

EMPLOYEE VS INDEPENDENT CONTRACTOR

CHECKLIST FOR DETERMINING IF A COMMON LAW EMPLOYEE RELATIONSHIP EXISTS

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	YES	NO
➤ Worker is required to comply with instructions.	___	___
➤ Worker needs to be trained.	___	___
➤ Worker's tasks are integrated into normal business operations.	___	___
➤ Worker's services are personally rendered and are not delegated.	___	___
➤ Worker is not responsible for hiring, paying, or supervising their assistants.	___	___
➤ Worker has a continuing relationship with the hiring firm.	___	___
➤ Worker's hours are set by the hiring firm.	___	___
➤ Worker must devote substantially full-time efforts to hiring firm's business.	___	___
➤ Work is performed on hiring firm's premises.	___	___
➤ Worker's services conform to order or sequence set by the hiring firm.	___	___
➤ Worker is required to submit regular oral or written reports.	___	___
➤ Worker's payment is based on time spent instead of by the job.	___	___
➤ Hiring firm pays for travel and business expenses.	___	___
➤ The hiring firm furnishes tools, materials, and other equipment.	___	___
➤ Worker has no significant investment.	___	___
➤ Worker has no risk of economic loss.	___	___
➤ Worker is not working for more than one hiring firm at a time.	___	___
➤ Worker does not make services available to the general public.	___	___
➤ Worker is subject to discharge even if the job requirements are satisfied.	___	___
➤ Worker can terminate relationship with the hiring firm without incurring any liability.	___	___

Yes answers suggest an employer/employee relationship. No one answer is determinative.