

Themes	Principles	<b><i>Evaluation Considerations:</i></b>
<b>Relationship between worker and labor buyer</b>	<b>Control and Independence</b>	<ul style="list-style-type: none"> <li>• Who decides the work and how it is performed?</li> <li>• Who decides the workplace and environment of work?</li> <li>• Who decides the customer/client base?</li> <li>• Who controls the price for the goods or services?</li> <li>• Who is in charge/control of revenue from the work and how costs, profits and compensation are distributed?</li> <li>• Worker independent to set own schedule, workplace standards, method of performance, other work performed?</li> <li>• To what degree has the worker invested capital into the business</li> <li>• How permanent is the work relationship?</li> <li>• Either business or worker independent to unilaterally change performance standards, work methods, scheduling, make compensation/pricing decisions</li> </ul>
	<b>Bargaining &amp; economic power</b>	<ul style="list-style-type: none"> <li>• Negotiation or lack of negotiation over terms, performance, and compensation of work v. no negotiation (adhesion contracts; no contract etc.)</li> <li>• Company with power and authority to control work and livelihood?</li> <li>• Who structures the work to be an employee or IC?</li> <li>• Who should decide the employee or IC designation? (business, worker, public?)</li> </ul>
	<b>Business model and cost/risk of doing business</b>	<ul style="list-style-type: none"> <li>• Who creates and determines the business model?</li> <li>• Who owns the core capital of the business? Who benefits from it? Who benefits and loses from the risks of business decisions?</li> <li>• Who primarily benefits from efficiency improvements? Who keeps extra profits made from additional worker effort?</li> <li>• Does the business model create customer expectations of a unitary service, product from branded-company? Who is responsible/accountable to the public and consumers for the product, service?</li> <li>• Is the work being performed integral to the buyer's business?</li> <li>• Are there efficiency gains from coordinating workers' job performance or do workers' actions not affect each other?</li> <li>• Does the buyer of services utilize numerous workers to perform the same or similar work under the same or similar terms and conditions?</li> <li>• Who is primarily the seller of the product, service to customer/end user? Who negotiates/determines the terms of the work with the customer? Who controls</li> </ul>

		communication with the customer? Who does the end/user customer reasonably believe is responsible for the product/service?
<b>Themes</b>	<b>Principle/criteria</b>	<b>Evaluation considerations:</b>
<p><b>Public Policy Incentives and Considerations:</b>  <i>We want to ensure compliance with our state/federal employment, workplace safety, and consumer protection law.</i></p>	<b>Compliance with our state/federal employment</b>	<ul style="list-style-type: none"> <li>Who is in the best position to ensure a safe and healthy workplace?</li> <li>Who is best able to ensure that safety is baked into the cost of doing business/the business model?</li> </ul>
	<b>Keeping the public safe in the delivery of services/products</b>	<ul style="list-style-type: none"> <li>Who is in the best position to ensure the product or service is safe for the public? (Through processes, insurance, interaction with the public, etc.). Who should be legally responsible for the overall safety of the project or service?</li> <li>Who should be liable for ensuring that the work performance standards follow the law?</li> <li>Who should be liable if the public is harmed or hurt by the service or product?</li> </ul>
	<b>Protecting economy counter-cyclical employment cycles</b>	<ul style="list-style-type: none"> <li>Who is in the best position to insure against the impact of a layoff or no-fault termination?</li> <li>How do we want to fund it?</li> </ul>
	<b>Informing workers &amp; public of obligations</b>	<ul style="list-style-type: none"> <li>Who is in the best position to ensure that workers know about tax withholding, employment law requirements, and safety laws to protect the public?</li> </ul>
	<b>Tax compliance and safeguarding public resources</b>	<ul style="list-style-type: none"> <li>Who is in the best position to ensure that taxes are paid?</li> <li>Who has the opportunity/incentive to evade responsibility for taxes?</li> <li>Who is on the hook for passing off the costs of doing business onto the taxpayer?</li> <li>How do we best ensure that workers don't become a burden on public resources?</li> </ul>
	<b>Test Efficiency</b>	<ul style="list-style-type: none"> <li>Is the test administrable? For buyers of labor? Sellers of labor? Regulators? Public?</li> <li>Does the test deter violations and disincentive evasive business models? Are the test factors administrable?</li> <li>Are factors independently verifiable by regulators? (If not, are they concentrated under the control of the bigger company?)</li> <li>Do hiring entities/workers understand the test(s) and have the ability to apply it to their situation?</li> <li>Does the test allow for effective and timely enforcement of violations?</li> </ul>