EFFECTIVE DATE

(12-27-2023)

PURPOSE

(1) This transmits revised IRM 7.50.1, Form SS-8 Worker Classification Determinations, Form SS-8 Processing Handbook.

MATERIAL CHANGES

(1) IRM 7.50.1.1.1(1) - Updated paragraph to remove references to SS-8 courtesy letters.

(2) IRM 7.50.1.1.1(2) - Revised paragraph to include exception for requests involving state or local government requests or interstate instrumentalities.

(3) IRM 7.50.1.1.4(1) - Updated name of exhibit referenced.

(4) IRM 7.50.1.1.5(1) - Updated Acronym Table to match updates to IRM.

(5) IRM 7.50.1.2(2) - Removed contact memorandums as a case file document.

(6) IRM 7.50.1.2(8) - Removed contact memorandums as a work paper document and revised paragraph structure for readability.

(7) IRM 7.50.1.2(9) - Expanded description of what work papers should not include and added statement that SS-8 workpapers are subject to FOIA.

(8) IRM 7.70.1.2(10) - Added reminder about what should not be included in activity log documentation and that SS-8 workpapers are subject to FOIA.

(9) IRM 7.50.1.2(11) - Added paragraph to use follow-up date when case is suspended.

(10) IRM 7.50.1.2(12) - Added reference to IRM 7.50.1.8.6.

(11) IRM 7.50.1.2(13) - Updated paragraph to refer to required minimum research. Added note regarding use of e-Trak activity log for streamline case analysis.

(12) IRM 7.50.1.3(1) - Added two business day time frame to date stamp incoming physical mail.

(13) IRM 7.50.1.3(2) - Revised paragraph to address document scanning process and add instruction for faxing authorizations to CAF unit.

(14) IRM 7.50.1.3.1(2) - Added five business day time frame for completing first read process.

(15) IRM 7.50.1.3.1(3) - Removed reference to Further Technical Review as a category.

(16) IRM 7.50.1.3.1(4) - Reformatted processable information and incorporated information from 7.50.1.3.1(7), addressing Forms SS-8 needing further technical review.

(17) IRM 7.50.1.3.1(5) - Removed managerial approval requirement to accept alternative documentation. Updated note to mandate phone call to SS-8 submitter when the form doesn't have a valid signature and subsequent actions. Added note that Docusign signatures should not be accepted.

(18) IRM 7.50.1.3.1(6) - Clarified the case should be referred for an Employment Tax referral determination in second note.

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(19)   IRM 7.50.1.3.1(7) - Removed paragraph and incorporated content into IRM 7.50.1.3.1(4).

(20)   IRM 7.50.1.3.1(8) - Added two business day time frame for reviewing technical referrals from SS-8 clerical staff.

(21)   IRM 7.50.1.3.1(9) - Replaced reference to quick note with reference to Letter 4949-A, SS-8 Return - 15 Day.

(22)   IRM 7.50.1.3.1(10) - Clarified note regarding requester TIN on processed cases, added guidance for routing processable forms to designated SS-8 technician for review, removed instruction to add invalid TIN to e-Trak database with asterisk, and added guidance to input TCs 971 with appropriate action codes. Added instruction in Clerical Staff Actions table to reject Form SS-8 back to requestor using Letter 6491, if the Assessment Statute Expiration Date is closed/expired for all years reflected on Form SS-8 or when the SSN provided doesn't match IDRS research. Added guidance that case would still be closed with status 01.

(23)   IRM 7.50.1.3.2(1) - Added paragraph stating various ways incoming correspondence is received.

(24)   IRM 7.50.1.3.2(3) - Added five business day time frame for processing incoming correspondence and clarified situational procedures in table. Updated instruction in Incoming Correspondence table to prepare and mail Letter 6491 instead of mailing exhibit language.

(25)   IRM 7.50.1.3.2.1 - Added subsection re DUT.

(26)   IRM 7.50.1.3.3(1) - Added reference to Account Management Services.

(27)   IRM 7.50.1.4(1) - Added instruction to input TC 971/073. Removed instruction to complete second screening process.

(28)   IRM 7.50.1.4.1(1) - Added clarification that firm's EIN is not required information on a worker request. Removed note directing clerical staff to refer to technician if taxpayer information can't be verified. Removed second note that addressed sending cases to the Federal Records Center.

(29)   IRM 7.50.1.4.2(1) - Revised language from "colored folder" to "color coded" to allow for future use of colored labels.

(30)   IRM 7.50.1.4.2(4) - Clarified guidance for what clerks should print for the physical case file.

(31)   IRM 7.50.1.4.3 - Added new subsection addressing sending physical case files to the Federal Records Center.

(32)   IRM 7.50.1.5 - Reworked subsection to incorporate new screening practices. Added subsection links for various case types to paragraph 5.

(33)   IRM 7.50.1.5.3(3) - Added 45 day time frame for processing streamline cases.

(34)   IRM 7.50.1.5.3.1(4) - Added instruction to input TC 971/AC 074 and exception for cases that entered streamline processing workstream due to lack of response to Letter 5367.

(35)   IRM 7.50.1.5.4.1(2) - Clarified that notes are entered in e-Trak Notes function rather than Activity Log. Added clarification regarding update to Status 09 for full determination cases.

(36)   IRM 7.50.1.5.4.2(3) - Updated instruction in Prior Employment Tax Audit table to prepare and mail Letter 6491 instead of mailing Exhibit 7.50.1-14 language. Added instruction to input TC 971/074. Added note regarding Section 530 application for firms.

(37)   IRM 7.50.1.5.4.3(1) - Updated clarification regarding solicitation of separate Forms SS-8 for separate firms. Added instruction to add old firms as payers depending on case type and caution regarding three party arrangements.

(38)   IRM 7.50.1.5.5(1) - Removed specification that only SS-8 technicians review the taxpayer accounts for freeze codes to match current procedures.

(39)   IRM 7.50.1.5.5(3) - Updated instruction in Open Audit, Appeals, or Criminal Investigation table to prepare and mail Letter 6491 instead of mailing Letter 3865 or former Exhibit 7.50.1-15 language. Added instruction to input a follow-up date of 60 days. Added Appeals mailbox address to table. Added instruction for SS-8 to process case upon receiving CI notification.

(40)   IRM 7.50.1.5.6(1) - Removed specification of the worker receiving Form W-2 and Form 1099-MISC/NEC within the same year.

(41)   IRM 7.50.1.5.7 - Updated instruction to refer the taxpayer to their State Social Security Administrator when there is a question of whether the worker position is covered by a Section 218 Agreement.

(42)   IRM 7.50.1.5.7.2 - Updated instruction to prepare and mail Letter 6491 to refer the taxpayer to their State Social Security Administrator when they state the worker position is covered by a Section 218 Agreement or don't mention a Section 218 Agreement. Updated reminder to include that only Social Security Administration has jurisdiction over determining whether a worker's position is covered.

(43)   IRM 7.50.1.5.9(2) - Updated guidance to send taxpayer letter with language in Exhibit 7.50.1-24, Letter Language when Processing Cases with International Firm.

(44)   IRM 7.50.1.5.9(6) - Updated note to clarify guidance when no U.S. base for the firm can be confirmed and add definition of an international organization.

(45)   IRM 7.50.1.5.10.1(4) - Updated references from Letters "EE" and "IC" to Letter 5081 and Letter 5082 respectively.

(46)   IRM 7.50.1.5.11.2 - Reworked section to refer to incorporate Section 218 guidance.

(47)   IRM 7.50.1.5.15(1) - Added five business day time frame for SS-8 clerical staff to send Letters 3891, 3891-A, and 5367. Added instruction to input Follow Up Date to e-Trak.

(48)   IRM 7.50.1.5.15.1(2) - Added timeframes for SS-8 TE to first read newly assigned case or incoming correspondence and take action on full determination case.

(49)   IRM 7.50.1.5.15.1(3) - Added instruction to prepare Form 14430-A when the Form 14430 is prepared and input TC 971/AC 074.

(50)   IRM 7.50.1.5.15.2 - Modified section to clarify procedures, add timeframes, and reference SS-8 Determinations of Worker Classification IRS.gov page.

(51)   IRM 7.50.5.16.1(1) - Added reminder to be aware of worker litigation with the firm.

(52)   IRM 7.50.1.6.2 - Removed Protective Claims Liaison Report subsection as report is no longer sent.

(53)   IRM 7.50.1.8.1 - Updated routing information to Employment Tax Workload Selection and Delivery.

(54)   IRM 7.50.1.8.2(4) - Removed opinion letter from letter types in undeliverable mail process table.

(55)   IRM 7.50.1.8.4(2) - Added protective claims to list of cases that SS-8 will expedite.

(56)   IRM 7.50.1.8.4.1(2) - Updated table guidance to state SS-8 will send AUR "return" cases back to AUR coordinator as per the TC 922 DLN.

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(57)   IRM 7.50.1.8.4.4 - Updated subsection to address procedures considering no protective claims report is sent.

(58)   IRM 7.50.1.8.5(1) - Added note for routing referrals to SB/SE Employment Tax.

(59)   IRM 7.50.1.8.6.1 - Updated subsection title and language to remove references to clerical staff specifically retrieving phone calls and refer to SS-8 employees generally.

(60)   Exhibit 7.50.1-2 - Updated name and definition of SS-8 e-Trak Case Status 02 to reflect updated second screening process. Added note to Status 08 to add follow-up date to SS-8 e-Trak.

(61)   Exhibit 7.50.1-6 - Renamed Exhibit "Form SS-8 Case Results" and updated table header.

(62)   Exhibit 7.50.1-10 - Reclassified Letter 5081 and Letter 5082 as information letters and deleted Opinion/Courtesy row. Added No Rule row to table and added reference to Letter 6491.

(63)   Exhibit 7.50.1-12 - Separated Fraud Checklist content into two tables to ensure 508 compliance.

