

Independent Contract Instructor Handbook



200 S. Lamar, Austin, TX 78704 512-974-3921

www.AustinTexas.gov/parks

The City of Austin is committed to compliance with the Americans with Disabilities Act. If you require special assistance for participation in our programs or for use of our facilities, please call 512-974-3914.



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For more information please call 512-974-3921





We appreciate your interest in becoming an Independent Contract Instructor with the City of Austin Parks and Recreation Department (PARD). Independent Contract Instructors allows PARD to offer a variety of programs/activities as we rely on you as the expert. We are excited about the possibility of working together to serve our community.

A contract gives you the ability to have your programs/activities based on the needs and space availability at our facilities and parks.

Vision

The Parks and Recreation Department will be an innovative leader in parks and recreation experiences.

Mission

Inspire Austin to learn, play, protect and connect by creating diverse programs and experiences in sustainable natural spaces and public places.

Goals For Contract Instruction

Increase participation in structured community recreation

Enrich the community's artistic, cultural environment & experiences

Thanks for being a part of extending educational and healthy opportunities to the citizens of Austin!

How it Works

PARD utilizes Independent Contract Instructors (Contractor) to provide unique recreational services. Programs/activities may be designed for preschoolers, school age children, teens, adults, families and seniors. We are always open to new, creative ideas, so feel free to propose something new.

PARD has several different recreational instructor type programs that are connected to our Recreational Facilities. These programs must offer instruction and a learning environment for participants.

The fees for these programs/activities are retained by the Contractor and the percentage owed to the City is paid back to the Facility each month or program/activity session. Contracts must be established and signed by all required PARD staff prior to the start of contract services. The following define and outline the criteria for each contract.

70% / 30% Split (70% - Contractor / 30% - City)

- ◆ Designed for all ages
- ◆ Programs/activities that are conducted primarily inside a PARD Facility
- ◆ Covers upkeep of the rooms, utilities, janitorial & staffing

80% / 20% Split (80% - Contractor / 20% - City)

- ◆ Designed for youth programming for ages 17 and under
- ◆ Youth programs/activities (17 & below) that are conducted outside in the parks or on PARD Facility property
- ◆ Requires minimal mowing and upkeep of the grounds. No set up by staff

90% / 10% Split (90% - Contractor / 10% - City)

- ◆ Classes for adults 50 years and older
- ◆ Cost for the programs/activities covers the cost of materials and is kept very low for our 50+ citizens
- ◆ Programs/activities that are conducted inside a PARD Facility or on Facility property
- ◆ Classes are instructed by volunteers—no paid staff

Process Steps

- 1 Submit a Class Proposal (see page 16) for review and approval by the Facility Supervisor. If approved, the selected room/space is reserved for 30 days while finalizing the contract process. After 30 days space may not be available. *(completed example is provided on pages 18-19)*
- 2 Approved Class Proposals are sent to City of Austin-Risk Management to determine any insurance requirements. All Class Proposals requiring insurance must be obtained and maintained at the Contractor's expense.
*The City of Austin's insurance does **NOT** cover Independent Contract Instructors.*
- 3 Submit copy of insurance certificate review *(if applicable)*
- 4 Submit Criminal Background Report stating Contractor and all instructors, including substitutes and volunteers, have passed **Criminal Background Investigation (CBI) with fingerprinting** for review.
See Security Guidelines page 10 for additional information
- 5 Once documents listed in Steps 1-4 are all approved, a contract is drafted for your review and signature.
- 6 Return contract with your signature.
- 7 Contractor will receive finalized contract with PARD Staff signature(s) and begin scheduling programs/activities as detailed on the contract. Facility staff will be able to help you with the reporting of schedules, rosters and receive all payments to the City.

