

Independent Contractor Weigh Test

Please answer each of the following questions on separate paper. The metro-area brokerages will review your answers to verify that you are self-employed and operating as an Independent Contractor. Each section corresponds to ORS 670.600, which defines Independent Contractor.

Section 1 - Direction and Control

Free from direction and control over the means and manner of providing the services, subject only to the right of the person for whom the services are provided to specify the desired results.

- Describe the services you are offering to customers.
- Describe your business plan.
- In what areas do you possess professional ability, knowledge and expertise?
- What methods and strategies will you employ to assist your customers in reaching their goals? Please give examples of the methods and strategies you plan to utilize.
- How do you determine when to meet with the customer?
- How will the customer know when your work is complete?
- How will you meet Medicaid, State and Brokerage regulations and standards for eligibility for reimbursement?
- What is your process for terminating a contract with a customer? For what reasons?

Section 2 - Independently Established Business

Except as provided in ORS 670.600, subsection (4), is customarily engaged in an independently established business. For these purposes, a person is considered to be customarily engaged in an independently established business if any of the three following requirements are met.

Section 2A Business Location

- Describe the business location from where you primarily perform the actions of your business.
 - Where will you conduct the administrative aspects of your business? If the business space is in your residential home, do you take (or plan to take) a home office deduction when you file your taxes?
 - Do you have a mailing address and phone number separate from your residence?
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Section 2B Risk of Loss

- Do you warrant the work you perform under contracts? How?
- Do you assume financial responsibility for defective workmanship or for services not provided by purchasing performance bonds, errors and omission insurance or liability insurance, or providing warranties to the labor or services you provide? How?
- What economic loss or financial risk, if any, do you incur beyond the loss of salary (eg., loss or damage of equipment, material, etc)?

- Many services require transporting customers in your vehicle. Is your vehicle liability insurance premium paid based on a business vehicle or a personal vehicle?
- What happens if you do not meet contract obligations?

Section 2C
Routinely Engaged

- How many customers do you currently serve or seek to serve?
- Do you serve or plan to serve customers at more than one brokerage? Which ones?
- Do you have contracted clients outside the brokerage system? If so, with which agencies?
- How do you market or advertise your services to the general public?

Section 2D
Significant Investment

- What, if any, resources and equipment have you purchased to meet your business objectives?
- What, if any, of this equipment depreciated and was/will be taken as a business deduction?
- What expenses have you incurred or do you plan on incurring? (i.e. computers, software, supplies, liability insurance, etc)
- Describe the overhead expenses assumed to render the services you offer.
- What licenses, certificates, or specialized training have you paid for that qualifies you to provide services?
- Do you purchase liability insurance?

Section 2E
Authority to Hire

- Do you have a Tax Identification Number separate from your Social Security Number?
- Do you employ staff or plan to employ staff to perform pieces of your work? What portions?

Section 3 - Licenses, Certification and Training

Independent Contractor is responsible for obtaining other licenses or certificates necessary to provide the services.

- What type of training, license or certification have you obtained relevant to this work?
- When did you start your business that serves people with disabilities?
- What business licenses/registration, permits or other certification do you have for your business?