



# Contractor Versus Employee Checklist

Free Contractor Versus Employee Checklist with AI customization. Industry-specific guidance for contractor versus employee checklist. Build your checklist now.

## Control Factors

- ☐ Who determines work hours?
- ☐ Who sets the work location?
- ☐ Who provides detailed instructions?
- ☐ Who determines work methods?
- ☐ Who sets deadlines and priorities?
- ☐ Is there direct supervision?
- ☐ Who controls the work sequence?
- ☐ Are there required meetings?
- ☐ Is approval needed for decisions?
- ☐ Who evaluates performance?
- ☐ Can worker decline assignments?
- ☐ Is training provided/required?

## Financial Arrangements

- ☐ How is payment structured (hourly/project)?
- ☐ Who provides tools and equipment?
- ☐ Who pays for supplies?
- ☐ Are expenses reimbursed?
- ☐ Is there opportunity for profit/loss?
- ☐ Can worker work for others?
- ☐ Who bears financial risk?
- ☐ Are benefits provided?
- ☐ Is paid time off given?
- ☐ Are taxes withheld?
- ☐ Is there a guaranteed wage?
- ☐ Who sets the pay rate?

## Relationship Type

- ☐ Is there a written contract?
- ☐ What is the duration of relationship?
- ☐ Is the work ongoing or project-based?
- ☐ Is the worker integral to business?
- ☐ Can either party terminate at will?
- ☐ Are similar workers employees?
- ☐ Does worker have own business?
- ☐ Does worker advertise services?

- ☐ Is worker available to public?
- ☐ Does worker have multiple clients?
- ☐ Is there exclusive arrangement?
- ☐ What is industry standard?

## Behavioral Indicators

- ☐ Who sets work standards?
- ☐ Is uniform or dress code required?
- ☐ Must worker personally perform work?
- ☐ Can worker hire assistants?
- ☐ Who trains any assistants?
- ☐ Who pays assistants?
- ☐ Is worker subject to discipline?
- ☐ Must worker follow procedures?
- ☐ Who owns work product?
- ☐ Are company resources used?
- ☐ Is non-compete required?
- ☐ Is worker listed as employee?

## Legal Tests

- ☐ Does worker pass IRS 20-factor test?
- ☐ Does arrangement meet state law?
- ☐ Is worker properly classified for tax?
- ☐ Are labor laws being followed?
- ☐ Is workers' comp required?
- ☐ Does worker have business license?
- ☐ Is worker incorporated/LLC?
- ☐ Does worker have insurance?
- ☐ Are contracts properly structured?
- ☐ Is documentation maintained?
- ☐ Have audits been considered?
- ☐ Is legal advice needed?

## Risk Assessment

- ☐ What is misclassification penalty?
- ☐ Are there previous violations?
- ☐ Is arrangement clearly documented?
- ☐ Would arrangement pass audit?
- ☐ Are similar workers consistent?
- ☐ Is there regulatory scrutiny?
- ☐ What is financial exposure?
- ☐ Are there union considerations?
- ☐ Is insurance coverage adequate?
- ☐ Have complaints been filed?
- ☐ Is reclassification needed?

- ☐ Should legal counsel review?

## Documentation Required

- ☐ Written agreement specifying status
- ☐ Business license verification
- ☐ Insurance certificates
- ☐ Tax identification numbers
- ☐ Invoice requirements
- ☐ Statement of work
- ☐ Independent contractor agreement
- ☐ W-9 or W-4 form
- ☐ I-9 verification
- ☐ Confidentiality agreement
- ☐ Intellectual property assignment
- ☐ Compliance certifications

## Decision Factors

- ☐ Weight control factors
- ☐ Evaluate financial aspects
- ☐ Consider relationship type
- ☐ Review behavioral indicators
- ☐ Apply legal tests
- ☐ Assess risks
- ☐ Document decision rationale
- ☐ Implement appropriate structure
- ☐ Monitor ongoing compliance
- ☐ Review periodically
- ☐ Adjust if needed
- ☐ Maintain documentation

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