Contract Documents

- ◆ Contract Instructor Class Proposal Form
- ◆ Certificate of Insurance (if required by Risk Management) **
- ◆ Proof of successful CBI ***
- ◆ Instructor Liability Waiver (Included in contract)
- ◆ Participant—Release and Waiver (Included in contract)
- ◆ Signed Contract

*** Insurance Requirements will be sent out (If applicable) ~ Risk Management will review all class proposals and determine the insurance required.*

**** Please note that Non-individual Contractor (more than one instructor, including substitutes and volunteers)) are require to obtain CBI for all instructors/ substitutes/volunteers at Contractor's expense.*

Timeline

Independent Contract Instructors should allow a minimum of one month from initial proposal to the proposed start of the classes for contract processing. Any delays in submitting proper documents will of course delay the process.

Proposals may be submitted anytime during the year but all Contracts will expire on September 30th

Scheduling

Instructors are responsible for submitting program/activity schedules through the class proposal form. When programming your programs/activities, keep in mind holidays may affect your schedules.

The City of Austin observes the following holidays:

<u>Holiday</u>	<u>Date Observed</u>
New Year's Day	January 1
Martin Luther King, Jr.'s Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

Compensation

As an Independent Contract Instructor, **YOU** establish the price for your services based on the pricing provided in Class Proposal. The Facility Supervisor will provide current market information to help guide you in your decision of pricing. The student fee will be indicated on your contract and is based on what fee you included on your class proposal. A price range is suggested in order to be flexible for the market or a drop-in rate for participants that can only attend one program/activity at a time. Pricing can be adjusted but can't exceed the price range.

Registration Procedures

Independent Contract Instructors are responsible for all program/activity registration and financial obligations aligned with accepting registration (ex: receipts, refunds, cancellation notices, etc.). **Students will pay the Contractor directly.**

The Facility Supervisor will inform the Contractor what documents they require and the frequency of reporting. The Contractor shall take daily attendance and submit a paper copy of roll sheets to the PARD Facility Supervisor. A registration roster that includes participants names and fees collected will be submitted with the payment to the PARD Facility Supervisor. The PARD Facility Supervisor will receive your payment and provide a receipt.

Marketing

PARD promotes recreational opportunities in a number of ways such as flyers, program guides, and City of Austin website. As an Independent Contract Instructor, you are responsible for the marketing of your class and may not place any PARD logos on marketing materials. Do not rely on the City of Austin to market your class or service. The Facility will assist you, but it is up to you to recruit your participants.



Professional Standards & Policies

Professional Conduct

Though not employees of the City of Austin, Independent Contract Instructors do REPRESENT the City. You should strive to conduct yourself in a professional manner at all times including dressing, acting and speaking professionally and supporting both City of Austin/PARD policies and the City's decisions.

Program/Activity Cancellation

If you must cancel a program/activity for any reason, please notify the Parks and Recreation Department no later than 2 hours prior to the change occurring. The instructor is responsible for notifying their participants that the program/activity has been cancelled. PARD staff will make every effort to post signs cancelling for any participant who was not able to be contacted by phone.

NOTE— The contract provides the ability to have programs/activities upon availability at the facilities. Programs/activities may be suspended or cancelled for lack of participation or room availability. Proper notice will be given.

Releasing of Minors

At the end of the activity time, the Independent Contract Instructor must not release children to anyone other than the authorized parent, guardian or to an individual authorized by the parent. The Independent Contract Instructor must stay until all participants have left the facility.

Safety of Participants

The Independent Contract Instructor's primary responsibility is to ensure the safety of all participants involved in a program/activity. Independent Contract Instructor must know where the first aid kits are located in the facility or provide one if in an outdoor environment.

Discrimination and Harassment

The City of Austin does not tolerate 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. Independent Contract Instructors are responsible for actions/conduct of all instructors associated with the contract, including substitutes and volunteers, and must never engage in discrimination or harassment.

