

DETERMINING WORKER CLASSIFICATION

Every worker should be classified as either an employee or an independent contractor. Correct classification is significant to both the worker and the ministry, and affects employment matters such as minimum wage and overtime protections. To help determine the employment relationship, the U.S. Department of Labor outlines several points to consider, including the following:

	Yes	No
1. Is the relationship permanent or frequently recurring?	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the ministry control, or have the right to control, when, where, and how the worker performs his or her job?	<input type="checkbox"/>	<input type="checkbox"/>
3. Does the ministry offer employee-type benefits (e.g., pension plan, insurance, vacation, or sick pay) to the worker?	<input type="checkbox"/>	<input type="checkbox"/>
4. Are the business aspects of the worker's job controlled by the ministry (e.g., how the worker is paid, whether expenses are reimbursed)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Is the work performed an integral part of the ministry's business?	<input type="checkbox"/>	<input type="checkbox"/>
6. Does the ministry supply the tools and materials necessary to do the job?	<input type="checkbox"/>	<input type="checkbox"/>
7. Is the work performed without a written contract?	<input type="checkbox"/>	<input type="checkbox"/>
8. Does the work performed require only the worker's technical skill, but no independent judgment, business skills or initiative?	<input type="checkbox"/>	<input type="checkbox"/>
9. Is the worker's investment in completing a particular job insignificant when compared to the ministry's investment?	<input type="checkbox"/>	<input type="checkbox"/>
10. Does the worker lack the opportunity for profit or loss depending on his or her managerial skill (e.g., make business decisions that affect future work, hire workers, purchase materials, advertise, or rent space)?	<input type="checkbox"/>	<input type="checkbox"/>

There is no set total of "yes" or "no" answers to the questions above that establishes whether a worker is an employee or independent contractor—but **consider that the more "yes" answers you have, the more likely it is that the worker should be classified as an employee.** Be sure to document the factors you use when making the determination. Keep in mind that most workers are employees—only in limited circumstances can a worker be properly classified as an independent contractor.

Notes: _____

Completed by: _____ Date: _____

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