Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the following Friday, Christmas Eve and Christmas Day. The City aligns programing with Denton ISD school calendar. Please keep in mind that these holidays and the Denton ISD school schedule may affect class schedules.

CHANGES TO CLASSES

Although the department strives to give contract instructors as much control over their programs as possible, the department reserves the right to cancel, combine, or divide classes; to change the time, date, or location of classes; and to make other changes as necessary to ensure a quality experience for the participants. Classes not meeting the minimum enrollment may be cancelled or combined. If the class is cancelled by the department, the department will issue a full refund to the participants and inform the instructor and participants of the cancellation. Contractors are not reimbursed for any expenses that they may have incurred for the cancelled program. Any changes to class by the Independent Contractor including adjustments minimums and maximums must first be approved by the Program Coordinator.

PROFESSIONAL CONDUCT

Though not employees of the City of Denton, Independent Contractors do represent the City. For some participants, the Independent Contractor is the only department representative with whom they will come into contact with. Independent Contractors must conduct themselves in a professional manner including dress and speech and should support the information outlined in this guide. The department also expects that all contractors will uphold the mission and values of the Parks and Rec Department.

CLASS SCHEDULES

Contractors are responsible for providing instruction for the specified number of hours agreed upon and advertised. If a class is cancelled for any reason, the Program Coordinator will work with the contractor to schedule a make-up class. If a make-up class cannot be arranged, or if a participant cannot attend the make-up class, the participant(s) will be issued a pro-rated refund for the missed class, which will be factored into the determination of the final payment owed to the instructor.

COURSE ENROLLMENT

Once registration has begun for a class, contractors can view registration updates through their CivicRec account. It is the Independent Contractors responsibility to notify the Program Coordinator if the class has not met the minimum registration requirements by the registration deadline to cancel the class or extend the deadline. Independent Contractors will be responsible for notifying enrolled participants if the class is canceled. The Program Coordinator will be responsible to issuing refunds or credits.

CONTACT WITH CLASS PARTICIPANTS

Participant contact information is provided to contractors in order to allow the contractor to provide good customer service and for safety reasons. This information is personal and should not be shared with anyone, including other participants, parents, other businesses, etc., rented, sold, or used for purposes not specific to the contracted class. For example, using the information to create a mailing list to advertise the contractor's other services is not allowed.

TRACKING ATTENDANCE

It is the contractor's responsibility to take attendance at each class. This is especially important for large classes where participants may have shown up to class without paying. Please inform individuals who have not paid to visit the front desk or website to register. Participants must either be on the roster or have a receipt before being admitted to class. Completed attendance sheets must be turned in with the final invoice at the conclusion of the class in order to process a timely payment.

If a participant does not show up for the first class, please give the participant a call to remind them of the next class (assuming you have multiple classes). It is the participant's responsibility to remember the classes they have signed up for, but it is good customer service to contact these participants and could lead to more loyalty and higher participation in the future.

FACILITY & EQUIPMENT USAGE

Classes are held in various locations throughout Denton. In most circumstances, contractors will be allowed to set up their activity areas 15 minutes prior to the beginning of class activities. The contractor must always leave the activity area in the condition in which it was found. It is the contractors' responsibility to provide the necessary equipment to run a safe and quality program. This means cleaning up any materials and replacing any furniture and/ or equipment back in its original location after the class ends.

Contractors may not use any City owned property including copy machines, fax machines, computers, materials, and/or equipment without prior approval of the Program Coordinator. Contractors should plan to provide all equipment, materials, and copies at their own expense.

INSTRUCTOR ABSENCES, SUBSTITUTES, OR CANCELLATIONS

If a contractor is ill or unable to meet with their class, the contractor must notify their assigned Program Coordinator as soon as possible but no later than one hour prior to the start of the class. Contractors may make arrangements for a substitute, which cannot be a City employee. Substitutes must be covered under the contractor's insurance policy, if required, and have satisfactorily completed a background check before being allowed to instruct the class. If the substitute has their own insurance coverage, it must meet the same requirements of that of the contractor's insurance and must be provided to and approved by the City in advance of the substitution. Contractors may want to submit the substitute's insurance information in advance in order to eliminate any problems due to an unforeseen need for a substitute. As the contract is made with the Independent Contractor, the City cannot issue any form of payment to the substitute—it is the contractor's responsibility to work out any payment due to the substitute.