Security Clearance

Before offering or scheduling a program/activity, Contractor acknowledges and agrees that all instructors, including the Contractor and substitute(s), have successfully pass a Criminal Background Investigation (CBI). Information regarding adverse crimes are provided on **Exhibit 1 (Criteria for CBI Reviews: Vulnerable Populations)**. The Contractor shall comply with all security requirement imposed by the City and shall ensure that all instructors/substitute(s) are kept fully informed as to these requirements.

i. Individual or Sole Proprietorship Contractor (substitutes are not prohibited) shall contact the PARD Contact for needed information about scheduling the CBIs.

ii. Non-individual Contractor (more than one instructor, including substitutes and volunteers) are require to obtain a Certified Criminal Background Report with fingerprinting (referred to as Report) for all instructors, including substitutes (referred to as Personnel), conducting programs/activities on the contract at the ***Contractor's expense***.

The Report may be obtained by reporting to one of the below governmental entities, submitting to fingerprinting and requesting the Report [requestor may anticipate a two-week delay for State Reports and up to a four to six week delay for receipt of a Federal Report].

1. Texas Department of Public Safety for any person currently residing in the State of Texas and having a valid Texas driver's license or photo ID card;
2. The appropriate governmental agency from either the U.S. state or foreign nation in which the person resides and holds either a valid U.S. state-issued or foreign national driver's license or photo ID card; or
3. A Federal Agency. A current Federal security clearance obtained from and certified by a Federal agency may be substituted.

Contractor shall obtain the reports prior to any programs/activities commencement. Contractor also shall attach to each Report the Name of Contractor listed on the Contract and Contractor's Personnel name(s), current address(es), and a copy of U.S. state-issues or foreign national driver's license or photo ID card.

Security Clearance (Continued)

Contractor shall provide the PARD Contact the Report affirming that the Contractor has conducted required security screening of Contractor's personnel to determine those appropriate for execution of the work and for presence on the City's property. A list of all Contractor Personnel requiring access to the City's facility(s) shall be attached to the Report and submitted to the PARD Contact at least 14 days prior to any personal conducting programs/activities.

Upon receipt of by the PARD Contact of the Contractor's Report described above and the list of the Contractor's personnel, the PARD Contact will provide approval for programs/activities to begin.

Security Clearance Documents Needed For Non-individual Contractors

- ◆ Report(s) from governmental agency on a successful background investigation including fingerprinting.
- ◆ Copy of U.S. state-issues or foreign national driver's licenses or photo ID card for all individuals.
- ◆ A list of all Contractor Personnel requiring access to the PARD Facility(s) attached to the report affirming that the Contractor has conducted required security screening of all personnel/instructors/volunteers.

Criteria for CBI Reviews: Vulnerable Populations (Exhibit 1)

Criteria for CBI Reviews: Vulnerable Populations

Addendum to HRD Procedure:

Conducting a Criminal Background Investigation - General Guidelines for a Centralized Process

Criteria
Approved:


Mark Washington, Director, Human Resources Department

Date: 9/9/10

Basis for
position
selection:

- Positions directly or indirectly working or in contact with vulnerable populations which include children, the disabled, and the elderly.
- Positions defined in the City ordinance Adopting Local Standards of Care for the City Parks and Recreation Department's children's recreation programs under Texas Human Resources Code Section 42.041(b)(14) (Required License and Accreditation).
- As required by provisions of MHMR grants that underwrite City programs for and with children.

Definitions, specific to working with Vulnerable Populations

Children	Persons under the age of 18; see also 'youth'.
TDFPS	Texas Department of Family and Protective Services
TDPS	Texas Department of Public Safety

