

## 20 Common Law Factors Distinguishing Employees from Independent Contractors

Independent Contractor:

	Yes	No
1 Instructions: Works his or her own schedule. Does the job his or her own way.	<input type="checkbox"/>	<input type="checkbox"/>
2 Training: Uses his or her own methods and receives no training from the purchaser.	<input type="checkbox"/>	<input type="checkbox"/>
3 Integration: Success and continuation of business aren't dependent on his or her services.	<input type="checkbox"/>	<input type="checkbox"/>
4 Services Rendered Personally: Contractor able to assign one of his or her men to do the job.	<input type="checkbox"/>	<input type="checkbox"/>
5 Hiring, Supervision, Paying Assistance: Sometime family comes in and helps. Hires, supervises, and pays the other workers as a result of a contract under which he or she agreed to provide materials and labor, and is responsible for results.	<input type="checkbox"/>	<input type="checkbox"/>
6 Continuing Relationship: Hired to do one job. No continuous relationship.	<input type="checkbox"/>	<input type="checkbox"/>
7 Set Hours of Work: Is master of his/her own time.	<input type="checkbox"/>	<input type="checkbox"/>
8 Full Time Required: Free to work when and if he or she chooses.	<input type="checkbox"/>	<input type="checkbox"/>
9 Doing Work on Employer's Premises: Works off employer's premises, uses own office, desk, and telephone.	<input type="checkbox"/>	<input type="checkbox"/>
10 Order or Sequence Set: Cleans office. Services performed at his or her own pace. Salesperson works own schedule and usually has own office.	<input type="checkbox"/>	<input type="checkbox"/>
11 Oral or Written Reports: Submits no reports or invoices.	<input type="checkbox"/>	<input type="checkbox"/>
12 Payment by Hour, Week, or Month: Paid by the job on a straight commission. I.E. \$300.00/ month or 102 rate.	<input type="checkbox"/>	<input type="checkbox"/>

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| 13 Payment of Business and/or Traveling Expenses: Takes care of own expenses and is accountable only to himself/herself for expenses.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 14 Furnishing of Tools, Materials: Furnishes his or her own tools or cleaning supplies.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 15 Significant Investment: Has a real, essential, and adequate investment.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 16 Realization of Profit or Loss: Can realize a profit or suffer a loss as a result of his/her services.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 17 Working for More than One Firm at a Time: Works for a number of persons or firms at the same time.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 18 Making Services Available to General Public: Has own office and assistants. Holds a business license, listed in business directories or maintains business telephone. Advertises in newspaper, etc. | <input type="checkbox"/> | <input type="checkbox"/> |
| 19 Right to Discharge: Cannot be fired so long as he or she produces a result which meets contract specifications.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 20 Right to Terminate: Agrees to complete a specific job. Is responsible for its satisfactory completion or is legally obligated to make good.   | <input type="checkbox"/> | <input type="checkbox"/> |

**YES** answers indicate more of an independent contractor status.