



NIGP- Utah Chapter

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NIGP- Utah Chapter Officers:

President: Polly Alles

Vice-President: Joan Tuttle, CPPB

Secretary: Limher Montoya

Treasurer: Sharon Pierce, CPM

Past President: Jennifer Salts, CPPB

Board of Directors:

Debbie Smith, CPPB

Lori Peterson, CPPO, CPM

Jason Steinmann

Chapter President's Message

Dear NIGP Utah Chapter Members:

If you are reading this, you all made it through end of year/new year and all of the demands of Purchasing through summer- woohoo! I hope you all enjoyed time off with your families also.

The last quarter of our NIGP year is coming. We have chosen to make our last meetings in 2016 and future meetings reach beyond our Chapter walls to our communities! We need a chairperson to oversee our quarterly Community Involvement. If you would like to do this, please email me at palles@purchasing.utah.edu . Each meeting we want to give back in some way.

Please think about being more involved by running for a board office! NIGP National Forum 2017 is here in Utah, we'd love to have you help out and be part of our Board! Contact Limher Montoya to put your name on the ballot!

FORUM 2017- We need your help, so please contact Randi Ruff (University of Utah) and volunteer today!

Please note the following dates for the last two 2016 chapter meetings. Meetings will continue to be held at the Canyons School District Professional Development Center. Dates are the 2nd Tuesday of the month. November will be our Appreciation Lunch! You will get professional development time for all meetings you attend! If you can't make the meeting physically, we will be broadcasting our chapter meetings "LIVE" on YouTube Live! The following is the web link for the planned stream for our meeting on YouTube Live: www.youtube.com/channel/UCbzRnjdT2gTfEpixKt9IEWg/live

Remaining chapter meeting dates this year are:

September 13
November 8



Finally, I wish Health, Happiness, and Workloads to be less for the next few months! Thank you for taking the time out of your day to be part of NIGP!

Polly Alles, President- NIGP Utah Chapter



Polly Alles- President



"It always seems impossible until its done."

-Nelson Mandela

Utah Chapter News

NIGP NATIONAL has made several online courses available. For more information on these courses, visit www.nigp.org , or email customer-care@nigp.org

Basics of Business Math Business Communication– Written Communication
Fundamentals of Business Management Leading High-Performance Teams
Negotiating Skills– Influence and Persuasion Project Management
Time Management Fundamentals

VOLUNTEER to serve on a chapter committee! If you are interested, please contact the committee chairperson listed below:

Committee Chairpersons

Honors & Awards: Joan Tuttle (Davis SD) jtuttle@dsdmail.net
Financial: Adrian Ruger (State Purchasing) aruger@utah.gov
Historian: Skip Foster (Granite SD) safoster@graniteschools.org
Membership: Jerilyn Midthun (SL City) jerilyn.midthun@slcgov.com
Marketing/Public Relations: Glendon Mitchell (UofU) gmitchell@purchasing.utah.edu
Education: Jason Steinmann (Granite SD) jjsteinmann@graniteschools.org
Nominating: Limher Montoya (UofU) limher.montoya@purchasing.utah.edu

Upcoming Meeting Dates

MEETING LOCATION: All chapter meetings will be held at the Canyons School District Professional Development Center , 9361 South 300 East, Sandy. Meetings will be held 9:00 am – 12:00 pm.

Tuesday, Sept 13, 2016: *Emergency Management– Process & Contracts*
Keith Ashby- CPPO; Purchasing Manager for Arapahoe County, CO. Former drummer for the 80's band Earth, Wind & Fire

Tuesday, Nov. 8, 2016: TBA

Classroom Corner

Classifying Your Workforce: Independent Contractor vs. Employee (From Government Procurement, Dec/Jan 2016, p. 12-13)

By Jean Clark

Due to limited staffing resources or the need for specific expertise, government entities commonly make a decision to contract for the performance or support of critical government services. This business approach is certainly supported by the business community, which is always eager for an opportunity to increase customers and revenue. However, a contractor's classification as a contractor or employee is not always easy to define, and a misclassification can have significant impacts on an entity.

Depending on the type and scope of work, a contractor may be classified as an independent contractor or as an employee. Situations of misclassification may have an impact on the worker as well. Therefore, being aware of potential factors and parameters that impact a classification can assist in limiting an entity's risk exposure. Procurement officials may not be directly supervising independent contractors within an entity, but most are likely familiar with contractors working in the entity as well as the nature and duration of their work. Consequently, it is a procurement official's responsibility to communicate potential misclassifications. Depending on the business model or

breadth of the misclassification, the liability impacts on the part of an entity can range from the payment for back wages, overtime pay, taxes and penalties, employee benefit responsibilities, discrimination claims and on-the-job injury expenses that are usually covered by workers' compensation. If the misclassification is expansive, it can impact a "new" business model. Recently, U.S. District Judge Edward Chen granted a handful of Uber drivers class-action status in their lawsuit, providing an avenue to sue on behalf of all Uber Black, UberX, and UberSUV drivers who have driven for Uber in California since August of 2009. If successful Uber could be forced to bear Social Security, workers' compensation and other benefit costs. As each of these has financial implications, it's important to understand the framework of the law that distinguishes an "employee" from a "contractor." In making the determination, it doesn't depend on what the workers are called by the entity or themselves, or whether a contract is in place that clearly identifies them as independent contractors. The only thing that matters in the determination of a worker's classification is how much control they entity has had over the worker.