Criteria

Data Sources	<ul style="list-style-type: none"> • Texas Government Code §411.129 – Access to Criminal History Record Information: Employment by Municipality. • Texas Government Code §411.1401 – Access to Criminal History Record Information: Programs Providing Activities for Children <ul style="list-style-type: none"> ➢ Texas Department of Public Safety on-line Secured Site – name based (Includes an automatic search of the Texas Department of Public Safety on-line Sex Offender Registry.) ➢ Federal Bureau of Investigations – fingerprint based
Applicable "current" Period	<ul style="list-style-type: none"> • 12 months
Special Eligibility Guidelines	Individuals who would be permanently barred under the rules of the Texas Department of Family and Protective Services (TDFPS) will not be allowed to work with any COA program which includes working with children. TDFPS rules serve as the foundation of this procedure.
Adverse Crimes	<p>This addendum focuses specifically on the offenses listed under TDFPS Minimum Standards Rules, Title 40 of the Texas Administrative Code (TAC), Rule § 745.651 (a) and (b). Not included are offenses under Rule § 745.651 (c) or any like offense under the law of another state or federal law that a person committed within the past ten years.</p> <p>The list is based upon:</p> <ul style="list-style-type: none"> • Crimes as defined by the Texas Penal Code, Titles 4, 5, 6, 7, 8, 9, and 10 • Violations of the Texas Controlled Substances Act, Chapter 481, Subchapter D • Any conviction which would require a person to register as a Sex Offender or fails to comply with the requirement under Chapter 62 of the Texas Code of Criminal Procedure, Subchapter C. <p>In General:</p> <ul style="list-style-type: none"> • If criminal history records reflect a statutory reference or offense title that is not contained in this list or reflects an offense with a different statutory reference or name at the time of the person's conviction or arrest, consult with COA LAW to determine whether the underlying offense is the same or substantially similar to an offense on this list. If the underlying offense is the same or substantially similar to an offense on this list, it shall be considered to be an adverse offense. • An offense term in the Texas Penal code or under the Texas Controlled Substance Act may change during a legislative session. Some offenses in the Titles listed in this addendum have changed over the past few years.

Criteria for CBI Reviews: Vulnerable Populations (continued)

Offenses under the Texas Penal Code	Title 4. Inchoate Offenses
	Chapter 15. Preparatory Offenses
	§ 15.031. Criminal Solicitation of a Minor
	Title 5. Offenses Against the Person
	Chapter 19. Criminal Homicide
	§ 19.02. Murder
	§ 19.03. Capital Murder
	§ 19.04. Manslaughter
	§ 19.05. Criminally Negligent Homicide
	Chapter 20. Kidnapping and Unlawful Restraint
	§ 20.02. Unlawful Restraint
	§ 20.03. Kidnapping
	§ 20.04. Aggravated Kidnapping
	§ 20.05. Unlawful Transport
	Chapter 20A. Trafficking of Persons
	§ 20A.02. Trafficking of Person
	Chapter 21. Sexual Offenses
	§ 21.07. Public Lewdness
	§ 21.08. Indecent Exposure
	§ 21.11. Indecency with a Child
	§ 21.12. Improper Relationship Between Educator and Student
	§ 21.15. Improper Photography or Visual Recording
	Chapter 22. Assaultive Offenses
	§ 22.01. Assault
	§ 22.011. Sexual Assault
	§ 22.015. Coercing, Soliciting, or Inducing Gang Membership
	§ 22.02. Aggravated Assault
	§ 22.021. Aggravated Sexual Assault
	§ 22.04. Injury to a Child, Elderly Individual, or Disabled Individual
	§ 22.041. Abandoning or Endangering a Child
	§ 22.05. Deadly Conduct
	§ 22.07. Terroristic Threat
	§ 22.08. Aiding Suicide
§ 22.09. Tampering with Consumer Products	
§ 22.10. Leaving a Child in a Vehicle	
§ 22.11. Harassment by Persons in Certain Correctional Facilities	
Title 6. Offenses Against the Family	
Chapter 25. Offenses Against the Family	
§ 25.01. Bigamy	
§ 25.02. Prohibited Sexual Conduct	
§ 25.03. Interference with Child Custody	
§ 25.031. Agreement to Abduct from Custody	
§ 25.04. Enticing a Child	
§ 25.05. Criminal Nonsupport	
§ 25.06. Harboring a Runaway Child	
§ 25.07. Violation of Protective Order or Magistrate's Order	
§ 25.071. Violation of Protective Order Preventing Offense Caused by Bias or Prejudice.	
§ 25.08. Sale or Purchase of Child	
§ 25.09. Advertising for Placement of Child	
§ 25.10. Interference with Rights of Guardian of the Person	

Criteria for CBI Reviews: Vulnerable Populations (continued)

