



NEW HAMPSHIRE EMPLOYMENT SECURITY

QUESTIONNAIRE FOR DETERMINING INDEPENDENT SUBCONTRACTOR STATUS
UNDER RSA 282-A:9, III (a)(b)(c)

RSA 282-A:9 III. Services performed by an individual for wages shall be deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the commissioner of the department of employment security that:

- (a) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; **and**
- (b) Such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed; **and**
- (c) Such individual is customarily engaged in an independently established trade, occupation, profession, or business.

Please note all 3 must be shown.

282-A:15 Wages.

I. Wages means every form of remuneration for personal services paid or payable to a person directly or indirectly by his employing unit, including salaries, commissions, bonuses, and the reasonable value of board, rent, housing, lodging, payment in kind and similar advantages estimated and determined in accordance with the rules of the commissioner of the department of employment security. (1977,441:6, effective 1/1/78)

Date: _____

State I.D. #: _____

Name of Firm: _____

Telephone #: _____

Name of Individual Responding: _____

Title: _____

Nature of Firms Business: _____

Name of Worker: _____

Home Address of Worker: _____

Social Security #: _____

ONLY ONE QUESTIONNAIRE PER CLASS OF WORKERS IS NEEDED.

Any Others In This Class? Yes List On Reverse Side

No

SIGNATURE

A. DIRECTION AND CONTROL:

1. Do you exercise any authority over the means by which the services are rendered?

2. If for any reason, you do not exercise such authority, do you have the right to do so?

3. If services are to be performed to your satisfaction, do you have the right to direct the methods by which said services shall be performed?

4. What methods of supervision and review are exercised by you?

5. Is the worker required to report his activities?
 - a. What is the purpose of such reporting?
 - b. At what times must he report?
 - c. In what manner does he report?
 - d. What happens if he does not report?

a. _____

b. _____

c. _____

d. _____
6. Do you establish working hours?

7. Can you specify job location?

8. Do you retain control of premises where services are rendered?

9. Do you have the right to discharge the worker or any of his assistants?

10. May the worker terminate his services at any time?

11. If the worker incurs any expense in the performance of his services, is he reimbursed by you?

B. OUTSIDE THE USUAL COURSE OF BUSINESS:

1. What are the normal services performed by the firm?

2. What types of services are performed by subcontractors?

3. Are services performed in the usual course of the firm's business?

4. If not, how are worker services not in the usual course of your business?

5. Are services performed in firm's establishment or on firm premises or at your firm's place of business?

C. INDEPENDENTLY ESTABLISHED:

1. What materials, appliances, machines or tools used in the performance of services does the worker furnish?

2. Do you allow subcontractors to use your equipment?

3. If so, what equipment is furnished by you?

3A. What materials are furnished by you?

4. Is the subcontractor free to perform services for other businesses, or individuals during the course of the business day?

5. Does the subcontractor hire his own assistants?

6. Who directs and controls the assistants, the you or the subcontractor?

7. A. Is it understood that the worker will perform the services personally? _____

B. Does the worker have helpers? _____

If yes: Are the helpers hired by: Firm Worker

If hired by the worker, is the firms approval necessary? _____

Who pays the helpers Firm Worker

Are social security taxes and Federal income tax withheld from the helpers wages? _____

If yes: Who reports and pays these taxes? Firm Worker

Who reports the helpers incomes to the Internal Revenue Service? Firm Worker

If the worker pays the helpers, does the firm repay the worker? _____

What services do the helpers perform? _____

8. Who pays the workers compensation insurance?

9. Is the subcontractor engaged in an independently established trade, occupation or profession?

10. Does subcontractor maintain his own office or shop?

Location: _____

11. Does the subcontractor have a registered trade name?

12. Does the subcontractor advertise his services as available to the public?

(Attached copy or contractors business card, printed invoice, or advertisement.)

13. Is the subcontractor required to have a license or permit to do business; if so, who pays for it?

14. What percent of the subcontractors total working time is spent in performing services for the employer.

14A. Does firm have priority on the workers time?

15. Under what circumstances and for what reason is the subcontractor subject to discharge?

16.

16. Did the subcontractor perform services of the same nature for other firms previous to this employment, and is he currently performing services for other firms?

17. Does the worker have a financial investment in his business?
If yes, specify and give amounts of the investment _____
18. Can the worker incur a loss in the performance of the service for the firm? Yes No
If yes, how? _____
19. List firms for which worker performs similar services.
- | Firm Name & Address | Date Service Performed |
|---------------------|------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
20. Does the worker have a job application on file Yes No
(Attach a Copy)
21. If the work is done under a written agreement between the firm and the worker, attach a copy.
If the agreement is not in writing, describe the terms and conditions of the work arrangement

PART II

CIRCLE

1. Type of Service Performed by Individual(s) _____

2. Date Individual(s) First Started Performing Services of this Nature for the Firm.

3. Is the Individuals service performed on firms premises or place of business? Yes No
Elsewhere, explain _____
4. Does the firm establish working hours? Yes No
5. Does the individual follow a routine established by the firm? Yes No
a. What is the routine? _____

6. Does the firm establish territory to which the individual is restricted? Yes No
a. Does the firm require periodic visits or coverage of the territory? Yes No
7. Does the firm furnish leads to the individual? Yes No
a. Must the individual report on result of such leads? Yes No
b. Must the individual comply with prices, terms, and conditions established by the firm? Yes No
c. Does the concern approve all orders? Yes No

CIRCLE

- | | | | | |
|-----|--------------------------------|----------------------------|-----|----|
| 22. | Is any of the above equipment: | a. Rented from firm? | Yes | No |
| | | b. Loaned by firm? | Yes | No |
| | | c. Purchased through firm? | Yes | No |

(If purchased, explain Purchase Agreement) _____

- | | | | |
|-----|--|-----|----|
| 23. | Does the relationship with the firm consist of single or isolated transactions as opposed to a continuing relationship? | Yes | No |
| 24. | Does the firm expect that substantially all of the services will be performed by the individual personally? | Yes | No |
| 25. | Does the individual employ helpers? | Yes | No |
| | a. Does the individual have the right to control the manner in which such services are performed by assistants hired by him? | Yes | No |
| 26. | Does the firm give consent to such hiring either expressed or implied? | Yes | No |
| 27. | Who supervises helpers? _____ | | |
| 28. | Who pays helpers? _____ | | |
| 29. | May the firm discharge these helpers or require the individual to discharge them? | Yes | No |
| 30. | Who pays payroll taxes on these helpers? _____ | | |
| 31. | Does individual operate under his own name or his own trade name? | Yes | No |
| 32. | Does the individual customarily offer his services to the public generally? | Yes | No |
| 33. | Does the individual perform services of the same nature for other firms? | Yes | No |

a. List other firms:

- | | | | |
|-----|--|-----|----|
| 34. | Does the individual advertise his services? | Yes | No |
| 35. | Does the individual maintain his own office or shop? | Yes | No |
| 36. | Is a license or permit required for his activities? | Yes | No |

a. In whose name is the license or permit? _____

b. Who pays for the license or permit? _____

c. Who issues the license or permit? _____

CIRCLE

37. Is the individuals services for other persons performed regularly during the course of the same working day in which he performs services for this firm Yes No
38. What percent of the individuals total working time is spent in performing services for the firm _____ %
39. Does the firm have preferred call on the individuals services Yes No
40. Under what circumstance and for what reason is the individual concerned subject to discharge by the company _____

SIGNATURE

DATE

Attach any pertinent copies of work contracts, work agreements, and items of a like nature that you think will assist in making a determination.

Use this space and the reverse side to expand on any of the above questions.