

## **§2800 INDEPENDENT CONTRACTOR VS. EMPLOYEE**

*In general, all persons receiving compensation from the parish should be listed as employees. Individuals considered Independent Contractors are the limited exceptions to this general rule. These exceptions generally do not apply to most parishes, but are designed primarily to cover professionals such as lawyers, architects and accountants as opposed to maintenance workers, CCD Instructors, organists, cooks and housekeepers, receptionists, etc. Incidental payments such as payments to CCD teachers (for example: \$50 at Christmas and \$50 at the end of the year) should not be considered as salary.*

*The Internal Revenue Service has 20 factors to be used to evaluate whether an individual is an employee or not. If the majority of these factors exist for the individuals hired, then they should be considered "employees."*

**2801.1. Policy** If the majority of the following factors exist for an individual who receives compensation from a parish, school or agency, then they shall be considered employees.

### ***Factors***

1. Worker is required to comply with instructions about when, where, and how work is done.
2. Worker needs to be trained.
3. Worker's tasks are integrated into normal business operations.
4. Worker's services must be personally rendered.
5. Worker is not responsible for hiring, paying,, or supervising assistants.
6. Worker has continuing relationship with the "employer."
7. Working hours are set by "employer."
8. Worker is required to devote full-time efforts to "employer's" business.
9. Job must be performed on "employer's" premises.
10. Worker's services must conform to order or sequence set by "employer."
11. Worker is required to submit regular or written reports.
12. Worker's payment is based on time spent instead of by the job.
13. Worker is reimbursed for travel and other expenses.
14. "Employer" furnishes tools, materials, and other equipment.
15. Worker has no significant investment in facilities (such as an office).
16. Worker has no risk of real economic loss.
17. Worker is not working for more than one "employer" at a time.
18. Worker does not make services available to the general public.
19. Worker is subject to discharge without "employer" penalty even if job specifications are met.
20. Worker can terminate relationship with "employer" without worker liability.