- Title 7. Offenses Against Property
 - Chapter 29. Robbery
 - § 29.02. Robbery
 - § 29.03. Aggravated Robbery
 - Chapter 30. Burglary And Criminal Trespass
 - § 30.02. Burglary
 - § 30.03. Burglary of Coin-Operated or Coin Collection Machines
 - § 30.04. Burglary of Vehicles
 - Chapter 33. Computer Crimes
 - § 33.021. Online Solicitation of a Minor
- Title 8. Offenses Against Public Administration
 - Chapter 38. Obstructing Governmental Operation
 - § 38.17. Failure to Stop or Report Aggravated Sexual Assault of a Child.
- Title 9. Offenses Against Public Order and Decency
 - Chapter 42. Disorderly Conduct and Related Offenses
 - § 42.072. Stalking
 - § 42.09. Cruelty to Animals
 - § 42.091. Attack on Assistance Animal
 - § 42.10. Dog Fighting
 - Chapter 43. Public Indecency
 - Subchapter A. Prostitution
 - § 43.02. Prostitution
 - § 43.03. Promotion of Prostitution
 - § 43.04. Aggravated Promotion of Prostitution
 - § 43.05. Compelling Prostitution
 - Subchapter B. Obscenity
 - § 43.22. Obscene Display or Distribution
 - § 43.23. Obscenity
 - § 43.24. Sale, Distribution, or Display of Harmful Material to Minor
 - § 43.25. Sexual Performance by a Child
 - § 43.251. Employment Harmful to Children
 - § 43.26. Possession or Promotion of Child Pornography
- Title 10. Offenses Against Public Health, Safety and Morals
 - Chapter 46. Weapons
 - § 46.13. Making a Firearm Accessible to a Child
 - Chapter 49. Intoxication and Alcoholic Beverage Offenses
 - § 49.02. Public Intoxication
 - § 49.31. Possession of Alcoholic Beverage in Motor Vehicle
 - § 49.04. Driving While Intoxicated
 - § 49.045. Driving While Intoxicated with Child Passenger
 - § 49.05. Flying While Intoxicated
 - § 49.06. Boating While Intoxicated
 - § 49.065. Assembling or Operating an Amusement Ride While Intoxicated
 - § 49.07. Intoxication Assault
 - § 49.08. Intoxication Manslaughter
 - § 49.09. Enhanced Offense and Penalties

Criteria for CBI Reviews: Vulnerable Populations (continued)

Offenses under the Health and Safety Code	<p>Chapter 481. Texas Controlled Substance Act</p> <p>Subchapter D. Offenses and Penalties</p> <p>§481.112. Manufacture or Delivery of Substance in Penalty Group 1 (Penalty Groups are defined in previous sections of this subchapter)</p> <p>§481.1121. Manufacture or Delivery of Substance in Penalty Group 1-A</p> <p>§481.113. Manufacture or Delivery of Substance in Penalty Group 2</p> <p>§481.114. Manufacture or Delivery of Substance in Penalty Group 3 or 4</p> <p>§481.115. Possession of Substance in Penalty Group 1</p> <p>§481.1151. Possession of Substance in Penalty Group 1-A</p> <p>§481.116. Possession of Substance in Penalty Group 2</p> <p>§481.117. Possession of Substance in Penalty Group 3</p> <p>§481.118. Possession of Substance in Penalty Group 4</p> <p>§481.119. Manufacture, Delivery, or Possession of Miscellaneous Substances</p> <p>§481.120. Delivery of Marihuana</p> <p>§481.121. Possession of Marihuana</p> <p>§481.122. Delivery of Controlled Substance or Marihuana to Child</p> <p>§481.123. Delivery, Manufacture, or Possession of Controlled Substance Analogue</p> <p>§481.124. Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance</p> <p>§481.1245. Possession or Transport of Anhydrous Ammonia; Use of or Tampering with Equipment</p> <p>§481.125. Possession or Delivery of Drug Paraphernalia</p> <p>§481.126. Illegal Expenditure or Investment</p> <p>§481.127. Unauthorized Disclosure of Information</p> <p>§481.128. Commercial Matters</p> <p>§481.129. Fraud</p> <p>§481.131. Diversion of Controlled Substance Property or Plant</p> <p>§481.132. Multiple Prosecutions</p> <p>§481.133. Falsification of Drug Test Results</p> <p>§481.134. Drug-Free Zones</p> <p>§481.136. Unlawful Transfer or Receipt of Chemical Precursor</p> <p>§481.137. Transfer of Precursor Substance for Unlawful Manufacture</p> <p>§481.138. Unlawful Transfer or Receipt of Chemical Laboratory Apparatus</p> <p>§481.139. Transfer of Chemical Laboratory Apparatus for Unlawful Manufacture</p> <p>§481.140. Use of Child in Commission of Offense</p> <p>§481.141. Manufacture or Delivery of a Controlled Substance Causing Death or Serious Bodily Injury</p>
Offenses under the Texas Code of Criminal Procedure	<p>Chapter 62. Sex Offender Registration Program</p> <p>Subchapter C. Expiration of Duty to Register; General Penalties for Noncompliance</p> <p>Art. 62.102. Failure to Comply with Registration Requirements</p>

