

State Agency Criteria for INDEPENDENT CONTRACTORS

	ORS 670.600	Economic Reality Test	Right-to-control Test	ORS 25.790
Agency	Department of Revenue Employment Department Department of Consumer & Business Services' Workers' Compensation Division Construction Contractors Board Landscape Contractors Board	Bureau of Labor and Industries Wage and Hour Division	Bureau of Labor and Industries Civil Rights Division	Department of Justice Division of Child Support
Criteria	Worker must meet all of the requirements of ORS 670.600 to be considered an independent contractor.	Five factors of the test are weighed to determine whether worker is an independent contractor as a matter of economic reality. No single factor is determinative.	Four factors of the test are weighed to determine whether a worker is free from the right to control by the business receiving the worker's services. No single factor is determinative.	Worker must meet the requirement of ORS 25.790(4)(b) to be considered an independent contractor for Child Support Division's purpose. There are two factors in this requirement.
Factors	<ol style="list-style-type: none"> 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 result; and Customarily engaged in an independently established business; and Licensed under ORS 671 or 701 (CCB, State Landscape Architect Board or I-CB and State Board of Architect Examiners) if required for the service; and Responsible for other licenses or certificates necessary to provide the service. 	<ol style="list-style-type: none"> The degree of control exercised by the alleged employer; The extent of the relative investments of the worker and alleged employer; The degree to which the worker's opportunity for profit and loss is determined by the alleged employer; The skill and initiative required in performing the job; The permanency of the relationship; The Extent to which the work performed by the worker is an integral part of the alleged employer's business. 	<ol style="list-style-type: none"> Direct evidence of the right to, or the exercise of, control; The method of payment; The furnishing of equipment; The right to fire. 	<ol style="list-style-type: none"> An individual who must file a federal form W-9 under the Internal Revenue Code; and Is anticipated to be performing services for more than 20 days.
Notes	<p>The classification of a worker under any of these tests is not determinative for the classification of that worker under the remaining tests.</p> <p>The text of ORS 670.600 as well as additional information regarding the criteria listed above is available at: www.oregonindependentcontractors.com.</p> <p>The text of ORS 25.790 (4)(b) is available at: https://www.oregonlegislature.gov/bills_laws/ors/ors025.html</p>			

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