

Classifying Workers as Independent Contractors or employees??

The goal of this twenty factor test is to determine whether the person or persons for whom services are performed exercise sufficient control over the individual for him or her to be classified as an employee. These factors must be considered in determining whether an employment relationship exists.

1. Is the Independent Contractor required to follow your instructions?

Yes ___ NO ___

(Employees must comply with another person's instructions on when, where and how the work is performed. In a true independent contractor relationship, the only control to which the contractor is subject is the result).

2. Do you provide training to the independent contractor?

Yes ___ NO ___

(Independent contractors are not normally trained, but rather are hired for their expertise in the field).

3. Are the services to be provided by the independent contractor an integral part of the business' day to day operations?

Yes ___ NO ___

(Employees' services are usually a vital part of the daily operations of an employees operation).

4-5. Does the Independent contractor have the ability to delegate work to others, or to hire, supervise and pay assistants?

Yes ___ NO ___

(Employees personally render the services, while contractors may delegate such work to others).

6. Is the continuing relationship to be established between you and the independent contractor?

Yes ___ NO ___

(Employees are usually hired for an ongoing period, while a contractor's work ends when the job ends).

7. Is the independent contractor to have set hours of work?

Yes ___ NO ___

(Employees usually must adhere to a work schedule established by the employer).

8. Is the independent contractor required to work on a full-time basis?

Yes ___ NO ___

(Generally, employees work full-time for an employer, while independent contractors work when and for whom they choose).

9. Is the work to be performed on your (the college's) premises?

Yes ___ NO ___

(Those working at the employer's site may be viewed as employees).

10. Does the independent contractor have the freedom to perform the work in his/her own time and in their own way?

Yes ___ NO ___

(Persons told to perform work in a certain sequence generally are considered employees).

11. Is the independent contractor required to submit, upon request, a regular oral or written reports?

Yes ___ NO ___

(Employees are more likely to be required to submit regularly scheduled reports to the employer).

12. Is the Independent Contractor to be paid on a regular basis?

Yes ___ NO ___

(Typically, employees are paid on a regular basis, while independent contractors are compensated by the job, lump-sum or straight commission basis).

13. Are the travel expenses, if any, that are incurred by the independent contractor to be incorporated into his/her fee?

Yes ___ NO ___

(Employer payments of a person's work related travel expenses that are paid on a separate travel voucher generally indicate employee status).

14. Are you planning to furnish the independent contractor with tools and materials?

Yes ___ NO ___

(Employees, not individual contractors, are generally provided with supplies and materials).

15-16. Does the independent contractor have a significant investment in the facilities he uses for work, and does he stand to realize a profit or loss based on how he performs the services?

Yes___NO___

(Independent contractors have significant personal investment in the facilities they use for work, and unlike employees, they realize a profit or loss based on their success in performing the service).

17. Does the independent contractor have the freedom to work for more than one firm at a time?

Yes___NO___

(Individuals who perform services for a number of employers are usually independent contractors).

18. Are the services to be provided available to the public, is the business or individual listed in the telephone directory, or does it advertise its services to the public in some other manner?

Yes___NO___

(Individuals who regularly make their services available to the general public are usually treated as independent contractors).

19-20. Do you have the right to discharge the individual, or to terminate the relationship without incurring liability?

Yes___NO___

(Employees can be fired, while independent contractors cannot be discharged if they fulfill contract specifications. However, an employee can terminate his/her employment relationship with his/her employer at any time, whereas an independent contractor may be liable for breach of contract for leaving work unfinished).

Name of individual from the project who answered these questions:

Date