Austin Parks and Recreation Department Contract Instructor Class Proposal

Name		Address
Business name <small>(DBA)</small>		City, Zip
Website		Main Number
Email		Cell Number

CURRENT LICENSES, CERTIFICATIONS OR REGISTRATIONS

Date Received

(Please attach current copy)

1. Teacher Certificate in Biology	
2. Certificate in Life-Earth Science	

Instructor Bio (Years of experience, certifications, trainings. Please attach current resume)

20 years experience teaching Environmental Science and a Master Gardener

Class Title: Gardening in Austin

Facility Preference: Northwest Recreation Ctr

Program Description (Be Specific) - Give a brief description of your class/program. Add attachments as necessary (class flyers)

This is a seven week course that will cover the use of native plants in order to conserve water, other aspects of water conservation, soil and how to test it and amend it, growing herbs, landscape planning to make your property fire-wise, and use of xeriscaping. One class will be a field trip to Zilker Botanical Garden.

Austin Parks and Recreation Department—Class Proposal (Cont.)

For Consideration Only—Special Facility Request (Room size, tables, chairs, mats, etc)

Tables for demonstration and display

Class Day: Monday **X** Tuesday ___ Wednesday ___ Thursday ___ Friday ___ Saturday ___ Sunday ___

Hours Per Class: 1.5 **Preferred Class Time** 10 am—11:30 am

Minimum Students Required ? 4 **Maximum Students?** 10

Age Range this will serve? 18 +

Session Price Range: \$35—\$60/6 wks (Example: \$5—\$20; Allow for growth/demographics)

If session—How many classes and weeks? 6 weeks

Drop-in Price (If applicable) NA **Additional, outside class cost:** \$ 0

I certify that I have made no misrepresentation in this proposal and I have not withheld information in my statements and answers to questions. I hereby authorize the City of Austin to investigate and verify any representations made by me, either orally or in writing. I hereby release the City, and any individual who provides or obtains information pursuant to this authorization, from any and all liability for damages of any kind which may result to me on account of compliance, or attempts to comply, with this authorization. I am also aware that my proposal is subject to the Texas open records law and may be released as a public document. I also understand that this proposal is the property of the City of Austin.

- Individual or Sole Proprietorship and will be the only one teaching this program & requesting the City of Austin conduct a CBI/Fingerprinting**
- Non-Individual Contractor (more than one instructor, including substitutes & volunteers) I will have additional instructors, personnel or volunteers to help with this program**

Signature of Contractor: Mary Smith

Date: 00/00/2014

Three ways to return this completed form:

Fax - 512-978-7508

Email: Lonnie.lyman@austintexas.gov

Direct Mail: Austin Parks & Recreation, Attn: Lonnie Lyman, 200 S Lamar, Austin, 78704

For more information—512-974-3921