(64)   Exhibit 7.50.1-13 - Added new exhibit "SS-8 Time Frames."

(65)   Exhibit 7.50.1-15 - Removed all previous language addressing Letter Language when Processing Form SS-8 Cases with Prior Employment Tax Audits as this language has been replaced by selectable paragraphs in Letter 6491. Replaced with language addressing Letter Language when Processing Form SS-8 Reconsideration Cases.

(66)   Exhibit 7.50.1-16 - Removed all previous language addressing Letter Language when Processing Form SS-8 Cases with Appeals or Criminal Investigation Involvement as this language has been replaced by selectable paragraphs in Letter 6491. Replaced with language for Second Screening Checklist. Updated guidance for state/local government workers and removed reference to Home Care Service Recipient cases.

(67)   Exhibit 7.50.1-19 - Removed all previous language addressing Firm Compliance - Worker Letter Language as this language has been replaced by selectable paragraphs in Letter 6491. Replaced with language addressing Corporate Officer-Firm Letter Language.

(68)   Exhibit 7.50.1-20 - Removed all previous language addressing Firm Compliance - Firm Letter Language as this language has been replaced by selectable paragraphs in Letter 6491. Replaced with language addressing Corporate Officer-Worker Letter Language.

(69)   Exhibit 7.50.1-21 - Modified table to ensure 508 compliance.

(70)   Exhibit 7.50.1-23 - Renamed Exhibit "Letter Language when Processing Home Care Services Cases" and added language to address Home Care Service worker cases.

(71)   Exhibit 7.50.1-24 - Created Exhibit "Letter Language when Processing Cases with International Firm" and added language to address cases where the worker provided services to certain international firms.

(72)   Exhibit 7.50.1-25 - Removed exhibit as the Field Exam protective claims liaison no longer sends a quarterly report.

(73)   Exhibit 7.50.1-28 - Removed exhibit as selectable paragraphs in Letter 6491 replaced Letter Language, Section 218 Agreement - Worker.

(74)   Exhibit 7.50.1-29 - Removed exhibit as selectable paragraphs in Letter 6491 replaced Letter Language, Section 218 Agreement - Firm.

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(75)   General - Updated spelling of "E-Trak" to "e-Trak" throughout. Updated reference from "CIS" to "CII." throughout. Added references to Form 1099-NEC to accompany Form 1099-MISC references throughout as appropriate. Reviewed and updated website addresses, legal references and IRM references, as necessary.

EFFECT ON OTHER DOCUMENTS

This IRM supersedes IRM 7.50.1 dated October 29, 2020 and incorporates Interim Procedural Update (IPU) 22U1045 issued October 26, 2022.

AUDIENCE

Employees assigned to the Brookhaven Campus who work the Form SS-8 program.

Heather J. Yocum
Acting Director, Examination - Field and Campus Policy
Small Business/Self-Employed

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7.50.1
Form SS-8 Processing Handbook

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7.50.1.1 (12-27-2023) **Program Scope and Objectives**	(1)	Purpose: This IRM section provides procedures for processing Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, and making employee-independent contractor status determinations.
	(2)	Audience: Small Business/Self-Employed (SB/SE) division employees at the Brookhaven Campus who are responsible for handling these determinations when Form SS-8 is filed with the Service.
	(3)	Policy Owner: The policy owner is the SB/SE Director, Exam - Field and Campus Policy.
	(4)	Program Owner: The program owner is SB/SE Campus Exam and Field Support.
	(5)	Program Goals: The program goals are to process SS-8 requests accurately from receipt through closure, and to ensure inventory in various stages is properly accounted for and worked timely.
	(6)	IRM 7.50.1, Form SS-8 Processing Handbook, provides procedures to Brookhaven Campus employees who are responsible for handling determinations of employee-independent contractor status when Form SS-8 is filed with the Service.

7.50.1.1.1 (12-27-2023) **Background**	(1)	The SS-8 program issues determination letters to firms and workers on the proper classification of a worker for purposes of federal employment taxes and income tax withholding. An SS-8 technician applies the law to the facts and circumstances submitted with Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, to determine whether the worker is performing services as an employee or independent contractor. See IRM 4.23.3.3.3, SS-8 Program, for more information. Determination letters are binding on the Service based on the facts presented. Once a determination letter is issued, it may be modified or revoked for various reasons. Additionally, the SS-8 program may issue an information letter when the taxpayer's request for a determination letter is not in the best interests of tax administration. The information letter is advisory only and has no binding effect on the Service. The SS-8 program may also issue an information letter instead of a determination letter in circumstances that meet certain criteria to assist a worker in meeting personal tax filing requirements. The conclusion in an information letter is not binding on the Service.
	(2)	The SS-8 program handles all requests, other than requests involving federal agencies, state or local governments, or interstate instrumentalities submitted on Form SS-8 for the entire United States and its Possessions. The rules for determining worker status in the U.S. Possessions are the same rules for determining worker status in the United States. Determination requests for federal agencies are handled by the Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes) in Washington, D.C., and are not part of this manual section. See IRM 4.23.2.2, Coordination Between the Operating Divisions, for more information. Determination requests involving state or local governments or interstate instrumentalities are referred to the State Social Security Administrator. See IRM 7.50.1.5.7, Cases Involving State or Local Governments Overview.

Note: Form SS-8 determination requests for federal agencies that are received by the SS-8 program are mailed to the following address:

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Internal Revenue Service
Attn.: CC: TE/GE
Ben Franklin Station
P.O. Box 7604
Washington, DC 20044

(3)   All SS-8 requests are processed by the Exam Field Support Operation located at the Brookhaven Campus.

(4)   SS-8 program determinations may affect Wage and Investment Division (W&I), SB/SE, Large Business and International Division (LB&I), and Tax Exempt and Government Entities Division (TE/GE) taxpayers.

7.50.1.1.2
(09-17-2018)
Authority

(1)   SS-8 determinations relate to IRC Title 26 Subtitle C-Employment Taxes, and include taxes under Chapter 21, Federal Insurance Contributions Act (FICA), Chapter 22, Railroad Retirement Tax Act (RRTA), Chapter 23, Federal Unemployment Tax Act (FUTA), and Chapter 24, Federal Income Tax Withholding.

(2)   The first annual revenue procedure published each calendar year provides procedures for issuing rulings, determination letters, and information letters. For example, see Rev. Proc. 2023-1 for more information.

7.50.1.1.3
(09-17-2018)
Responsibilities

(1)   The SS-8 program is under the jurisdiction of the SB/SE Division.

(2)   The Director, Exam - Field and Campus Policy, reports to the Director, Headquarters Examination, and is responsible for the delivery of policy and guidance that impacts the field and campus processes. See IRM 1.1.16.5.5.1, Examination Field and Campus Policy, for additional information.

(3)   Operations fall under the responsibility of the Director, Campus Examination/ AUR, with the Director, Exam - Field and Campus Policy providing oversight to the SS-8 processing IRM.

(4)   Employment Tax Policy, under the Director, Specialty Examination Policy, has a role in providing guidance and direction on the interpretation and application of employment tax laws and processes, when necessary.

(5)   SS-8 technicians working in the Brookhaven campus are responsible for compliance activities related to requests for determinations of worker status filed on Form SS-8, as described in this IRM.

(6)   Management officials supervise the SS-8 technicians to ensure timely processing of Form SS-8 requests and accurate determinations of worker status.

7.50.1.1.4
(12-27-2023)
Terms

(1)   See Exhibit 7.50.1-6, Form SS-8 Case Results, for a list of terms used in this IRM section.

7.50.1.1.5
(12-27-2023)
Acronyms

(1)   The following table lists commonly used acronyms in the SS-8 program and their definitions:

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Acronym	Definition
AC	Action Code
AMS	Account Management Services
AUR	Automated Underreporter
BO	Business Objects
CAF	Centralized Authorization File
CAU	Caution Upon Contact
CFC	Campus Fraud Coordinator
CFO	Chief Financial Officer
CI	Criminal Investigation
CII	Correspondence Imaging Inventory system
CON	Congressional
CPM	Compliance and Program Management
CSP	Classification Settlement Program
CWA	Central Withholding Agreement
CWP	Central Withholding Program
DUT	Document Upload Tool
EIN	Employer Identification Number
EO	Exempt Organizations
EP	Employee Plans
FICA	Federal Insurance Contributions Act
FOIA	Freedom of Information Act
FSL/ET	Federal, State, and Local/ Employment Tax Area of EO Exam
FUTA	Federal Unemployment Tax Act
HCSR	Home Care Service Recipient
IC	Independent Contractor
ICP	Integrated Case Processing
ID	Identification Number
IDRS	Integrated Data Retrieval System
IRC	Internal Revenue Code
IRM	Internal Revenue Manual

Acronym	Definition
ITG	Indian Tribal Government
LB&I	Large Business and International Division
MGE	Management Requests
N/A	Not Applicable
OAR	Operations Assistance Order
PDF	Portable Document Format
PDT	Potentially Dangerous Taxpayer
PEO	Professional Employer Organizations
PGLD	Privacy, Governmental Liaison and Disclosure
PII	Personally Identifiable Information
POA	Power of Attorney
PSP	Planning and Special Programs
RC	Related Case
RRA	Railroad Retirement Act
RRB	Railroad Retirement Board
RRTA	Railroad Retirement Tax Act
SB/SE	Small Business/Self-Employed Division
SDT	Secure Data Transmission/ Transfer
SECA	Self-Employment Contributions Act
SERP	Servicewide Electronic Research Program
SSA	Social Security Administration
SSN	Social Security Number
SW	Supplemental Wage
TAMIS	Taxpayer Advocate Management Information System
TAS	Taxpayer Advocate Service
TC	Transaction Code
TEB	Tax Exempt Bonds

Acronym	Definition
TE/GE	Tax Exempt and Government Entities Division
TIN	Taxpayer Identification Number
TSS	Temporary Staffing Service
UD	Undeliverable
URL	Uniform Resource Locator
USPS	United States Postal Service
VCSP	Voluntary Classification Settlement Program

7.50.1.1.6
(09-17-2018)
Related Resources

(1) The following table lists additional IRM sources of guidance related to Form SS-8 Worker Classification:

IRM	Title	Guidance on
IRM 4.23.3.3.3	SS-8 Program	Determination of Worker Status - whether worker is performing services as an Employee or Independent Contractor.
IRM 4.23.2.2	Coordination Between the Operating Divisions	Form SS-8 Determination Requests for Federal Agencies.
Exhibit 4.23.2-1	Employee Plans (EP) Referral Checksheet	EP Referral Checksheet for cases meeting Referral Criteria for TE/GE-EP cases.
IRM 4.23.5.3	Section 530 of the Revenue Act of 1978	Section 530 provides employers - not the workers - with relief from federal employment tax obligations if certain conditions are met.
IRM 4.23.5.6	Categories of Employees	Describes four separate and independent categories of employees.
IRM 4.23.5.7	Common Law Standard	Factors to apply in making a determination of worker status.