PARTICIPANT & INSTRUCTOR SAFETY

Regardless of the activity, one of an instructor's primary responsibilities is to ensure the safety of participants involved. Instructors should visually inspect the facilities they are working in and equipment they are working with before the start of each activity. Instructors should make themselves familiar with the location and operation of emergency exits, restrooms, first aid kits, and AED. If any aspect appears unsafe, the contractor should notify their Program Coordinator and take actions that will ensure participant safety. Once the activity has ended, the instructor should stay on site until all participants have left unless the facility has a staff member present serving as a facility attendant that is able to accept the responsibility. Special care should be taken with minors who should only be released to parents, guardians, or other responsible parties designated by a guardian. Contact numbers are given to all contractors. If there is ever a question as to whether or not a child should be allowed to leave on their own or if someone unfamiliar arrives to pick up a child, the instructor should contact the parent to confirm.

All accidents and incidents, no matter how minor they appear, should be addressed and reported. If an accident occurs in a class, please act calmly, promptly, and efficiently to take care of the situation. If a City staff member is on duty at the facility, instructors should request their assistance in providing First Aid (if needed) and completing an Accident/Incident Report. If no employees are present, instructors should do the best within their abilities and training to respond, calling for help from employees, ambulance, or police if necessary. After the incident is addressed, the instructor is responsible for reporting it to the Program Coordinator on an Accident/Incident Report and submitting it within 24 hours.

Depending on the activity, some instructors may be required to hold special certifications such as CPR/First Aid or to show that they have been trained in teaching an activity such as fitness or a sport. This is done to make sure that the instructors are able to safely lead the activity they are being contracted to provide.

The City of Denton has a policy against any form or type of discrimination and harassment by, among, or to its representatives. Discrimination and harassment can be defined as any behavior that is disrespectful and causes discomfort to another person, be it physical, verbal, visual, or sexual. Contractors are responsible for their (and their employees', volunteers', and sub-contractors') own actions/conduct, and must never engage in discrimination and harassment.

PROMOTING YOUR CLASSES

Independent Contractors are essentially business owners contracting services to the City. As such, contractors should strive to provide high quality programs and conduct themselves in a professional manner at all times. It's important to keep in mind that the best advertisement a contractor can receive for their programs is through "word of mouth" or referrals of past participants. The Independent Contractors will actively promote their program via business website, social media, flyers, etc. The City will place program descriptions in our Program Guide. The descriptions will also be listed on the City's website. Occasionally the City will also select programs to feature in monthly e-newsletters, social media, and flyers, etc. A contractor's assigned Program Coordinator can offer suggestions for other ways to market a contractor's programs in the community if needed.

CLASS FEES

Independent Contractors ultimately set their own prices. Program Coordinators will provide assistance on current market conditions and can negotiate a final rate based on the specific facilities, equipment, supplies, and support that the department must provide the contractor for the class to run properly. This final rate will be indicated in the contract. The City imposes a non-resident fee to individuals who do not reside in the City of Denton. These fees are not considered part of the base class fee and contractors will not receive any portion of this non-resident fee in their payment.

SUPPLY FEES

Any supplies needed for a program are the responsibility of the contractor. If supplies are to be obtained by the participants, it will be the responsibility of the contractor to ensure that this is noted in the contract and program description and that a supply list is provided to the Program Coordinator. If the supplies are to be purchased directly from the instructor, this transaction should take place at the first class meeting. The department is not responsible for reimbursing an instructor for any supply fees not paid by a participant. Supply fees not listed in the program description and contract cannot be collected.

PARTICIPANT REFUNDS AND TRANSFERS

The department's refund policies apply to all programs offered through the City, including those offered by a contractor. Unless otherwise noted, a refund or credit equal to the registration fee will be given as long as the participant withdraws by the registration deadline. If a participant is unsatisfied with a program, the City attempts to work with the participant to find a suitable alternative. However, in certain cases, when an alternative is not available or if the participant is not able to attend the program at no fault of their own (such as a medical issue), a refund may be granted. The ultimate decision on whether or not to refund a participant is up to the discretion of the Program Coordinator or higher level management at the City. Contractors are not paid for participants who are granted refunds (but may be paid a pro-rated amount for those given a partial refund), who transfer to a different program not offered by the contractor, or who do not attend the program.

