



Employee Vs Contractor Checklist

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

Behavioral Control Tests

- ☐ Does company control when work is performed?
- ☐ Does company control where work is done?
- ☐ Does company dictate how work is completed?
- ☐ Does company provide detailed instructions?
- ☐ Does company provide training?
- ☐ Does company evaluate process vs. just results?
- ☐ Is worker required to follow company procedures?
- ☐ Must worker attend company meetings?
- ☐ Is worker supervised directly?
- ☐ Must worker work full-time for company?
- ☐ Can worker delegate tasks to others?
- ☐ Assessment: More control = Employee

Financial Control Indicators

- ☐ Does worker have significant investment in equipment?
- ☐ Does worker pay own business expenses?
- ☐ Can worker realize profit or loss?
- ☐ Does worker advertise services publicly?
- ☐ Does worker maintain business location?
- ☐ Is worker paid hourly/weekly/monthly?
- ☐ Does worker invoice for services?
- ☐ Can worker work for multiple clients?
- ☐ Does worker have business liability?
- ☐ Does company provide tools/supplies?
- ☐ Are worker's expenses reimbursed?
- ☐ Assessment: More independence = Contractor

Relationship Factors

- ☐ Is there written contract defining relationship?
- ☐ Does company provide employee benefits?
- ☐ Is relationship permanent/indefinite?
- ☐ Is work integral to company's business?
- ☐ Does worker receive paid vacation?
- ☐ Can either party terminate at will?
- ☐ Will relationship continue after project?
- ☐ Does worker have job title?

- ☐ Is worker integrated into organization?
- ☐ Does worker have company email/cards?
- ☐ Is worker listed in company directory?
- ☐ Assessment: More integration = Employee

IRS 20-Factor Test

- ☐ Instructions given to worker
- ☐ Training provided
- ☐ Integration into business operations
- ☐ Services rendered personally
- ☐ Hiring of assistants
- ☐ Continuing relationship
- ☐ Set hours of work
- ☐ Full-time requirement
- ☐ Work on premises
- ☐ Order/sequence of work set
- ☐ Oral or written reports required
- ☐ Payment method (hourly/weekly vs. project)
- ☐ Payment of expenses
- ☐ Provision of tools/materials
- ☐ Significant investment by worker
- ☐ Profit or loss possibility
- ☐ Working for multiple firms
- ☐ Services available to public
- ☐ Right to discharge
- ☐ Right to terminate

Legal Compliance Check

- ☐ Review federal classification rules
- ☐ Check state employment laws
- ☐ Verify tax withholding requirements
- ☐ Assess workers' compensation needs
- ☐ Review unemployment insurance
- ☐ Check minimum wage applicability
- ☐ Verify overtime requirements
- ☐ Review benefits obligations
- ☐ Check discrimination law coverage
- ☐ Assess FMLA applicability
- ☐ Review union considerations
- ☐ Document classification decision

Risk Mitigation Steps

- ☐ Document all factors considered
- ☐ Use written agreements
- ☐ Be consistent in classification

- ☐ Review classifications periodically
- ☐ Maintain supporting documentation
- ☐ Consider safe harbor provisions
- ☐ Get professional advice if uncertain
- ☐ Audit current classifications
- ☐ Correct misclassifications promptly
- ☐ Train managers on proper classification
- ☐ Monitor for changes in relationship
- ☐ Update as laws change

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