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7.50.1.1.6

IRM	Title	Guidance on
IRM 4.23.18	Coordinating Worker Classification Determinations Between SS-8 Program and Exam	Open Audit (-L freeze).
IRM 4.23.18.5	Employment Tax Examination Determinations that Differ from SS-8 Determination Letters	When Field Examiners disagree with the SS-8 determination.
IRM 5.1.24.4.1	Temporary Staffing Service	Temporary Staffing Service workers and filing requirements.
IRM 5.1.24.6	Professional Employer Organization (Employee Leasing Company)	Professional Employer Organization criteria, workers and filing requirements.
IRM 21.1.3.2.3	Required Taxpayer Authentication	Making or receiving phone calls.
IRM 21.3.7.5.1	Essential Elements for Form 2848 and Form 8821	Validating Power-of-Attorney (POA) forms.
IRM 25.1	Fraud Handbook	Fraud criteria on SS-8 cases.
IRM 25.4	Employee Protection	Potentially Dangerous Taxpayer (PDT) or Caution Upon Contact (CAU).

(2)   SS-8 Technicians, Reviewers and Managers can find helpful information on these websites:

- *About Form SS-8 on IRS.gov*
- *Servicewide Electronic Research Program (SERP) Mail Routing Guide*
- *SERP Who/Where Tab*
- *Employees of Foreign Governments or International Organizations*
- *Gig Economy Tax Center*

7.50.1.2
(12-27-2023)
SS-8 Case Processing

(1)   The SS-8 program uses the SS-8 e-Trak database to maintain electronic case files and track various actions on a case. The SS-8 e-Trak database assigns each case a unique identification number (ID) that stores and maintains various items including the following:

- Taxpayer names, Taxpayer Identification Numbers (TINs), addresses, and telephone numbers
- Tax years involved in the case
- Occupational Category
- Job title
- Name of assigned SS-8 technician
- Case type

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- Case status
- Case results

(2) The SS-8 e-Trak database has the ability to attach certain documents to a specific case file including:

- Work papers
- Letters used to process the case
- Certain commonly used IRS forms

(3) A physical case file should only contain the original documents submitted by the taxpayer, and any relevant research prints completed by the SS-8 technicians.

(4) Information reports extracted from the SS-8 e-Trak database show trends on:

- Worker classification
- SS-8 program accomplishments

(5) The SS-8 e-Trak User Guide is available locally to assist with the functionality of the SS-8 e-Trak database.

(6) The SS-8 program uses status codes to show steps taken when processing a case. Status codes assist in determining who has control of the case, and how it is progressing through the process. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.

(7) Each SS-8 case has a result that indicates the type of employment in question. Results are tracked in the SS-8 e-Trak database and are shown in SS-8 Case Findings. See Exhibit 7.50.1-6, Form SS-8 Case Results, for more information.

(8) The SS-8 e-Trak database provides both the Activity Log and Case Notes as formats to record case activity and developments. Both are considered the work papers for an SS-8 case.

(9) Work papers support the case determination. The work papers document the procedures applied, information reviewed, and conclusions reached. Work papers summarize case findings in a clear and understandable manner. Work papers should be thorough and only include relevant information. Do not include personal comments, opinions, names, or unrelated information. SS-8 work papers are subject to Freedom of Information Act (FOIA) requests and can be requested by taxpayers or other parties.

(10) The SS-8 e-Trak activity log documents the activities and delays encountered during case development. The activity log shows actions taken on the case, regardless of who takes them, as follows:

- Research performed. Examples: Westlaw, Lexis, or Integrated Data Retrieval System (IDRS).
- Communication with taxpayers and other parties related to the case.
- References to other case documentation.
- References to related cases.
- Letter and document preparation.
- Other actions taken by SS-8 staff.

Reminder: Do not include personal comments, opinions, names, or unrelated information. SS-8 work papers are subject to FOIA requests and can be requested by taxpayers or other parties.

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Note: The

(11) SS-8 staff will input an appropriate follow-up date whenever a case is
       suspended for pending taxpayer responses, general suspense periods, or re-
       questing guidance.

(12) SS-8 staff use the activity record to document all telephone conversations and
       discussions about the case. The activity record should cover the substantive
       points in sufficient detail to document the discussion, but should not be a word-
       for-word transcript of the conversation.

Note: If the first direct contact is a phone call with the taxpayer, the SS-8 employee
        must verify that the taxpayer has received their name, telephone number,
        and badge number. After this is verified, the SS-8 employee will record this
        in the SS-8 e-Trak case activity log. See IRM 7.50.1.8.6, Telephone Contact.

(13) The case notes should contain documentation of the technical analysis, as well
       as general information specific to the case. Case notes should include, but are
       not limited to, the following, if applicable:

   •   Analysis of any Form SS-8 issue.
   •   IDRS Research. See Exhibit 7.50.1-7, Form SS-8 Case Research for
        Firms, for required minimum research on firms. See Exhibit 7.50.1-8,
        Form SS-8 Case Research for Workers, for required minimum research
        on workers.

                                                                                    #
                                                                                    #

   •   Freeze codes relevant to the SS-8 case. See Exhibit 7.50.1-9, Freeze
        Codes, for additional information.
   •   Analysis of the three evidentiary areas or a discussion of statutory law,
        whichever is applicable.
   •   Description of areas needing additional development.
   •   Description of research done and its relevance to the case.
   •   Determination and support for the decision made. Example: Explain how
        the SS-8 technician reached the conclusion under common law, statute,
        or both.
   •   Recommendation for possible referral. See IRM 7.50.1.8.5, Referrals,
        for more information.
   •   Notation of whether any fraud indicators were identified, what they are,
        and a description for each item. See Exhibit 7.50.1-12, Fraud Checklist,
        for more information.

(14) The SS-8 e-Trak database generates reports. For example:

   •   Federal, State, and Local Employment Tax (FSL/ET).

Reminder: All SS-8 e-Trak database reports must contain the following banner
            header as of April 10, 2015: "This report contains Personally Identifiable
            Information (PII)."

Note: The activity log may be used to document case analysis of streamline
         cases.

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7.50.1.3
(12-27-2023)
**SS-8 Program New
Documents Processing**

(1) The SS-8 clerical staff processes various documents received by the SS-8 program. Based on incoming volumes, all documents are date stamped and batched in blocks of up to 25 documents. Paper documents must be date stamped within two business days of receipt in the SS-8 unit.

(2) Prior to batching the mail in blocks of up to 25 documents, the clerical staff will process the following documents:

- Scan AUR cases into e-Trak and alert the lead via email. See IRM 7.50.1.8.4.1, Processing Expedited Automated Underreporter (AUR) Cases, for more information.
- Forward live documents that need further processing. Examples include: Form 1040, U.S. Individual Income Tax Return, Form 1040-X, Amended U.S. Individual Income Tax Return, or Form 8919, Uncollected Social Security and Medicare Tax on Wages.
- Scan mail addressed to SS-8 technicians into e-Trak and alert technician and lead via email. See IRM 7.50.1.3.2, Processing Correspondence, for more information.
- Forward misrouted mail. See IRM 7.50.1.3.3, Misrouted Mail, for more information.
- Research and forward protective claims.
- Validate Power Of Attorney (POA) forms. See IRM 7.50.1.4.1, Verify and Enter Case Data to the SS-8 e-Trak Database, for more information.

  Note: If the POA is not shown on the Centralized Authorization File (CAF), fax the authorization to CAF for input as soon as possible or within 24 hours of receipt based on the form's state mapping as per the Form 2848 instructions. See IRM 21.3.7.1.6, Audience-Processing Sites (CAF Function).

7.50.1.3.1
(12-27-2023)
**New Form SS-8
Receipts: First Read
Screening Process**

(1) The first read screening process allows SS-8 staff to quickly and effectively return documents to the originator, when information is incomplete on Form SS-8, or sent to the SS-8 program in error.

(2) SS-8 staff will complete the first read screening process within five business days of the date the form was received in the SS-8 unit.

(3) The SS-8 staff screens new Form SS-8 receipts to ensure the documents are complete, accurate, and meet the SS-8 program criteria. The SS-8 staff sorts the Form SS-8 receipts into one of the following categories:

- Processable (bundle of 25)
- Rejected to Requester

  Note: Shared/Gig Economy cases will be worked following all normal SS-8 procedures giving consideration to the facts and circumstances of the case.

(4) **Processable:** Processable Form SS-8 receipts are accurate, complete, and meet the SS-8 program criteria. Be aware of the following situations:

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(5) **Rejected to Requester for Incomplete Information.** Form SS-8 receipts are returned to the requester when the Forms SS-8 are incomplete because they do not meet one or more of the following SS-8 program criteria:

Note: An electronically transmitted signature (for example, a faxed or digitally signed PDF Adobe document) is permitted for determinations requested under Section 12.04 of Rev. Proc. 2023-1 regarding the Form SS-8 program.

