

Fair Playing Field

Did you know that you may not qualify for unemployment benefits or workers' compensation benefits simply because your employer classifies you incorrectly? Whether intentional or not, misclassification can be disastrous for workers' who don't find out until it's too late.

Don't wait for a crisis. Take this brief, confidential assessment test to learn if you should be classified as an employee or an independent contractor.

If you answer "YES" to the following questions you may be an independent contractor:

1. Did you enter in to a written or verbal agreement with the business to perform a job for a set price or set payments?
2. Did you enter in to a written or verbal agreement with the business that you would be paid a specific amount(s) at a scheduled time or times for the job?
3. Do you provide your own tools, materials and supplies to perform the job?
4. Is there a specific time when the job will end? Example: one month, seventy two hours, etc.
5. Can you perform jobs for other businesses during regular business hours?
6. Before performing this job, did you submit orders, plans, or other documents to the business for approval?
7. Does the business have the right to terminate you without cause?
8. Can either you or the business terminate the business relationship without incurring any penalty or liability?

If you answer "YES" to the following questions you may be an employee

1. Does the business tell you what to wear to work?
2. Does the business tell you what to do?
3. Does the business tell you how to do the job?
4. Does the business tell you when to do the job?
5. Does the business take taxes out of the money it pays you?
6. Does the business provide the facilities, equipment, tools, materials and supplies you use to perform the job?
7. Does the business pay you back for expenses you incur to do the job?
8. Do you turn in a time sheet or record to the business?
9. Does the business provide you paid sick leave, vacation, pensions, bonuses, personal days or insurance?
10. Is there a continuing relationship between you and the business?
11. Does the business consider you an "employee"?
12. Do you perform manual labor for the business, i.e., do you use your hands and body a lot to perform your job?

Please remember, the definition of "independent contractor" varies depending on what type of law you are analyzing. Thus, an "independent contractor" may be determined differently for the IRS, state unemployment, state tort law, and workers' compensation. For more information on how independent contractors are defined in Louisiana's Workers' Compensation Act, see Louisiana Revised Statute 23:1021(7) or click on <http://legis.la.gov/Legis/Law.aspx?d=83328>.

It is mandatory to have workers' compensation insurance for most employees in Louisiana. If you want to see if your employer had workers' compensation insurance when you were hurt, please fill out the name of the company and the date of your accident in the form provided at <https://www.ewccv.com/cvs/>. You may usually enter your claim with the insurance company if your employer has not already filed it after you reported the accident.