In an article published by Jake Curtis of Burch & Cracchiolo, which is entitled "Contractor or Employee: The Perils of Misclassification," the following criteria are provided to assist in making (cont.)

"It is a procurement official's responsibility to communicate potential misclassifications."

- Jean Clark



Classroom Corner (cont.)

the determination as to whether an entity has sufficient control such that a contractor will be determined an employee:

- > The extent of control exercised by the entity over the details of the work and the degree of supervision.
- > The nature of the worker's business-specialization or skilled occupation.
- > The materials provided in the conduct of the work and the location of the work.
- > The duration of the engagement and the method of payment.
- > The relationship of the work performed by the worker in comparison to the regular work of the entity. An example of an independent contractor is an air conditioning service person that arrives at you entity to repair the air conditioning unit. In the process of the repair, the worker uses his own tools, controls the time involved, sets the payment fee and determines how to complete the required work. Conversely, an example of an independent contractor who is serving as an employee might be an information technology (IT) programmer that physically arrives at the entity each day, has card access to the work area, sits in the same assigned cubicle space each day, prepares the morning coffee, uses

The entity –supplied equipment to conduct the work, is required to adhere to the entity's policies and procedures, attends staff meetings and has no discretion over what work to accept or the rate of pay.

In July, 2015 the U.S. Department of Labor issued updated guidelines that places a greater lever of examination on whether the worker is "economically dependent" on the employer while reducing the analysis on the control aspect.

It is a procurement official's responsibility to be aware of such key factors to fully provide quality service and support for a represented entity. For example, an independent IT programmer under contract for the past six years, who provides increased "bench" depth to an entity for completion of key programming projects, attends bimonthly staff meetings, and is required to follow the policies and procedures of the entity, is most likely a potential misclassification.

Awareness and communication of potential situations can save the entity from financial implications which allows for the increased delivery of core services in support of the entity's true mission and purpose.

Jean Clark, FNIGP, CPPO, C.P.M., CPPB, CPM, Director, Procurement Transformation Services, Periscope Holdings, Inc., Former Arizona State Procurement Director and NIGP President.

Special Notes / Announcements

Please Note:

Our next chapter meeting will be Tuesday, September 13, 2016. See you there!



Special Notes / Announcements (cont).

Volunteers Needed!

Salt Lake City will be hosting the NIGP 2017 Annual Forum, and we need many volunteers to help make this event a success! Please consider volunteering time on one of our Forum committees. It is a great way to network, and to show NIGP National how great Utah is!

Please contact Randi Ruff if you would like to help: rruff@purchasing.utah.edu

NIGP Canned Food Drive

Help us fill the food bank for the holidays! Please bring one canned food item per person (or more!) to our chapter meeting next week, Tuesday, September 13th. Cash donations will also be accepted. Please help us serve our community and those in need. Your generosity is greatly appreciated!

Want to get Certified?

If you would like to get certified, please contact a member of our chapter board for more information! Study materials are available for checkout to those that are interested.

Upcoming NIGP Webinars

(Complimentary for Members/\$195 for Non-Members. Register at www.nigp.org)

Wednesday, Sept 28, 2016:	<i>Sustainable Purchasing: The Strategic Planning Secrets</i>
Wednesday, Oct 5, 2016:	<i>Evolution of the Modern Procurement Function</i>
Wednesday, Nov 16, 2016:	<i>Negotiating Software and Technology Agreements</i>

(On-Demand Webinar Recordings are also available for free download to Institute members in the NIGP Online Store)

For newsletter submissions or comments, please contact Tonya Hodges, Newsletter Editor:

Phone:: 801-578-8261 ; Email: tonya.hodges@slcschools.org

Speaker Biographies (Selected)

Keith Ashby- CPPO, Purchasing Manager for Arapahoe County, CO; NIGP National



Ashby has a great deal of traditional experience (he served as Purchasing Director for Denver Public Schools and Procurement Specialist for the city of Fort Collins, CO. Prior to his current position). Ashby brings many years of public purchasing experience to his role as master instructor for the National Institute of Governmental Purchasing (NIGP). While he has taught various courses over the years, he currently focuses on contract administration and managing RFP's in the public sector, which are two of the six foundation courses offered by the NIGP for the public procurement profession. Ashby also has been active in other areas of education. He is a former chairman of the Education and Professional Development Committee for the NIGP, as well as a member of the Public Procurement Research Center at Florida Atlantic University.

Ashby played drums with the band Earth, Wind and Fire for about six years. As a studio musician, he also played with legends such as Stevie Wonder, Chicago, Phil Collins, the Commodores and Rick James.

More information on Keith Ashby is available in the following article:

<http://americacityandcounty.com/mag/after-successful-kidney-transplant-former-drummer-hasn-t-missed-beat>



*If you cannot attend our chapter meetings in person, stream us live on YouTube Live!
Here is the link for the September 13th meeting:*

www.youtube.com/channel/UCbzRnjdT2gTfEpixKt9IEWg/live

If you are viewing the feed, check in on the chat portion of the feed so we can know who is joining us remotely. Thank you!