Note: "Docusign" signatures are not acceptable.

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(6)   **Rejected to the Requester for Cause.** Form SS-8 receipts are also returned
to the requester when the Forms SS-8 state the following:

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Note: The SS-8 Program will not rule on these types of cases.

Note: SW cases with dollar amounts of $50,000 or more require further technical review by an SS-8 technician for an Employment Tax referral determination.

(7)   SS-8 technicians will screen Forms SS-8 within two business days from the day the clerical staff refers them, and return them to the clerical staff with a decision whether to accept or reject the SS-8 request. This decision should be entered on the SS-8 e-Trak database activity log.

Note: **SS-8 technicians will annotate the SS-8 e-Trak database activity log with details of all contacts made with either the firm or the worker.**

(8)   When a Form SS-8 is resubmitted and does not include the requested information, SS-8 technicians will use their discretion to determine if a phone call is needed or if Letter 4949-A, SS-8 Return - 15 Day, should be sent. When a call is made, the technician will explain what is needed or explain why a determination cannot be made. The technician will document actions taken in the SS-8 e-Trak activity log.

(9)   The clerical staff will refer to the table below to take the appropriate actions on the new Form SS-8 receipts based on each category.

Note: Research the shared common drive folder called Final_5_Years_Closed_Cases_20130101-20171001.xlsx with every reject and case setup. See IRM 7.50.1.5.1, Research for SS8ICP Data, for more information.

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If the SS-8 technician determines the Form	Then SS-8 Clerical staff will
Is Processable	1. SS-8 clerical staff will route processable forms to the designated SS-8 technician for review to ensure the form is processable. The SS-8 technician will return the form to SS-8 clerical staff within two business days advising whether to intake or reject the form. 2. Enter Form SS-8 case data to the SS-8 e-Trak database using standard guidelines found in the SS-8 e-Trak User Guide. 3. Input Transaction Code (TC) 971 with Action Code (AC) 973 on the requesting taxpayer's latest tax module with an open ASED from the Form SS-8. For example, if a taxpayer filed Form SS-8 for tax years 2020 and 2021, input TC 971/AC 973 on the taxpayer's 2021 tax module. TC 971/AC 973 indicates the SS-8 unit received a Form SS-8 from the taxpayer. 4. Input TC 971/AC 073 on the requesting taxpayer's latest tax module with an open ASED from the Form SS-8. TC 971/AC 073 indicates the taxpayer's Form SS-8 case is open.

If the SS-8 technician determines the Form	Then SS-8 Clerical staff will
Must be Rejected to Requester	1. Using the SS-8 e-Trak User Guide, enter Form SS-8 into the SS-8 e-Trak database with the following information only: • Firm name and EIN • Worker name and SSN • Submitter's address 2. Prepare and mail Letter 4949, SS-8 Return Letter, or Letter 4949 (SP), SS-8 Return Letter (Spanish), with the original Form SS-8 and any attached documents. *Note:* For cases where the response to Part 1, Question Five (5) indicates there is litigation but does not specify if the litigation concerns worker classification Letter 4949, SS-8 Return Letter, will have the following or similar language in the Other box: "In your response to Part 1, Question five (5) you indicated there is either past or present litigation involving the Worker/Firm listed in your request. Please be advised that we will not provide a ruling in cases where the parties are in litigation concerning worker classification. If you believe the litigation does not involve the issue of worker classification, please provide documentation to substantiate that claim. E.g. Copy of Complaint, First Pleading or Court Docket." 3. Prepare and mail Letter 6491, SS-8 No Rule, with the original Form SS-8 and any attached documents when: • The SSN listed on Form SS-8 doesn't match IDRS research. • Form SS-8 reflects only dates for services performed where the statute of limitations to amend and/or assess tax are closed/expired. 4. Input TC 971/AC 973 on the requesting taxpayer's latest tax module with an open ASED from the Form SS-8. For example, if a taxpayer filed Form SS-8 for tax years 2020 and 2021, input TC 971/AC 973 on the taxpayer's 2021 tax module. If the ASED is closed on all years shown on Form SS-8, input TC 971/AC 973 on the taxpayer's latest year module on the form. TC 971/ AC 973 indicates the SS-8 unit received a Form SS-8 from the taxpayer. 5. Input TC 971/AC 074 on the requesting taxpayer's latest tax module with an open ASED from the Form SS-8. TC 971/AC 074 indicates the taxpayer's Form SS-8 case is closed. 6. Input applicable case codes in the SS-8 e-Trak database. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 7. Close case to Status 01 on the SS-8 e-Trak database with an "undetermined" finding. **Close case to Status 01 whether Letter 4949 or Letter 6491 is sent.** See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.

7.50.1.3.2
(12-27-2023)
**Processing
Correspondence**

(1) SS-8 staff receives incoming correspondence by physical mail, EEFax, the Document Upload Tool (DUT), and referrals from other areas. See IRM 7.50.1.3.2.1, Document Upload Tool for SS-8, for information about the DUT.

(2) Incoming correspondence may come from various sources. Examples include:

   a. Response from firm or worker with a completed Form SS-8.

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b.   Response from firm or worker with additional information about the case.

c.   Response from firm or worker to a request for additional information.

d.   Response from firm or worker to Letter 441, Notice of Intention to Disclose.

e.   Resubmission of a previously rejected Form SS-8.

f.   Response from firm or worker for a reconsideration of a prior determination.

g.   Request to rescind Form SS-8 determination case.

h.   Response from firm reclassifying a worker as an employee (Firm Complies).

(3)   The SS-8 clerical staff will scan the response into e-Trak and screen the incoming correspondence and take appropriate actions based on the table below within five business days.

If	Then
Response from firm or worker with completed Form SS-8.	1. Associate response with case file. 2. Update the SS-8 e-Trak database activity log indicating a response was received. 3. If expedited case, update SS-8 e-Trak database timer as appropriate. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 4. Update the case status on the SS-8 e-Trak database, as appropriate. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 5. Select the "Yes" radio button on the SS-8 e-Trak database for Mail Suspense Expired if applicable.
Response from firm or worker with additional information about the case.	1. Update the SS-8 e-Trak database activity log indicating response received. 2. Alert assigned SS-8 technician and lead of response via email, or if case is not assigned, place correspondence in case file.
Response from firm or worker to request for additional information.	1. Update the SS-8 e-Trak database activity log indicating a response was received. 2. Alert assigned SS-8 technician and lead of response via email.

If	Then
Response from firm or worker to Letter 441, Notice of Intention to Disclose.	1. Update the SS-8 e-Trak database activity log indicating a response was received. 2. Alert assigned SS-8 technician and lead of response via email.
Resubmission of a previously rejected Form SS-8 .	1. If all requested information is now included, process the Form SS-8. See IRM 7.50.1.4, Accepted Case Processing ("Processed") and IRM 7.50.1.4.1, Verify and Enter Case Data to the SS-8 e-Trak Database, for more information. 2. If information is still missing, refer resubmission to an SS-8 technician for review to determine acceptability. 3. Accept or return case based on the SS-8 technician's decision. 4. Update the SS-8 e-Trak database activity log with actions taken. 5. Update the SS-8 e-Trak database for the appropriate status code. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.
Response from firm or worker for a reconsideration of a prior determination.	1. Update status to 07 on the SS-8 e-Trak database. 2. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for additional information. 3. Assign for second screening. See IRM 7.50.1.5, Second Screening Process, for more information.

If	Then
Request to rescind Form SS-8 determination case. ***Note:*** The requester is the only person who can rescind a determination request.	1. Retrieve case from files. 2. Close case on the SS-8 e-Trak database by inputting the result "RR". See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 3. Update the SS-8 e-Trak database activity log of actions taken. 4. If the other party to the Form SS-8 was contacted, prepare and mail Letter 5236, Rescind Request for Deter-mination, or Letter 5236 (SP), Rescind Request for Determination (Spanish), to inform them the case has been closed. 5. Prepare and mail Letter 5236, Rescind Request for Determination, or Letter 5236 (SP), Rescind Request for Determination (Spanish), to the submitter of Form SS-8 granting the rescind request.

If	Then
Response from firm reclassifying a worker as an employee (Firm Complies).	1. Retrieve case from files. 2. Close case on the SS-8 e-Trak database by inputting the result "FC". See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 3. Update the SS-8 e-Trak database activity log of actions taken. 4. Prepare and mail Letter 6491, SS-8 No Rule, to inform the worker the case has been closed. Exhibit 7.50.1-19 5. Prepare and mail Letter 6491, SS-8 No Rule, to inform the firm the case has been closed. Exhibit 7.50.1-20 6. Input TC 971/AC 074 on the requesting taxpayer's latest tax module with an open ASED from the Form SS-8. TC 971/AC 074 indicates the taxpayer's Form SS-8 case is closed.

7.50.1.3.2.1
(12-27-2023)
Document Upload Tool (DUT) for SS-8

(1) DUT is an IRS.gov application that allows taxpayers to upload supporting documentation after an interaction with an IRS employee. IRS employees can then access the DUT website and download the documents. See IRM 3.42.10.23.1, Document Upload Tool (DUT).

(2) SS-8 employees will request access to DUT via the Business Entitlement Access Request System (BEARS). SS-8 employees should request access to the **PROD USER TPFE (DOCUMENTATION UPLOAD TOOL (DUT))** application and state in the request they need access to the **Campus Exam SS-8** group.

(3) During phone conversations with taxpayers and as appropriate, SS-8 employees should advise the taxpayer they can use the DUT to submit their documentation. If the taxpayer wants to use DUT, the SS-8 employee will login to the DUT website and generate a unique Uniform Resource Locator (URL) website address and a unique access code for the taxpayer to use when uploading their documents.

