



Recommendations

Clear policy standards, education, enforcement

- Single standard, easily understood by businesses/employers and workers/employees
 - Presumption of employment *unless*
 1. Individual performing services has been and will continue to be free from control or direction of services/ *Does the business exert control over the individual's work?*
 2. Service provided by the individual is outside the usual scope of business or is performed away from the usual place of business */Is the work part of the business' core function? AND*
 3. The individual is customarily engaged in an independently established trade, occupation, profession, or business/ *Is this work usually done by an independent contractor, not a company employee?*

Remedies must serve as deterrent and make workers whole

- Increase number and frequency of audits
- Information sharing and collaboration between agencies
- Increase education, but assess penalties for failure to comply – no “freebies” if violations are knowing or willful
- Penalties include disqualification/disbarment from state contracting
- Penalties must be significant to create deterrent
- Presumption of employment, especially where workers are providing direct services (e.g. home healthcare, service workers)
- In addition to penalties and payment of taxes and state benefits, restitution *must be paid to workers* (wages owed, tax penalties)