

Chapter TCS 8

CONTRACT FOR SERVICES

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Note: Chapter A–V 8 was renumbered chapter VTAE 8, *Register*, September, 1985, No. 357, eff. 10–1–85. Chapter VTAE 8 was renumbered chapter TCS 8 under s. 13.93 (2m) (b) 1., Stats., *Register*, June, 1994, No. 462.

TCS 8.01 Purpose. The purpose of this chapter is to establish by rule, general district policies and procedures pursuant to s. 38.04 (14) (a) 4., Stats., relative to contracts to provide services entered into by technical college districts, to administratively interpret s. 38.14 (3), Stats., relative to contracts for services and to establish uniform formats and reporting standards for these contracts as required under s. 38.04 (11), Stats.

History: Cr. *Register*, August, 1983, No. 332, eff. 9–1–83; correction made under s. 13.93 (2m) (b) 6., Stats., *Register*, June, 1994, No. 462.

TCS 8.02 Definitions. (1) “Board” means the technical college system board.

(2) “Business or industry operating within the state” means a business or industry subject to personal jurisdiction of a court of this state under s. 801.05 (1) (b) to (d), Stats.

(3) “District” means a technical college district established under ch. 38, Stats.

(4) “District board” means the district board in charge of the technical colleges of a district.

(5) “Foreign government” means any government other than the federal government or any government of a state or a political subdivision of a state.

(6) “Industry and business” means any organization or enterprise, including a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association, whether or not operated for profit.

(7) “Local governmental body” means a local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi–governmental corporation.

(8) “Private educational institution” means a private non–profit university, college or secondary school accredited by a nationally recognized accrediting agency.

(9) “Public educational institution” means a university, college or school district operating high school grades supported by public taxation or appropriation and includes the University of Wisconsin System and technical college districts.

(10) “Service recipient” means any industry, business, private educational institution, public educational institution or local governmental body receiving services from a district pursuant to a contract.

History: Cr. *Register*, August, 1983, No. 332, eff. 9–1–83; renum. (2) to (8) to be (3), (4) and (6) to (10), cr. (2) and (5), *Register*, January, 1989, No. 397, eff. 2–1–89; correction in (3), (4) and (9), made under s. 13.93 (2m) (b) 6., Stats., *Register*, June, 1994, No. 462; 2015 Wis. Act 330 s. 20: am. (9) *Register* April 2016 No. 724, eff. 5–1–16.

TCS 8.03 Services outside district. A district board contracting with a service recipient located outside the district but within the state shall notify the district board of the district where the service recipient is located of the existence of the contract within 30 days of execution of the contract.

History: Cr. *Register*, August, 1983, No. 332, eff. 9–1–83; r. and recr. *Register*, January, 1989, No. 397, eff. 2–1–89; corrected printing error, *Register*, March, 1989, No. 399.

TCS 8.04 General district policies. Each district board shall adopt policies and procedures governing contracts for services with service recipients. Policies and procedures adopted by a district board shall be forwarded to the board within 30 days of adoption. At a minimum these policies shall:

(1) Specify that no employee of a district may receive any additional salary, benefits or reimbursement for expenses for work performed pursuant to a contract for services where that employee is currently being compensated by the district for that work under existing conditions of hire with the district.

(2) Subject to sub. (1), specify those conditions where an employee of the district may receive additional salary, benefits or reimbursement for expenses for work performed under a contract for services.

(3) Identify those district employees by functional title responsible for the development of contracts under this chapter.

(4) Specify the procedures to be followed by the district board in reviewing and approving contracts for services.

(5) Require that all contracts with a foreign government or any business or industry not operating within the state comply with the requirements under s. 38.14 (3) (c) and (d), Stats.

(6) Require that every service recipient certify that it does not discriminate on the basis of age, race, color, sex, creed, handicap, political persuasion, ancestry or sexual orientation against:

(a) Any employee or applicant for employment, in regard to hire, tenure or term, condition or privilege of employment except where there is a bona fide occupational qualification.

(b) Any student or any applicant for enrollment in regard to admission or privilege of enrollment.

(7) Prohibit any district resident from being displaced from any program or course solely on the basis of a contract for services with a service recipient.

(8) Require that all payments received by a district from a service recipient be deposited in the district treasury.

History: Cr. *Register*, August, 1983, No. 332, eff. 9–1–83; r. and recr. (5), r. (6), renum. (7) to (9) to be (6) to (8), *Register*, January, 1989, No. 397, eff. 2–1–89.

TCS 8.05 Contract requirements. In addition to provisions otherwise provided by law, every district contract for services shall be in writing and at a minimum shall:

(1) Identify the parties to the contract.

(2) Specify the dates during which services will be provided.

(3) Specify the total compensation due the district under the contract, the schedule of payments, the number of persons to be served under the contract, and the type of service to be provided.

(4) Require that the service recipient certify that it does not discriminate on the basis of age, race, color, sex, creed, handicap, political persuasion, ancestry or sexual orientation against:

(a) Any employee or applicant for employment, in regard to tenure or term, condition or privilege of employment except where there is a bona fide occupational qualification.

(b) Any student or any applicant for enrollment in regard to admission or privilege of enrollment.

(5) Specify that district employees performing under the contract remain under the exclusive control of the district.

(6) Specify the location where services are to be performed.

(7) Specify whether the district shall grant credits for instructional services performed.

(8) Specify the distribution of royalties if material subject to copyright is developed pursuant to a contract.

History: Cr. Register, August, 1983, No. 332, eff. 9-1-83.

TCS 8.06 Reporting standards. (1) The district board shall submit to the board a report as required under s. 38.14 (3) (e), Stats.

(2) Annually by December 1 and in a form determined by the board the district board shall report to the board the reimbursed and non-reimbursed costs for each accounting function, the type of service rendered under each contract, and if the contract involves instruction for credit, the course, section, and location number of each course offered under each contract.

History: Cr. Register, August, 1983, No. 332, eff. 9-1-83; r. and recr. (1), Register, January, 1989, No. 397, eff. 2-1-89; am. Register, April, 1999, No. 520, eff. 5-1-99.