(4) The unique URL and unique access code can only be used once by the taxpayer. The taxpayer can upload multiple documents at one time using the following acceptable file formats: PDF, JPEG, JPG, or PNG. The total size of all documents can't exceed five Megabytes (MGs) combined.

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(5)   SS-8 staff will login to the DUT website to download the taxpayer's uploaded documents to their computer and edit the PDF document to add the IRS received date, before saving the files to e-Trak.

     a.   Using the Edit PDF tool, notate on the first page of the document in red text, "IRS Recd MM/DD/YYYY."

     b.   SS-8 staff will delete the documents from their computer after they are attached to the e-Trak case file, see IRM 10.5.1.1(1) , Privacy Policy.

7.50.1.3.3
(12-27-2023)
Misrouted Mail

(1)   The SS-8 clerical staff will identify incoming receipts that are internally or externally misrouted to the SS-8 program. When these receipts are identified as misrouted mail, the clerk will take the following actions:

     a.   Research available IRMs or applications . including IDRS, SERP, Account Management Services (AMS) and IRS Intranet to identify the correct recipient.

     b.   Forward misrouted mail to the recipient using the SERP Mail Routing Guides. See *SERP Campus Mailing Addresses*, for more information.

7.50.1.4
(12-27-2023)
Accepted Case Processing ("Processed")

(1)   SS-8 staff takes the following actions on an accepted Form SS-8 to prepare it for processing:

     a.   Verify and enter case data to the SS-8 e-Trak database.

     b.   Create the physical Form SS-8 case file.

     c.   Input TC 971/AC 073 on the requesting taxpayer's latest tax module with an open ASED from the Form SS-8. TC 971/AC 073 indicates the taxpayer's Form SS-8 case is processable.

7.50.1.4.1
(12-27-2023)
Verify and Enter Case Data to the SS-8 e-Trak Database

(1)   The SS-8 clerical staff will take the following actions to verify the accepted Form SS-8 case data, and will enter the information into the SS-8 e-Trak database.

     a.   Research IDRS to verify the name, address, and the Taxpayer Identification Numbers (TINs) of the parties involved in the case, as well as other data.

         Note: Use the most current address for the requester from Form SS-8 or IDRS research.

         Note: If the SS-8 technician is unable to determine the correct TIN as stated in the above note, the SS-8 technician will return the Form SS-8 to the submitter if the TIN on the form or payer document cannot be verified per the Return to Requester procedures. If Form SS-8 is a worker request, the firm's EIN is not required information. See IRM 7.50.1.3.1, New Form SS-8 Receipts: First Read Screening Process, for more information. SS-8 technicians will document all research completed in the SS-8 e-Trak database activity log.

     b.   Validate Power of Attorney (POA) forms.

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> ***Note:*** Ensure this form includes "Form SS-8" in the Tax Form Number section, and all years involved with the Form SS-8 in the Year(s) or Period(s) section of the POA form.

> ***Note:*** For more information on validating POA forms, see IRM 21.3.7.5.1, Essential Elements for Form 2848 and Form 8821, for more information.

   c.   Complete the new case set up on the SS-8 e-Trak database using the guidelines in the SS-8 e-Trak User Guide.

   d.   Update the SS-8 e-Trak database activity log with all actions taken.

   e.   Input appropriate case type and update to appropriate status. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.

> ***Note:*** Form SS-8 and all related forms must be scanned into SS-8 e-Trak database. Other pertinent case file documents should be scanned into the SS-8 e-Trak database if resources allow.

   f.   Assemble the physical case file using the "Form SS-8 Physical Case File Assembly" as in IRM 7.50.1.4.2, Form SS-8 Physical Case File Assembly, below.

7.50.1.4.2
(09-17-2018)
Form SS-8 Physical Case File Assembly

(1) The SS-8 clerical staff will place the accepted Form SS-8 and related case documents in a folder color coded by the month that corresponds to the Form SS-8 received date. The assigned colors are shown in the table below.

Month Case Received	Color	Month Case Received	Color
January	Blue	July	Pale Blue
February	Red	August	Pink
March	Green	September	Pale Green
April	Orange	October	Pale Orange
May	Yellow	November	Pale Yellow
June	Purple	December	Lavender

(2) The SS-8 clerk will prepare the case folder as follows:

   a.   Place the ED/10 (Earliest Received Date/Closing Date) stamp on the outside right of the folder.

   b.   Write the SS-8 case number on the top tab on the right side of folder, and down the right side of the folder.

(3) The SS-8 clerk will attach a physical clerical activity record to the inside left of the folder. This document includes prompts for actions including, but not limited to:

- Tax years involved
- ED date
- Letter mail out dates

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(4) The SS-8 clerk will print only the Form SS-8, and documents/correspondence received from the worker or firm for the physical folder. SS-8 e-Trak will maintain the total file electronically.

7.50.1.4.3
(12-27-2023)
Sending Physical Case Files to the Federal Records Center

(1) Physical case files for the current calendar year plus one prior calendar year will be maintained in Brookhaven until archived to the Federal Records Center. The local Information Resource Coordinator is responsible for taking necessary steps to retire records as per IRM 1.15.4, Retiring and Requesting Records. See *Records Management Business Unit Liaison* to determine the local Information Resource Coordinator.

Note: The applicable Records Control Schedule in Document 12990 is Schedule 23, Tax Administration - Examination, Item No. 61, "a."

7.50.1.5
(09-17-2018)
Second Screening Process

(1) Within two business days of receipt from SS-8 clerical staff, SS-8 technicians will screen the Forms SS-8 from the SS-8 clerical clerks to determine whether the case is truly processable or needs to be rejected.

(2) SS-8 technicians will verify Integrated Data Retrieval System (IDRS) to verify worker or firm information is valid and correct. If Form SS-8 is a worker request and the requester's TIN can't be verified, return the form to the requester.

(3) The SS-8 technician can call the requester to resolve or clarify issues on Form SS-8.

(4) The technician will complete the L4949 checklist for rejected cases advising the clerk with paragraphs to select when issuing rejection correspondence to the requestor.

(5) SS-8 technicians will apply specific criteria and separate true "processable" into the following categories:

- Streamline Process - See IRM 7.50.1.5.3, Streamline Processing Overview.
- Related Cases - See IRM 7.50.1.5.4, Related Cases and IRM 7.50.1.5.1, Research for SS8ICP Data, for cases closed through SS8ICP Database.
- Open Audit, Appeals, or Criminal Investigation (CI) Cases - See IRM 7.50.1.5.5, Processing Form SS-8 Cases with Open Audit, Appeals, or Criminal Investigation Involvement.
- Misclassification of Employment or Wage Cases - See IRM 7.50.1.5.6, Processing Misclassification of Employment or Wage Cases.
- Government Entities - See IRM 7.50.1.5.7, Cases Involving State and Local Governments Overview, and IRM 7.50.1.5.8, Processing Cases Involving an Indian Tribal Government (ITG).
- International - See IRM 7.50.1.5.9 , Processing Cases Involving an International Entity.
- Three Party Arrangements - See IRM 7.50.1.5.10, Definition and Identification of Three Party Arrangements.
- Home Care Service Workers - See IRM 7.50.1.5.11.2, Home Care Services.
- Professional Employer Organizations (PEO) - See IRM 7.50.1.5.11.4, Professional Employer Organizations (PEO).

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- Prospective Employment Status Requests (Workers not yet hired) - See IRM 7.50.1.5.14, Processing Form SS-8 Cases for Prospective Employment Status of Workers.
- Reconsiderations - See IRM 7.50.1.5.16, Form SS-8 Reconsiderations and IRM 7.50.1.5.1, Research for SS8ICP Data, for cases closed through SS8ICP Database.
- Full Determination Cases - See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases.

(6)   SS-8 technicians will complete the Second Screening Checklist sheet for the above categories. See Exhibit 7.50.1-16 Second Screening Checklist, for more information.

(7)   SS-8 technicians will use the specific guidelines described below to process each case.

7.50.1.5.1
(09-17-2018)
Research for SS8ICP Data

(1)   Overview: SS-8 program used the database called SS-8 Integrated Case Processing (SS8ICP) to process cases until September 29, 2017. Migration to the new database (SS-8 e-Trak) was accomplished the first quarter of fiscal year 2018. SS8ICP was officially retired in December 2017. Case information on cases closed during the transition period may be on either database, so check both databases. Cases closed on the SS8ICP database in the five years prior to retirement of the database are on a spread sheet located on a common drive. The link to that shared common drive is *SS8ICP Common Drive*.

Caution: Only authorized users can access the shared common drive.

(2)   The common drive contains the following four documents:

- Store
- Activity Record Info 56-80866.xlxs
- Activity Record Info 80866-134634.xlxs
- Final_5_Years_Closed_Cases_20130101-20171001.xlxs

(3)   For additional information on flags and status codes see Exhibit 7.50.1-3, SS8ICP Status Codes, Exhibit 7.50.1-4, SS-8 Case Flags for SS8ICP Database Used Prior to October 1, 2014, and Exhibit 7.50.1-5, SS-8 Case Flags for SS8ICP Database for Cases Started Between October 1, 2014 and September 29, 2017.

7.50.1.5.2
(09-17-2018)
SS8ICP Folder Descriptions and Content

(1)   Store: Folders in the Store have a unique naming convention that is based on the case number. Case numbers were five digits and later expanded to six. The naming convention in the Store folder is based on the first three (for five digit case) or four (for six digit case) numbers assigned to the case. The last digit is the file name for the final folder. To locate a specific case, first select the appropriate sub-folder within the Store folder based on the first three or four digits, depending on whether the case number is five or six digits.

Example: To locate case numbers 13344 and 13349, open folder 133 and then open folders 44 and 49. To locate case number 121223 and 121226 open folder 1212 and then open folders 23 and 26.