PAYMENT FOR SERVICES

Independent Contractors are paid at the conclusion of the session after all services have been rendered or on a regular calendar set by the Program Coordinator for those contractors who are scheduled on a week to week basis. Payments are directly deposited within 30 days of receipt of an invoice and attendance sheets. If a contractor should discover that a participant owes money, the contractor should notify their Program

Coordinator so that the issue can be addressed. Any outstanding balances will hold up payment for services as the City cannot pay contractors for monies that we did not collect. Participants who are refunded or are transferred out of the program according to the policies listed above will not be included in the final payment.

STATUS WITH THE CITY OF DENTON

Contractors must not present themselves as employees of the City. As contractors are not employees of the City, it is important that they understand that they are not entitled to any benefits or protections afforded to employees including, but not limited to unemployment insurance and worker's compensation. However, because they are not employees, they are also not bound by any obligations of employees. For example, they have sole control over the manner, means and methods of performing the services listed in the contract according to their own judgment. They are able to engage in other business activities outside of the City and can also provide similar contracted services to other organizations, provided that those services do not directly compete with the City. They are also solely responsible for the direction of their own employees and agents. Because of this distinction, it should be understood that contractors are not protected as an employee under the provisions of the general liability insurance of the City and therefore will be solely responsible for their own actions. Any injury or property damage on the job will be the contractor's sole responsibility and not the City's. The City will in no way defend contractors in matters of liability.

TAXES & DEDUCTIONS

Because a contractor is not an employee, the City does not withhold state or federal income tax, Social Security, or other deductions. Under the United States Internal Revenue Code, the City is required to report the payments made to Independent Contractors each year to the IRS for certain threshold amounts. Because contractors are business owners, they may have the ability to claim tax deductions for ordinary necessary business expenses which are directly connected with providing the contracted service. It is the contractor's responsibility to satisfy any taxes, withholdings, or contributions due on behalf of the contractor (and the contractor's employees, if any) in an appropriate matter. Contractors are encouraged to contact a professional tax advisor with any questions about any information in this guide and how it would apply to each contractor's individual circumstances.

Independent Contractor Program Proposal Form

**All independent contractors, including sub-contractors, are subject to a background check and approval of purchase order before commencing a program.*

Business/Organization: _____

Independent Contractor Name: _____

Address: _____

City: _____ **Zip:** _____

Home Phone: _____ **Cell Phone:** _____

Email Address: _____

Course Title: _____

Age Requirements: Preschool (Ages 3-5) Youth (Ages 6-12) Teen (Ages 13-17)
 Adult (Ages 18 & up) Seniors (Ages 50 & up) All Ages Other: _____

Classes/Session: _____ **# Days/Week:** _____ **# Hours/Class:** _____

Suggested day(s) and time the program should meet: _____

Course start/end date: _____ **Course Fee:** _____ **Min/Max Participants:** _____

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Course start/end date: _____ **Course Fee:** _____ **Min/Max Participants:** _____

Registration Deadline (days prior to start of class): _____

Space needed (Please circle): Gymnasium Meeting Room Outdoor/Pavilion

Instructor Fee: \$ _____/class or participant, _____ % of total revenues collected, or flat fee of \$ _____

Names of Sub-Instructors: _____

Do you have liability insurance? _____

**If required during the term of this class proposal, contractor shall maintain insurance coverage in amount of \$1,000,000 per occurrence. Proof of insurance must be submitted with proposal.*

Course Description: Please provide a brief description to be used in flyers and brochures and list the benefits that this program will provide to its participants. Additional pages may be added if needed.

EQUIPMENT & SUPPLIES

What equipment and/or supplies will be provided by the contractor? (The contractor is responsible for ensuring that all equipment and supplies used for the program meets current safety and industry standards/guidelines and is in proper working condition.)

What equipment and/or supplies will the City need to provide for this program (including tables, chairs, audio-visual equipment, screens, hoops, goals)?

What will the participants be required to bring? And in the case of special program materials, how much does each item cost? (Include required clothing, program materials, lunch, water, etc.)

INSTRUCTOR QUALIFICATIONS

Contractors are responsible for ensuring that all instructors have and maintain the appropriate qualifications and certification for program success and safety. Please list qualifications, certifications, and experience that makes the instructor qualified to lead this program.

REFERENCES

Please give references of organizations where you have offered this program (or similar programs if this is a new program) in the past two years.

Contact Person: _____ Phone: _____

Contact Person: _____ Phone: _____

Contract Instructor Signature: _____ **Date** _____