THE TWENTY COMMON-LAW FACTORS OF WORKER STATUS

1. Instructions. A requirement that the worker must follow instructions on when, where, and how to perform his work, is evidence of control, which is indicative of employee status.

2. Training. The more training a worker receives, the more likely that worker is an employee.

3. Integration. Integration focuses on the extent to which the services provided by the worker are necessary to, and meld into, the overall business operations of the service recipient. The fact that a worker's services are highly integrated into the recipient's business is indicative of employee status.

4. Services rendered personally. A worker who is required to render services personally evidences employee status.

5. Hiring, supervising and paying assistants. If a service recipient hires, supervises, and pays the worker's assistants, this is evidence of employee status. Moreover, a worker who hires, supervises, and pays assistants may nevertheless be considered an employee, if such actions are at the direction and on behalf of the service recipient.

6. Continuing relationship. A continuing relationship between the worker and the service recipient is evidence of an employer-employee relationship. Both the regularity and duration of the relationship are taken into consideration for purposes of this factor.

7. Set hours of work. The fact that a worker is required to perform services during set hours is evidence of employee status.

8. Full-time required. If the worker is required to devote his full time to a specific service recipient, this is evidence of employee status. Full time does not necessarily require eight-hour days or a specific work week, but rather varies with the nature of the specific occupation and local customs.

9. Doing work on employer's premises. Use of the service recipient's premises and office equipment can be evidence of employee status. To the extent the services could be performed elsewhere, the inference of control becomes stronger.

10. Order or sequence set. If a worker is required to perform tasks in a set way and must follow set routines and schedules, the worker resembles an employee.

11. Oral or written reports. The fact that a worker is required to submit regular reports to the service recipient is indicative of employee status.

12. Payment by hour, week or month. A worker being paid at regular intervals is evidence of employee status.

13. Payment of business and/or traveling expenses. If a worker's expenses are paid or reimbursed by the service recipient, this is evidence that the worker is an employee.
14. **Furnishing of tools and materials.** The fact that a worker is furnished tools and materials is evidence that the worker is an employee.

15. **Significant investment.** If a worker does not invest in the facilities and/or equipment used in the performance of services, this is evidence of employee status.

16. **Realization of profit or loss.** A worker who is compensated for his or her services at a fixed rate, regardless of the profitability of the services performed, evidences employee status.

17. **Working for more than one firm at time.** A worker who performs services for only one firm at a time is indicative of employee status.

18. **Making services available to the general public.** If services are not offered to the general public, the worker resembles an employee.

19. **Right to discharge.** A worker who can be discharged at any time is usually perceived to be an employee. An independent contractor can be discharged only for failure to comply with the terms of his contract.

20. **Right to terminate.** A worker who may terminate his relationship with the service recipient at any time evidences employee status. An independent contractor may terminate his relationship only upon completion of the contract or breach of the contract by the other party.