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- The destination folder will contain the case file documents such as case notes, activity record, contact memo, and so on. These folders will not be the complete case file, but represent documents created through SS8ICP and saved.
- Additional documents to report updated activity to an SS-8 ICP case can be created and saved on the Store folder to its applicable sub-folder.

> **Example:** If a phone call is received on a legacy ICP case, the technician/clerk would create and save a contact memo activity in the Store folder of the case.

(2) Activity Record Info: In the drive there are two Activity Record listing spread-sheets. These are extremely large, read-only files. Each spreadsheet is individually identified by the case numbers it contains. One spreadsheet contains case file numbers 56 through 80866; the other spreadsheet contains case file numbers 80866 through 134634.

- The files are searchable by SS-8 case numbers.
- All activity notes for a case will be identified here and in most cases, there will be multiple line entries on the spreadsheet for each case. Each entry represents the date an activity was made and by whom as noted by a unique Examiner ID.

(3) Final 5 Years Closed Cases 20130101-20171001: This file is a comprehensive spreadsheet of closed legacy ICP cases which lists all "Cases closed in the last 5 years." Data elements include the TINs and addresses of both parties involved in the case.

- This file is searchable with SSNs and EINs.
- Clerks should be researching the Final_5_Years_Closed_Cases_20130101-20171001.xlsx with every reject and case setup. This is to ensure that a second reject is not generated on a case that was rejected on the legacy ICP system. It is also to check for related cases or if the SS-8 Determination had previously been completed.

7.50.1.5.3
(12-27-2023)
**Streamline Processing
Overview**

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7.50.1.5.3.1   #
(12-27-2023)
Streamline Processing   #
Guidelines
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Internal Revenue Manual

7.50.1.5.3.1

7.50.1.5.4
(09-17-2018)
Related Cases

(1)　A Form SS-8 case is considered to be a related case when:

- The same worker is making determination requests for multiple firms.
- A previous SS-8 determination was issued to the firm for the same class of workers.
- The firm had a prior Employment Tax audit.
- Multiple workers are requesting determinations for the same firm.

Note:　See IRM 7.50.1.5.1, Research for SS8ICP Data, which provides instructions on accessing case information for cases closed using SS8ICP.

7.50.1.5.4.1
(12-27-2023)
Processing Form SS-8 Cases when a Previous SS-8 Determination was Made on a Class of Worker

(1)　When a worker submits Form SS-8 for an occupation for a specific firm, and the SS-8 program has already issued a determination letter with regard to that occupation for the firm, the SS-8 technician will compare the cases to determine whether the facts are the same (even if for different years).

Note:　This includes submitted requests for additional years concerning a previous request that can be worked as a related case.

(2)　 Based on the above comparison, the SS-8 technician will refer to the table below to process the case.

Note:　See IRM 7.50.1.5.1, Research for SS8ICP Data, which provides instructions on accessing case information for cases closed using SS8ICP.

If	And	Then
The facts are the same or similar.	The determination is an employee.	Update the SS-8 e-Trak Notes to document the related case findings. 1. Prepare Form 14430, SS-8 Determination Analysis, with analysis of the facts and circumstances that led to the employee determination. 2. Prepare and mail Letter 4991, SS-8 Employee Determination, or Letter 4991 (SP), SS-8 Employee Determination, and Form 14430, SS-8 Determination Analysis, to the worker. 3. Prepare and mail Letter 4991-A, Notice to Firm - Determination Employee, or Letter 4991-A(SP), Notice to Firm - Determination Letter (Spanish), and Form 14430, SS-8 Determination Analysis, to the firm. 4. Select "RC" case type in the SS-8 e-Trak database indicating Related Case. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 5. Select "EE" case results in the SS-8 e-Trak database indicating Employee finding. Select SAVE. Case status will systemically update to Status 10 with a current closed date. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. *Note:* Full determination cases are subsequently updated Status 09 for IRC 6110 purposes. 6. Update the SS-8 e-Trak database activity log with all actions taken.

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If	And	Then
The facts are the same or similar.	The determination is an Independent Contractor (IC).	1. Update the SS-8 e-Trak Notes to document the related case findings. 2. Prepare Form 14430, SS-8 Determination Analysis , with analysis of facts and circumstances that led to IC determination. 3. Prepare and mail Letter 5246, Contractor Determination - Worker, and Form 14430, SS-8 Determination Analysis to the worker. 4. Prepare and send Letter 5246–A, Contractor Determination - Firm , and Form 14430 , SS-8 Determination Analysis, to the firm. 5. Select "RC" case type in the SS-8 e-Trak database indicating Related Case. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 6. Select "IC" case results in the SS-8 e-Trak database indicating Independent Contractor. Select SAVE. Case status will systemically update to Status 10 with current closed date. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. ***Note:*** Full determination cases are subsequently updated Status 09 for IRC 6110 purposes. 7. Update the SS-8 e-Trak database activity log with all actions taken.
Facts are not the same or similar.	n/a	Follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information.

7.50.1.5.4.2
(12-27-2023)
Processing Form SS-8 Cases with Prior Employment Tax Audits

(1) While reviewing IDRS CC BMFOLZ, SS-8 technicians may identify a prior employment tax audit was performed on the firm involved in the SS-8 case.

(2) When an employment tax audit is identified, the SS-8 technician must attempt to obtain the written results of the audit by requesting the return and audit results from files.

    Note: Use CC ESTAB when requesting the return and audit results from files.

(3) SS-8 technicians will refer to the table below to process a Form SS-8 with a prior employment tax audit.

If	And	Then
Audit results are secured and worker classification issue was addressed.	Facts are the same or similar for the same worker classification as entered on the Form SS-8.	a. Uphold worker classification decision made by employment tax audit. b. Prepare and mail Letter 6491 to the worker and to the firm of prior results that applied to their case. c. In the SS-8 e-Trak database activity log, summarize the similar facts from the audit results that led to the determination. d. Maintain a copy of the work papers addressing the worker classification issue. *Note:* If possible, load and attach copies of the appropriate work papers in the electronic case file on the SS-8 e-Trak database. e. Update the SS-8 e-Trak database activity log with all actions taken. f. Select applicable case result for the case on the SS-8 e-Trak database. select SAVE. Case status will systemically update to Status 10 with current closed date. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. g. Input TC 971/AC 074 on the requesting taxpayer's latest tax module with an open ASED from the Form SS-8. TC 971/AC 074 indicates the taxpayer's Form SS-8 case is closed.
Audit results are secured and the worker classification issue was addressed.	Facts are not the same or it's a similar worker classification as entered on the Form SS-8 .	a. Maintain a copy of the work papers addressing the worker classification issue. b. Summarize the difference into the SS-8 e-Trak database activity log. c. Update the SS-8 e-Trak database activity log with all actions taken. d. Follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information.
Audit results are secured but the worker classification issue was not addressed.	n/a	a. Maintain a copy of the work papers showing that the worker classification issue was not addressed. b. Update the SS-8 e-Trak database activity log with all actions taken. c. Follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information.

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If	And	Then
Audit results could not be secured, but IDRS research indicates the worker classification issue was addressed.	n/a	a. Update the SS-8 e-Trak database activity log with all actions taken. b. Follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information.
Audit results could not be secured and there is no indication the worker classification issue was addressed.	n/a	a. Follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information.

> *Note:* Do **not** consider whether Section 530 relief was granted to the firm when deciding how to process the case. Section 530 relief applies to the tax treatment of business rather than an individual worker, and may be applicable to the business even if the worker is an employee. The Service may issue a binding determination on worker classification even when a business may be entitled to Section 530 relief. If the case meets criteria to be worked using full determination guidelines, send Letter 4991 and Letter 4991-A or   #
> #
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> information.

7.50.1.5.4.3
(12-27-2023)
Processing Related Cases (Multiple Workers or Multiple Firms)

(1)   Based on the type of request, the SS-8 program will process the case using the procedures listed in the table below.

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If	Then
Request by worker is for multiple firms and each firm is for a separate and distinct work relationship. ***Note:*** A separate Form SS-8 must be included for each firm. If only one Form SS-8 is included, then only work the case for that firm.	1. Create case files for each firm but work cases as a package. 2. If only one Form SS-8 is included, process the case for the firm listed in the top left of Form SS-8. Prepare and mail Letter 3891, Acknowledgement Letter, notifying taxpayer which case will be processed. ***Note:*** The SS-8 technician should contact the taxpayer by phone or create an attachment for Letter 3891 advising the taxpayer to submit a separate Form SS-8 for each firm. 3. Follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information. ***Caution:*** See IRM 7.50.1.5.10, Definition and Identification of Three Party Arrangements, if it appears request may be a three party arrangement.

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If	Then
Request by worker on one firm, using multiple TINs to pay the worker when only one work relationship exists. ***Note:*** Case review reflects that in some situations, an entity may use more than one EIN. Example: John Smith Construction and John Smith Plumbing has two different EINs, and the worker provides services to both or John Smith. ***Note:*** Ensure the same owner is associated with the EIN.	1. Create a single case file using the most recent TIN of the firm. 2. Add prior business as a payer to e-Trak to allow pay documents from both businesses to be addressed. 3. Follow guidelines in IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.
Request by worker when the firm has been involved in an acquisition or merger, and the worker receives a Form 1099-MISC or Form 1099-NEC from the old firm and the new firm.	1. Create a new case under the new firm. 2. Add prior business as a payer to e-Trak to allow pay documents from both businesses to be addressed. 3. Process case using streamline criteria, if applicable. See IRM 7.50.1.5.3, Streamline Processing, for more information. 4. If case does not meet streamline criteria, follow guidelines in IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements. ***Note:*** Send Letter 5081 or Letter 5082 to the old firm as appropriate.

