# Worker Classification: It's Not Just About Gig Workers

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#### Blurring the Boundaries



Workplace A place where people work, such as an office or factory.

Employer-provided facilities, equipment, etc.



Home

The place where one lives permanently, especially as a member of a family or household.



Work from Home Shifting to full-to-part-time workfrom-home.

Mix of employer-provided and individually-owned resources.

#### Worker Classification Criteria

SS-8	S-8 Determination of Worker States for Democra				OMS. No. 1545-0004		
Fire May 2014	Determination of Worker Status for Purposes of Federal Employment Taxes and			•	For IRS Use Only: Case Number:		
Department of the Treasury Internal Revenue Service	P Infor	Income Tax V	Vithholding	Earliest Receipt Date:			
Name of liters for persons for when the worker performed services from making address (lockds street address, apit or with no., city, state, and 7P code)			Worker's mane				
Temis ba number		Terri ti websilik	Worker's alternatic intephone mamber	Woker	s las mandrer		
Firm's telephone currible (include area code		Timis employer identification number	Worker's social accurity number	Worker's un	mpinyo shorilikadon nambor ji an		
only be disclosed to assist	with the de Reduction /	ay disclose the information you pro- termination process. If you provide for Notice in the separate instruction	incomplete information, we may in	of be able	to process your request. Si		
customers or is a salespers another sheet with the part	an. If you classic	t complete all questions in Parts i- annot arower a question, onier "Uni in number clearly identified. Write y th additional sheat attached to this 5	known" or "Does not apply." If you our firm's memo for worker's rame	need more	space for a question, attai		
General In	formation	•					
1 This form is being o	ompieted by	r 🗆 Hima 🔲 Worker; for services	s performed	6	anding dates		
		Das form (for example, you received a workers' compensation benefits, o	a bill from the IRS, you believe you		ly received a Form 1098 or		
2 Total number of wo	ikers who p	erformed or are performing the same	e or similar services:				
		ob? C Application D Ha		Other	handhi		

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- For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.
- Cat. No. 161067 Form SS-8 (Rev. 5 2014

#### EMPLOYMENT STATUS - A COMPARATIVE APPROACH have test, a worker is an employee if the inter's service has the right to direct or both as to the final results and as to the

purchase of control the worker, ooth a details of when, whene, o need not actually be even has the right to control, o 1. INSTRUCTIONS: An Independent Contraction date i he get he on her own way with w. Forcy, required for all of the dealers or methods of the units 2. TRAINING:

An Independent Contractor hus need not receive them S. INTEGRATION: Service's of an Employee are overally marged into the firm's services operatory. The firm's soccars depends on these Employee services.

A SERVICE'S RENDERED PERSONALLY: HIRING, SUPERVISING & PAYING HELPE ING HELPER ndependent Contractors as ed. Intel pay and supervise any repeat used and are responsible for the results of the negation

B. CONTINUING RELATION SHIP An independent Commoder is usually meet to do one job of Immed or indefinite duration and has no suggestation of commung

7. SET HOURS OF WORK:

by the sequences Intervatives full-times exervices for the employee and a priority on the Employee's time.

S. LOCATION WHERE SERVICES PERFORMED

where services are performed independent Derivative obtained, work where here process. The workgiver may be anyor the client's granities. 10. ORDER OR SEQUENCE SET: An Employee performs arenices in the other or sequence set by the amplicant's the shore room the the amplicant. the employer. This shows control by the employer. A row Independent Connector is concerned only with the finished gradues and test his or her non-order or sequence of work.

Depending upon the type of business and the services o not all of the twenty common law factors may apply. In a weight assigned to a specific factor may vary depending facts of the case. If an employment relationship exists, it does not matter that the employee is called something different, such as agent, contract

11. ORAL OR WRITTEN REPORTS:

WORKA

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2. A SYMEEM TO THE HOUR, WEEK OR MONTH:
2. A program by the provide program.
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13. PAYMENT OF BUSINESS & TRAVEL EXPENSE:

Independent Contractors normally pay all of their own ou expenses whitch removingment

14. FURNISHING TOOL \$ & EQUIPMENT: Employees the transmission of a transmission of a

15. SIGNIFICANT INVESTMENT

An Employee generally has this or i Employee is economically dependent True independent Contractors your

16. REALIZE PROFIT OR LOSS:

An independent Contractor can either residue and for a fer a loss description on the improvement of expension and the second 17. WORKING FOR MORE THAN ONE FIRM AT A TIME:

In the second se

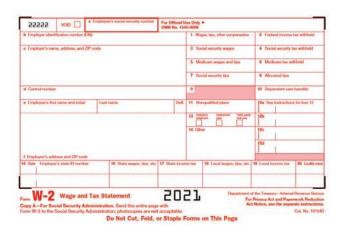
through the employer company. A independent Connector may determine carry buildings a independent Connector may determine the set 15. RIGHT TO DISCHARGE WITHOUT LIABILITY: An Employee rain to file-theorem at any little onforce itality on the

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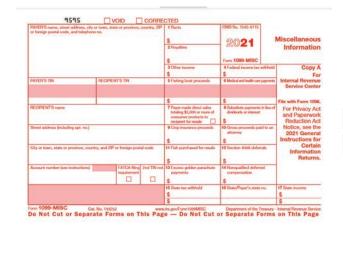
#### Employees

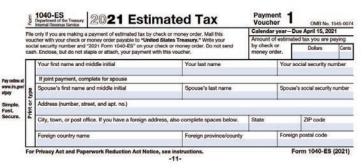
**WIRS** 



§1040	U.S. Individual Income Ta	ax Retu	im 2	2020	OMB No. 1545-0	074 BIS Use On	ly - Do not w	rite or staple in this space		
Filing Status Check only one box.	Single Married filing jointly If you checked the MFS box, enter the person is a child but not your depende	name of y								
Your first name and middle initial		Last nan	10	Your social security number						
If joint return, spouse's first name and middle initial			Last name					Spouse's social security number		
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City, town, or post office. If you have a foreign address, also complete			wces below.		State 2	3P code	spouse if fling jointly, want \$3- to go to this fund. Checking a box below will not change			
Foreign country name			Foreign province/state/county Foreig			oreign postal code				
It any time duri	ing 2020, did you receive, sell, send, ex	change, o	r otherwise	acquire a	ny financial interest	in any virtual o	urrency?	Yes No		
	Someone can claim: You as a f				as a dependent lien					
Deduction		turn or you	were a dua	il-status a		before January	2, 1956	Is blind		
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## Independent Contractors





