Basic Payroll Concepts FPC

WORKER STATUS

The first determination an employer must make when hiring a worker is whether they are a employee or an independent contractor. For the CPP exam you should be able to read a description of a worker's job duties and determine if they are a common law employee, a statutory employee, a statutory non-employee or an independent contractor.

Common Law Employee

The IRS states "a worker who performs services for you is your employed you have the right to control what will be done and how it will be done". The important factor, that if the employer has the right to control the details of how the services who have formed, then the worker is an employee.

- Irrelevant whether the individual providing the server was full or part-time.
- The location the worker performs the work also does not matter.
- The number of hours worked does not matter enter.
- If the employee-employer relationship each it doesn't matter what you call the
 employee they must be treated for payful purposes as an employee.
 - You can call them an agent you can call them an independent contractor but if by the facts and circum can be employee-employer relationship exists you have to treat them a an employee.
- Must withhold and pay income tox, social security and Medicare tax on wages paid to employees.

Independent Contractor

There are two basis test the employer may use to determine if a worker is a true independent contractor the common law test and the reasonable basis test. The IRS looks first at the common law test to determine employment status.

Common Test

Under the cammon law test, determine worker status based on how much independent control by worker has. Generally in the case of an independent contractor the employer retains the right to control the end product or result of the work but does not control how the bork is accomplished. The common law test looks at the relationship between the parties as well as the amount of financial and behavioral control the employer has over the worker. One factor in and of itself does not determine if a worker is an independent contractor or an

Practical Cpp Study Guide

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