

## **IRS Issues Top Ten List for Determining Whether Worker is Employee or Independent Contractor**

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The IRS has compiled the following top ten list of things every business owner should know before classifying a worker as either an employee or independent contractor:

- 1) Three characteristics are used by the IRS to determine the relationship between businesses and workers: behavioral control, financial control, and the type of relationship.
- 2) Behavioral control covers facts that show whether the business has a right to direct or control how the work is done through instructions, training, or other means.
- 3) Financial control covers facts that show whether the business has a right to direct or control the financial and business aspects of the worker's job.
- 4) The type of relationship factor relates to how the workers and the business owner perceive their relationship.
- 5) If you have the right to control or direct not only what is to be done, but also how it is to be done, then your workers are most likely employees.
- 6) If you can direct or control only the result of the work done — and not the means and methods of accomplishing the result — then your workers are probably independent contractors.
- 7) Employers who misclassify workers as independent contractors can end up with substantial tax bills. Additionally, they can face penalties for failing to pay employment taxes and for failing to file required tax forms.
- 8) Workers can avoid higher tax bills and lost benefits if they know their proper status.
- 9) Both employers and workers can ask the IRS to make a determination on whether a specific individual is an independent contractor or an employee by filing a Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, with the IRS.
- 10) You can learn more about the critical determination of a worker's status as an independent contractor or employee at the Small Business/Self Employed Tax Center on the IRS website [here](#). Additional resources include [IRS Publication 15-A](#), [IRS Publication 1779](#), and [IRS Publication 1976](#).