

State Agency Criteria for INDEPENDENT CONTRACTORS

	ORS 670.600	Economic Reality Test	Right-to-Control Test	Nature-of-the-Work Test
Agency	Department of Revenue Employment Department Construction Contractors Board Landscape Contractors Board	Bureau of Labor and Industries - Wage and Hour Division	Bureau of Labor and Industries - Civil Rights Division & Workers' Compensation Division	Workers' Compensation Division (Where Right-to-Control Test proves inconclusive)
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.	Considers the character of the work or business, as a supplement to the Right-to-Control test.
Factors	<ol style="list-style-type: none"> 1. 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 2. Customarily engaged in an independently established business; and 3. Licensed under ORS 671 or 701 (CCB, State Landscape Architect Board or LCB and State Board of Architect Examiners) if required for the service; and 4. Responsible for other licenses or certificates necessary to provide the service. 	<ol style="list-style-type: none"> 1. The degree of control exercised by the alleged employer; 2. The extent of the relative investments of the worker and alleged employer; 3. The degree to which the worker's opportunity for profit and loss is determined by the alleged employer; 4. The skill and initiative required in performing the job; 5. The permanency of the relationship. 6. 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"> 1. Direct evidence of the right to, or the exercise of, control; 2. The method of payment; 3. The furnishing of equipment; 4. The right to fire. 	<ol style="list-style-type: none"> 1. How much is the work a regular part of the hiring entity's business? 2. How skilled is it? 3. Is the work continuous or intermittent? 4. Is the duration sufficient to amount to the hiring of continuous services as distinguished from contracting for completion of a particular job? 5. To what extent may it be expected to carry its own accident burden?
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>If you still are not sure whether you fit the definition of an independent contractor as to workers' compensation law, please contact the Employer Compliance Unit toll free at 1-888-877-5670 and ask for a Coverage Investigator.</p>

Disclaimer:

The above information is provided as a summary and teaching guide and is not intended as legal advice. If you need legal advice, please consult an attorney. We attempt to update materials pertaining to the information laid out above as soon as practicable following changes or developments in the laws and rules affecting Oregon employers, but we make no warranties or representations, express or implied, about whether the information provided is current. We urge you to check the applicable statutes and administrative rules yourself and to consult with legal counsel prior to taking action that may invoke employee rights or employer responsibilities or omitting to act when required by law to act.