



## INDEPENDENT CONTRACTOR OR EMPLOYEE?

To assist in determining the status of your contractor as an "independent contractor" or "employee," please complete this questionnaire. The IRS defines an Independent Contractor as a person that "you have the right to control or direct only the result of the work done, and not the means and methods of accomplishing the result."

Policyholder: \_\_\_\_\_ Policy Number: \_\_\_\_\_

Subcontractor's Name: \_\_\_\_\_

1. Describe the work the subcontractor did for you. \_\_\_\_\_  
 \_\_\_\_\_

2. Who exercises the right of control:

- (a) to determine the method of performing the work?
- (b) to specify the hours work will commence or cease?
- (c) over direction or supervision of work?
- (d) of premises during time job is performed?

- 3. Who is responsible for making payroll deductions (Social Security, Federal Withholding, etc.) from wages of sub-contractor's employees?
- 4. Who has the authority to hire or discharge workers of the sub-contractor?
- 5. Who determines the method of work performed?
- 6. Who is responsible for guaranteeing the work performed?
- 7. Who possesses the authority to terminate the contract?
- 8. Who provides the materials the subcontractor uses to perform the job?

	You	Sub-Contractor
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	Yes	No
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 9. Does the sub-contractor have a business license?
- 10. Does sub-contractor have employees?  
 (a) If yes, how many? \_\_\_\_\_
- 11. Is there a written contract between you and the sub-contractor to perform services on your behalf?
- 12. Does the subcontractor have a General Liability policy?  
**Note:** Pennsylvania contractors, effective February 17, 2011, you must have a contract between you and the sub-contractor in order for the sub-contractor to be considered an independent contractor. In addition, the sub-contractor must have a General Liability policy with at least a \$50,000 limit. Please provide copies of the contracts and certificates of insurance as part of the audit.

13. How did the subcontractor obtain the job?  
 \_\_\_\_\_ Bid    \_\_\_\_\_ Application    \_\_\_\_\_ Other \_\_\_\_\_

14. How many other contractors has the subcontractor worked for?  
 \_\_\_\_\_ Only me    \_\_\_\_\_ 1 or 2 others    \_\_\_\_\_ More than 2 others

15. How was the subcontractor paid? \_\_\_\_\_ Weekly    \_\_\_\_\_ Bi-Weekly    \_\_\_\_\_ Monthly  
 \_\_\_\_\_ After the work was completed  
 \_\_\_\_\_ Other \_\_\_\_\_

Feel free to provide additional information to indicate that the subcontractor is not an employee, such as copies of the subcontractor's advertisements or yellow pages listing.



# LIST OF SUB-CONTRACTORS HIRED

INSURED \_\_\_\_\_

POLICY NO. \_\_\_\_\_ POLICY PERIOD \_\_\_\_\_

DATE OF HIRE	PRINT NAME AND ADDRESS OF SUB-CONTRACTOR	State of Hire	Employees** Y/N	Number of Employees	INSURANCE COMPANY	POLICY NUMBER	POLICY DATES	CHECK ONE			100% TOTAL CONTRACT COST*
								Labor Only	Labor & Materials	Labor & Equipment	
					WORKERS COMPENSATION:						
					GENERAL LIABILITY:						
					WORKERS COMPENSATION:						
					GENERAL LIABILITY:						
					WORKERS COMPENSATION:						
					GENERAL LIABILITY:						
					WORKERS COMPENSATION:						
					GENERAL LIABILITY:						
					WORKERS COMPENSATION:						
					GENERAL LIABILITY:						
					WORKERS COMPENSATION:						
					GENERAL LIABILITY:						
					WORKERS COMPENSATION:						
					GENERAL LIABILITY:						
					WORKERS COMPENSATION:						
					GENERAL LIABILITY:						

**NOTE:** \* If a breakdown of cost is available between labor, labor & materials, or labor & equipment, please provide it.  
 \*\* Provide the number of employees your sub-contractors have. If they have employees and are not providing workers compensation coverage for them, your policy will be subject to providing coverage. Therefore, the Erie Insurance Group will make a premium charge for their exposure.