If	Then
Request by worker when the firm has been involved in an acquisition or merger, and the worker receives a Form W-2 from the old firm and a Form 1099-MISC or Form 1099-NEC from the new firm.	1. Create a new case under the new firm. 2. Process case using streamline criteria, if applicable. See IRM 7.50.1.5.3, Streamline Processing Overview, for more information. 3. If case does not meet streamline criteria, follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information.
Request by worker when the firm has been involved in an acquisition or merger, and the worker receives a Form 1099-MISC or Form 1099-NEC from the old firm and a Form W-2 from the new firm.	1. Create a new case under the old firm. 2. Since the old firm no longer in business, process case following streamline criteria. See IRM 7.50.1.5.3, Streamline Processing Overview, for more information.
Requests by firms that include multiple classes of workers.	1. Create one case file per class of worker. 2. Secure a list of workers from the firm, if necessary. 3. Send a Form SS-8 to each worker to complete. ***Note:*** Contact should not be made to more than 10 workers for all classes involved with this determination. ***Note:*** If no worker responds in a class of workers, send local letter using language for ″Firm Request/No Worker Response to worker. See Exhibit 7.50.1-22, Firm Request, No Worker Response - Letter Language.

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7.50.1.5.5
(12-27-2023)
Processing Form SS-8 Cases with Open Audit, Appeals, or Criminal Investigation Involvement

(1) SS-8 staff will review IDRS to identify if freeze codes are present on the worker or the firm account. A freeze code may indicate there is an open audit, the case is in Appeals, or there is Criminal Investigation (CI) involvement in the case. Relevant freeze codes are as follows:

- -L: Audit Indicator (Status Code 10 or Higher)
- -W: Litigation Pending (Handled by Appeals)
- Z-, -Z, or -T: Criminal Investigation

(2) The SS-8 technician will contact the appropriate area to determine whether the worker classification issue is being addressed. Contacts can be found by using the contact link on SERP at *Welcome to SERP, SERP WHO/WHERE TAB*.

Note: The SS-8 technician will make contact, if the freeze code is discovered after the second screening is completed.

(3) If an open audit, Appeals, or Criminal Investigation involvement exists, the SS-8 technician will refer to table below to process the case.

If	Then
Open Audit (-L Freeze).	1. Follow guidelines in IRM 4.23.18, Coordinating Worker Classification Determinations Between SS-8 Program and Exam, to process the case. 2. Input a follow-up date of 60 days.

Appeals Involvement (-L or -W Freeze).	1. Contact Appeals at ***AP Inquiries** to determine whether the worker classification issue for the same class of worker is being addressed.
	  a. If yes, go to Paragraph 2.
	  b. If no, work the case.
	
	2. Prepare and mail Letter 6491, SS-8 No Rule, to the worker.
	3. Suspend case by updating to status 08 on the SS-8 e-Trak database using suspense code "A." Input a follow-up date of 60 days. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.
	4. Prepare a Memorandum to Appeals that includes all relevant information. See Exhibit 7.50.1-14, Memorandum Language When Transferring Form SS-8 to Appeals or Criminal Investigation, for more information.
	5. Update the SS-8 e-Trak database activity log with all actions taken.

If	Then
Criminal Investigation (CI) Involvement (-T, Z-, and -Z freeze codes). ***Note:*** **You must receive approval from CI before issuing any correspondence to the taxpayer.**	1. Secure approval from CI to notify taxpayer that case is out of the SS-8 program jurisdiction. 2. If CI gives approval, prepare and mail Letter 6491, SS-8 No Rule. 3. Suspend case by updating to Status 08 on the SS-8 e-Trak database by using suspense code "C". Input a follow-up date of 60 days. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 4. Prepare a Memorandum to CI that includes all relevant information. See Exhibit 7.50.1-14, Memorandum Language When Transferring From SS-8 to Appeals or Criminal Investigation, for more information. 5. Update the SS-8 e-Trak database activity log with all actions taken. 6. Upon CI notification that SS-8 can proceed with its case, process as appropriate.

> ***Note:*** See IRM 7.50.1.1.2, Authority, for the most recent Revenue Procedure that applies, to prohibit the SS-8 program from issuing a formal determination when the worker classification issue is the subject of an open audit or is in Appeals.

(4)   If the issue is not worker classification, the SS-8 technician should process the case using the appropriate guidelines.

7.50.1.5.6
(12-27-2023)
Processing Misclassification of Employment or Wage Cases

(1)   When a firm issues a worker a Form 1099-MISC or Form 1099-NEC (Independent Contractor) and a Form W-2 (Employee), the SS-8 technician must review the case to determine whether:

- The firm treated the worker as an employee, then changed them to an independent contractor, without a change to duties in the work relationship.
- The firm voluntarily reclassified the worker from an independent contractor to an employee.
- The worker performed two distinct jobs for the firm; one as an independent contractor and one as an employee.
- The Form 1099-MISC or Form 1099-NEC is for a supplemental wage (SW) issue.

> ***Note:*** The clerical staff will return SW cases to the requester during the first read screening process. However, there are times when a SW case may not be obvious during the first read screening process.

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If	And	Then
The firm treated the worker as an employee, then changed them to an independent contractor.	There is no change to the worker's duties or the work relationship.	Follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information.
The firm treated the worker as an employee, then changed them to an independent contractor.	There is a change to the worker's duties or the work relationship.	Follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information.
The firm voluntarily reclassified the worker from an independent contractor to an employee.	The firm was contacted.	1. Follow streamline processing guidelines. See IRM 7.50.1.5.3.1, Streamline Processing Guidelines, for more information.
The firm voluntarily reclassified the worker from an independent contractor to an employee.	The firm was not contacted.	1. Follow streamline processing guidelines. See IRM 7.50.1.5.3.1, Streamline Processing Guidelines, for more information.
The worker performed two distinct jobs for the firm; one as an employee and one as an independent contractor.	N/A	Follow guidelines for processing a full determination case. See IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases, for more information.
The Form 1099-MISC or Form 1099-NEC is for a supplemental wage issue.	N/A	1. Prepare and mail Letter 4949, SS-8 Return Letter, or Letter 4949 (SP) , SS-8 Return Letter (Spanish), with original Form SS-8 and any attached documents to the initiator. 2. Select "S" case type in the SS-8 e-Trak database indicating Supplemental Wages. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 3. Close case on the SS-8 e-Trak database to Status 01 with an "undetermined" finding. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 4. Update the SS-8 e-Trak database activity log with all actions taken.

7.50.1.5.7
(10-26-2022)
**Cases Involving State
and Local Governments
Overview**

(1)   In general, the common-law rules for determining worker status, as described in IRM 4.23.5.7, Common Law Standard, apply on the same basis to employees of state and local governments and their instrumentalities, as they do to private-sector employees.

(2)   Common-law analysis does not apply in two situations:

   a.   It does not apply to any elected or appointed officer or employee of a government entity; these workers are considered employees for income tax withholding purposes under IRC 3401(c).
   b.   It does not apply to any individual recognized as a "public official;" these workers are considered employees under Regulation 1.1402(c)-2(b). These regulations state a public official is not in a trade or business, and is not subject to self-employment tax.

(3)   Workers for state or local governments and for interstate instrumentalities may be covered by a Section 218 Agreement. A Section 218 Agreement is a written, voluntary agreement between the State Social Security Administrator and the Social Security Administration. All 50 states, Puerto Rico, the Virgin Islands, and approximately 60 interstate instrumentalities have Section 218 Agreements extending social security coverage to specified workers. **Only the Social Security Administration can determine whether a worker's position is covered by a Section 218 Agreement.** The determination that a position is covered by a Section 218 Agreement establishes that a worker in that position is subject to social security and Medicare.

(4)   A determination that a worker is an employee does not conclusively indicate the applicability of social security or Medicare coverage for that individual. Whether a state or local government employee is subject to social security and Medicare tax depends on which of the following three categories the employee falls into:

   a.   Subject to social security under a Section 218 Agreement.
   b.   Excluded from social security because there is no Section 218 Agreement or their position is not covered by a Section 218 Agreement and the employee is covered by a qualified retirement plan.
   c.   Subject to social security under mandatory coverage provisions.

Note: All government employees hired after March 31,1986, are subject to Medicare tax.

(5)   The SS-8 determination only addresses whether the individual worker is an employee, either by applying common-law rules or based on a statute specific to the work category. As applicable, the SS-8 determination of whether an individual is a common-law employee is made without regard to which of the above categories would apply to the worker.

(6)   When making Section 218 coverage determinations, Social Security Administration considers both the applicability of a Section 218 Agreement to the worker's position **and** the common law with respect to the worker's employment status. In order to make such determinations, full factual development is necessary, which may be through the conduct of an IRS employment tax audit.

(7)   **Because only Social Security Administration can make a Section 218 coverage determination, which generally includes a determination of**

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worker classification, SS-8 *cannot* make a worker classification decision on a state or local government worker.

(8)   SS-8 will advise the requestor to contact their local State Social Security Administrator with any questions regarding their proper employment status.

7.50.1.5.7.1
(09-17-2018)
Federal, State, and Local/Employment Tax (FSL/ET) Area of Exempt Organizations - Examination

(1)   The Federal, State, and Local/Employment Tax (FSL/ET) Area of Exempt Organizations - Examination is responsible for all compliance activity involving units of government. In general, it is not necessary to consult with or refer Form SS-8 requests to FSL/ET. Most cases can be addressed based on the same criteria applicable to other workers. However, questions involving the following circumstances should be referred to FSL/ET:

Note: If the FSL/ET needs to be contacted, the contact will be made by the SS-8 manager or lead.

a.   A case involving an open examination.
b.   A case involving current litigation.
c.   The payer has at least 20 workers in this classification.
d.   A case with fraud potential.
e.   The firm is found to be in violation of a CSP or 906 Closing Agreement.

(2)   For an SS-8 request made on behalf of a large group of workers (20 or more), the SS-8 technician will advise their manager or lead. The manager or lead will contact FSL/ET.

