

# Worker Misclassification Scorecard

**Total Score:**  
\_\_\_\_/100

**Call 770-285-7785 to  
discuss your score!**

### Scoring

Employee = 2; Neutral = 1; Contractor = 0

#### Free from Company's Direction & Control

	Yes	No
Has company restricted worker's performance to a specific territory?	<input type="checkbox"/>	<input type="checkbox"/>
Has Company required worker to work a minimum number of hours?	<input type="checkbox"/>	<input type="checkbox"/>
Is worker free to accept or reject work without consequence?	<input type="checkbox"/>	<input type="checkbox"/>
Is worker required to attend scheduled Company meetings (e.g., weekly conference call)?	<input type="checkbox"/>	<input type="checkbox"/>
Does worker report to a specific person within the company for problems, issues or complaints that may arise from problem resolution?	<input type="checkbox"/>	<input type="checkbox"/>
Does worker have the discretion to set his own schedule?	<input type="checkbox"/>	<input type="checkbox"/>
Does worker work under close supervision or is required to give frequent status reports?	<input type="checkbox"/>	<input type="checkbox"/>

#### Customarily Engaged in other Business

Can the worker hold other employment contemporaneously?	<input type="checkbox"/>	<input type="checkbox"/>
Does the Company provide worker with all the supplies, materials or tools needed to perform the job (e.g., computer, business cards)?	<input type="checkbox"/>	<input type="checkbox"/>
Did the worker make a substantial investment in order to perform his job duties (e.g. buying product and reselling it to his customers)?	<input type="checkbox"/>	<input type="checkbox"/>
Does the worker independently advertise for his services?	<input type="checkbox"/>	<input type="checkbox"/>
Is worker economically dependent on the company, meaning the worker derives most or all of his income from the company?	<input type="checkbox"/>	<input type="checkbox"/>

#### Written Contract

Has the worker signed an independent contractor agreement?	<input type="checkbox"/>	<input type="checkbox"/>
Does the agreement verify the worker retains control over the method and manner of his work?	<input type="checkbox"/>	<input type="checkbox"/>
Does the agreement confirm the company has only the right to control the end result of the project and not how the worker accomplished it?	<input type="checkbox"/>	<input type="checkbox"/>
Is the worker responsible for paying his own income, social security and Medicare taxes?	<input type="checkbox"/>	<input type="checkbox"/>
Under the agreement, is the worker free to offer his services to the public and perform work for other clients?	<input type="checkbox"/>	<input type="checkbox"/>
Does the worker receive employee-type benefits, such as health insurance, vacation pay, etc.?	<input type="checkbox"/>	<input type="checkbox"/>
Is the worker hired for a specific project and not indefinitely?	<input type="checkbox"/>	<input type="checkbox"/>
Is the service provided similar to services company employees provide?	<input type="checkbox"/>	<input type="checkbox"/>
Is the contract "at-will"?	<input type="checkbox"/>	<input type="checkbox"/>
Is the worker contractually bound to complete the project?	<input type="checkbox"/>	<input type="checkbox"/>

#### Behavioral Control

Did the worker require any Company training in order to adequately perform the work?	<input type="checkbox"/>	<input type="checkbox"/>
Is the worker given fairly detailed instructions about how to perform the work?	<input type="checkbox"/>	<input type="checkbox"/>
Does the Company establish the order and sequence to follow when performing the work?	<input type="checkbox"/>	<input type="checkbox"/>

#### Economic realities

Is the work performed integral to the Company's business?	<input type="checkbox"/>	<input type="checkbox"/>
Can the worker hire others to perform or help with the work?	<input type="checkbox"/>	<input type="checkbox"/>
Can the worker purchase his own materials and equipment to complete the work?	<input type="checkbox"/>	<input type="checkbox"/>
Does the work performed require special skill or initiative?	<input type="checkbox"/>	<input type="checkbox"/>
Will business cards advertise Company's name, information, logo and services?	<input type="checkbox"/>	<input type="checkbox"/>

#### Financial Control

Has the worker made a significant investment in tools, training, office space, etc.?	<input type="checkbox"/>	<input type="checkbox"/>
Will the worker have unreimbursed expenses in connection with the work?	<input type="checkbox"/>	<input type="checkbox"/>
Will the worker have the opportunity to experience a loss or profit because of their investment in resources?	<input type="checkbox"/>	<input type="checkbox"/>
Is the worker paid by the job or on a flat fee?	<input type="checkbox"/>	<input type="checkbox"/>

#### Potential Liability

Misclassification of a worker as an independent contractor is serious. A company can incur substantial liability for back pay, years of unpaid federal, state and local income tax withholdings, social security and Medicare contributions, unemployment insurance premiums, interest and penalties, employee benefits, unpaid overtime compensation and reimbursement for work-related expenses.

Call us at **770-285-7785** to help you identify any potential liability for misclassification.