

# Employee or Independent Contractor?



Influenced by the IRS test (AKA the “Right-to-Control” test), these questions are designed to help employers properly classify workers. When your done, file the form in an easily accessible place.

Date: \_\_\_\_\_ Worker Name/ Position: \_\_\_\_\_

**1.** Does your company control what the worker does and how they complete their tasks?

Yes – Employee  No – Contractor

**2.** Do you reimburse the worker’s expenses?

Yes – Employee  No – Contractor

**3.** Is the worker paid a regular wage for hourly, weekly or other period of time?

Yes – Employee  No – Contractor

**4.** Does the worker receive benefits such as pension plans, PTO, sick days or disability insurance?

Yes – Employee  No – Contractor

**5.** Do you cover travel expenses for the worker?

Yes – Employee  No – Contractor

Did you select more employee or contractor boxes? This likely is your answer.

Employee  Contractor

Keep In Mind 

There is no “magic” or set number of factors that makes the worker an employee or independent contractor, and no one factor stands alone in making this determination. For an official designation file Form SS-8 with the IRS.

\*The information provided in our chart is for educational purposes only; it is not legal advice. Always check with your legal team or lawyer to ensure compliance.