#### Mondrik & Associates

www.mondriklaw.com

## Independent Contractors

EDULE C n 10400) war of the finance (Constructions and the latest informations (Constructions) and the latest information (Constructions) (C	le Form 1065. Seguine No. 09	SIGARE DULL E SE (Form 1040) Department of the Travery Internal Revenue Service (79)	Self-Employment Ta Go to www.irs.gov/ScheduloSE for instructions ar Attach to Form 1040, 1040-SR, or 1	d the latest information.	2021 Attachment Sequence No. 17
of proprietor	Social socurity number (SSN)	Name of particle with self-engli	ayment income (as shown on Form 1040, 1040-SR, or 1040-NR)	Social security number of perso with self-employment income in	
Principal business or profession, including product or service (see instructions)	B Enter code from instructions	Partil Self-Empl	oyment Tax		-
Rusiness name. If no separate business name, leave blank.	D Employer ID number (200) (non-instit		e subject to self-employment tax is church employee in	come, see instructions for ho	a to report your incr
		and the definition of chu A If you are a mini	ren employee income. ter, member of a religious order, or Christian Science p	contitioner and you filed Form	hed muched
Business address (including suite or room no.) >			ther net earnings from self-employment, check here an		
City, town or post office, state, and ZIP code	In the second second second second second		ou use the farm optional method in Part II. See instructio		
Accounting method: [1]  Gest: [2]  Account [3]  Other (specify)  Did you "materially participate" in the operation of this business during 2021? If "No." see instructions if	w limit on losses		r (loss) from Schedule F, line 34, and farm partnerships		
If you started or acquired this business during 2011, check here					1a
Did you make any payments in 2021 that would require you to be Formas 1099? See instructions	Yes No		cial security retirement or disability benefits, enter the arr s included on Schedule F, line 4b, or listed on Schedule K-1		16
II "Yes," did you or will you life required Form(b) 10997	Yes No		nonfarm optional method in Part II. See instructions.	(runn rood), our rot cour ret	
Income			from Schedule C, line 31; and Schedule K-1 (Form 106)	box 14 code A fother than	1
Gross receipts or sales. See instructions for line 1 and check the box if this income was reported to you		farming). See inst	ructions for other income to report or if you are a minister o	r member of a religious order	2
Form W 2 and the "Statutory employee" box on that form was checked		3 Combine lines 1a	, 1b, and 2		3
Subtract line 2 from line 1	2		han zero, multiply line 3 by 92.35% (0.9235). Otherwise,		4a
Cest of goods sold (from line 42)	4		ess than \$400 due to Conservation Reserve Program payme		
Gross profit. Subtract line 4 from ine 3	5		r both of the optional methods, enter the total of lines 15 a and 4b. If less than \$400, stop; you don't owe self en		10
Other income, including lederal and state gasoline or fuel tax credit or relund (see instructions)			a and 4b. If less than \$400, stop; you don't owe set or ad you had church employee income, enter -0- and co		40
Cross income. Add lines 5 and 6	• 7		th employee income from Form W-2. See instruction		~
Expenses, Enter expenses for business use of your home only on line 30. Advertising	si [ 98 ]	definition of chur	ch employee income	5a	1000 C
Advertising		b Multiply line 5a b	y 92.35% (0.9235). If less than \$100, enter -0		5b
rotuctions)			sb		6
Commissions and fees . 10 a Vehicles, machinery, and equipm			t of combined wages and self-employment earnings su		-
Contract labor (see instructions) 11 b Other business property	200		of the 7.65% railroad retirement (tier 1) tax for 2021		7 142,8
Depiction	. 21	8a Total social sect	rity wages and tips (total of boxes 3 and 7 on Form(s) ement (tier 1) compensation. #\$142,800 or more, skip	W-2)	
Cognociation and section 178 22 Supplies and included in Part I expense distantion and			ament (ner 1) compensation. # \$142,800 or more, sep ad go to line 11		
Inclusion in Part III (see 12 Investment) 12 12 Investment means	. 20		abject to social security tax from Form 4137, line 10 .		
Employee benefit programs A Travel	. 245		social security tax from Form 8019, line 10		(
jother than on line 19 . 14 b Unductible meals (see		d Add lines 8a, 8b,	and 8c		8d
Insurance (other then health) 15 Instructions)	240		rom line 7. If zero or less, enter -0- here and on line 10 a		9
interest (see instructions): 25 Utilities			ller of line 6 or line 9 by 12.4% (0.124)		10
Mortgage (past to banks, etc.) 16a 26 Wages (ess employment cred		11 Multiply line 6 by 12 Self-employment	2.9% (0.029) . It tax, Add lines 10 and 11. Enter here and on Schedule		11
Other	278		it tax. Add lines 10 and 11, Enter here and on Schedule ne-half of self-employment tax.	e le send toach mie 4	
Total expenses before expenses for tradece upo of home. Add lines it through 27a	► 28		ay 50% (0.50). Enter here and on Schedule 1 (Form 1	10401.	
Tentalive profil or dossi. Subiraci line 26 from line 7.		line 15		13	
Expenses for business use of your home. Do not report these expenses elsewhere. Attach Form to			Methods To Figure Net Earnings (see instructions		_
unless using the simplified method. See instructions.		Farm Optional Method	. You may use this method only if (a) your gross farr	n income! wasn't more than	
Simplified method filers only: Enter the total square toolage of (a) your home:	-		arm profits? were less than \$6,367.	and the second se	14 5.8
and (b) the part of your home used for business. Use the simplifie Method Worksheet in the instructions to have the amount to enter on line so			e for optional methods of: two-thirds (%) of gross farm income* (not less than :		14 5,6
Method Worksheet in the instructions to figure the amount to ensor on the so			te 4b above	zeroj or 40,000. Also, include	15
If a profit, onlice on both Schedule 1 (Form 1040), line 3, and on Schedule SE, line 2, iff you	81 1		od. You may use this method only if (a) your net nonfarm		
checked the box on line 1, see instructions). Estates and inusts, order on Form 1941, line 3.	91	and also less than 72.18	9% of your gross nonfarm income,* and (b) you had net e	amings from self-employment	
if a loss, you must go to leve ap.			e prior 3 years. Caution: You may use this method no mo	ro than five times.	
If you have a loss, check the beat that describes your investment in this actually. See instructions		16 Subtract line 15 1 17 Enter the smalle		and the second second	31
If you checked ana, enter the loss on both Schedule 1 (Form 1040), line 3, and on Schedule	32a Al investment is at this.		r of: two-thirds (%) of gross nonfarm income* (not less ude this amount on line 4b above	than zero) or the amount on	17
SE, line 2. (If you checked the box on line 1, see the line at instructions.) Estates and ituals, errier on Form 1041, line 3.	320 Some investment is of real			th. C. line \$1: and Sch. K-1 Form 10	
+ if you checked 32b, you must allech Form 6198. Your loss may be limited.	at tisk		th. K-1 (Form 1003), box 14, code A-minus the amount "From Se		

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#### Title search: Worker Classification: It's Not Just About Gig Workers

Also available as part of the eCourse 2021 Taxation eConference

First appeared as part of the conference materials for the 69<sup>th</sup> Annual Taxation Conference session "Employment Tax Update: Worker Classification, It's Not Just About Gig Workers"