7.50.1.5.7.2
(10-26-2022)
Processing Cases Involving State and Local Governments

(1)   The SS-8 technician will take the following actions when the Form SS-8 identifies the firm as a state or local government entity:

a.   Prepare Letter 6491, SS-8 No Rule, and mail to the submitter. Include the submitter's Form SS-8.
b.   Update the SS-8 e-Trak database activity log with all actions taken.
c.   Input case type to the SS-8 e-Trak database, if applicable. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.
d.   Close case to Status 01 with an "undetermined" finding. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.

Reminder: If Form SS-8 meets criteria in IRM 7.50.1.5.7.1, Federal, State and Local/Employment Tax (FSL/ET) Area of Exempt Organizations - Examination, refer to FSL/ET.

7.50.1.5.8
(08-19-2016)
Processing Cases Involving an Indian Tribal Government (ITG)

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(2)   If the ITG/TEB Technical Group 2 Manager advises the SS-8 technician that it will remain involved, the SS-8 technician will process the case, and ITG will

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provide a general management function to oversee the case. ITG/TEB will not provide a review function, i.e., it will not review an SS-8 determination letter for its concurrence.

(3) See IRM 7.50.1.8.5, Referrals, for referrals to ITG/TEB.

7.50.1.5.9
(09-17-2018)
Processing Cases Involving an International Entity

(1) Overview: Requests for worker classification can be made by individuals who are US citizens working for foreign companies, governments, or charities. The work can be completed in the U.S. or in another country. Tax for some countries are addressed in treaties negotiated with that country. The U.S. does not have treaties with all countries.

(2) No Rule: Send the taxpayer a letter with the language in Exhibit 7.50.1-24, Letter Language when Processing Cases with International Firm:

- The individual works for the United Nations.
- The individual works for a consulate other than a U.S. consulate.
- The work is performed in another country and the firm has no U.S. base.

(3) Performing Arts or Athletes: Artists or athletes who perform in this country but reside in another country often have U.S. representatives who help the artist secure agreements, set contracts, and set tour schedules. One of the agreements is negotiated with the IRS on how and when withholding will be collected. This is called a Central Withholding Agreement (CWA). This is completed by working with the CWP office. All requests for worker classification involving performing artists or athletes will be referred to the CWP office. The CWP office will advise on how to handle the request.

(4) Foreign Charity - Work performed in other countries:

- U.S. Citizen (as common law employee): Must report income and pay income tax. Not subject to self-employment tax.
- Dual Citizen (as common law employee): Same as a U.S. citizen for period residing in U.S.
- Foreign Students: Not subject to tax on foreign-source income.

(5) U.S. Based Charity - Work performed in other countries:

- U.S. Citizen (as common law employee): subject to U.S. income tax. IRC section 911 foreign earned income exclusion may apply.
- Dual Citizen (as common law employee): same as a U.S. citizen for period residing in U.S.
- Foreign Students: not subject to tax on foreign source income.

(6) Foreign Entities with U.S. Base (Secure EIN): Issue a determination, information, or no rule letter after following procedures in IRM 7.50.1.5, Second Screening Process.

Note: If the worker does not provide Form SS-8 or documentation with the firm's EIN, the firm EIN cannot be confirmed by research, **and** the firm is not an **international organization,** treat the firm as having no U.S. base and send the taxpayer a letter with the language in Exhibit 7.50.1-24, Letter Language when Processing Cases with an International Firm. An international organization is a public international organization that the President of the United States has designated by Executive Order as being entitled to the privileges,

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exemptions, and immunities provided under the International Organizations Immunities Act. See *Employees of Foreign Governments or International Organizations*.

7.50.1.5.10
(08-19-2016)
Definition and Identification of Three Party Arrangements

(1) Form SS-8 requests may include situations involving three party arrangements. Generally, a three party arrangement exists when a worker performs services for one firm, but is paid for those services by another firm. The two firms may or may not be related.

(2) Three party arrangements often present unique factual questions that affect the employment tax liability of the firms as follows:

a. There are issues related to determining which firm directs and controls the performance of services of the workers as the common law employer.

b. The firm that is determined to be the common law employer may not be liable for employment taxes, if the other firm is in control of the payment of wages within the meaning of IRC Section 3401(d)(1). Under IRC 3401(d)(1), if the common law employer does not have control of the payment of wages, the third party that has control of the payment of wages is liable to withhold and pay employment taxes.

(3) In a three party arrangement, an SS-8 determination that Firm A is the common law employer of the worker, without a further determination regarding whether Firm B has control of the payment of wages, infers that Firm A is liable for employment taxes, which may not be the correct employment tax liability result.

(4) The determination of whether a firm is in control of the payment of wages is a legal conclusion that is beyond the scope of the SS-8 program.

(5) A case where a worker is performing services for a firm but receives payment from another firm constitutes a three party arrangement subject to the procedures described in IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.

(6) Form SS-8 requests should be carefully reviewed to determine whether the request involves a three party arrangement.

7.50.1.5.10.1
(12-27-2023)
General Procedures for Handling SS-8 Requests with Three Party Arrangements

(1) Part of the objective of the SS-8 program, in issuing determination letters to firms and workers on the proper classification of a worker for purposes of federal employment taxes, is to advise the parties of their tax obligations.

(2) However, to advise the firms of their employment tax obligations in a three party arrangement would involve a determination of which firm is liable for the employment taxes.

(3) The determination of which firm is liable for employment taxes is beyond the scope of the SS-8 program.

(4) SS-8 Technicians will follow the procedures described below to provide information the worker can use to help fulfill his or her tax obligations:

Note: A three party arrangement which involves an IRC Section 501(c)(3) organization should be processed using the procedures described in this section.

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a.   Determination letters **will not** be issued in three party arrangements.

b.   When the Form SS-8 request involves a three party arrangement, either an information letter or a letter with a no rule paragraph listed in c) below will be issued to the worker in lieu of a determination letter.

c.   If the Form SS-8 request is asking for a determination as to who is the employer, use Letter 4949, SS-8 Return Letter. The SS-8 technician would check the "Other" box in the Letter 4949, SS-8 Return Letter and insert the following language in the note below:

   Note: Since your SS-8 request asks for a determination of who is the employer and not a determination of worker status, no determination can be provided. The IRS does not make determinations as to which of two entities, under the common law rules, is the employer when one entity is treating the worker as an employee.

d.   If the Form SS-8 request is asking for a determination of the worker's employment status, then an information letter will be issued as stated below:

   Note: Use Letter 5081 to send an information letter to a worker who appears to be an employee.

   Note: Use Letter 5082 to send an information letter to a worker who appears to be an independent contractor.

e.   If an information letter is issued, the conclusion will be based solely on the information submitted on the worker's Form SS-8.

f.   The SS-8 technician **should not** contact either firm in a three party arrangement, because no determination will be made with regard to the status of either firm as an employer.

   Note: An information letter is advisory only and is not binding on the Service. The worker may use the information letter to assist in filing his or her Federal income tax return for the period stated.

g.   A copy of the information letter **should not** be sent to either firm.

h.   If a three party arrangement is identified after the case is started as a regular determination case, either a no rule or an information letter will be issued to the worker.

   Note: For cases in which the firm was contacted, provide a copy of the no rule letter or information letter to the firm. This pertains to cases started before October 1, 2012, but can include any case where the firm was inadvertently contacted.

7.50.1.5.11
(08-19-2016)
Specific Guidance on Common Three Party Arrangements

(1)   There are arrangements below where a worker performs services for a firm, but receives payment from another firm that constitutes three party arrangements:

- Couriers. See IRM 7.50.1.5.11.1, Couriers, for more information.
- Home Care Services. See IRM 7.50.1.5.11.2, Home Care Services, for more information.
- Off-Duty Police Officers. See IRM 7.50.1.5.11.3, Off-Duty Police Officers, for more information.
- Professional Employer Organizations (PEO). See IRM 7.50.1.5.11.4, Professional Employer Organizations (PEO), for more information.

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- Related Firms. See IRM 7.50.1.5.11.5, Related Firms, for more information.
- Temporary Staffing Services (TSS). See IRM 7.50.1.5.11.6, Temporary Staffing Services, for more information.

7.50.1.5.11.1
(08-19-2016)
Couriers

(1) Individuals who work in the courier or same day/next day delivery service business frequently file Form SS-8 requests asking for a determination of worker status. Three party arrangements are common because the service recipient often arranges with a third party to provide significant financial services including payment to the couriers for services rendered. The relationships established among the parties can be complex.

(2) Form SS-8 cases where the service recipient is performing services for a private firm constitutes a three party arrangement because questions will arise as to which party directs and controls the worker as the common law employer. If the private firm is determined to be the common law employer, the delivery service may be in control of the payment of wages to the courier.

(3) Under IRC Section 3401(d)(1), if the party that is the common law employer (i.e. the private firm) does not have control of the payment of wages, the party that has control of the payment of wages is liable to withhold and pay employment taxes.

(4) If the private firm or delivery service treats the courier as an employee, and the worker submits a Form SS-8 request asking for a determination as to who is the employer, the SS-8 technician will send a no rule letter to the worker per IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Request with Three Party Arrangements.

(5) The Service ordinarily does not issue a determination letter on which of two entities is the employer, when one entity is treating the worker as an employee. See Section 6.04 of the first annual Revenue Procedure and Section 4.01(64) of the third annual Revenue Procedure.

(6) If the worker submits a Form SS-8 requesting a determination of the worker's status, then an information letter will be issued per IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Procedures.

7.50.1.5.11.2
(12-27-2023)
Home Care Services

(1) A Home Care Service Recipient (HCSR) is an elderly individual, or an individual with a physical, intellectual, or developmental disability who receives home care services while enrolled in a program administered by a federal, state, or local government agency, or administered by another entity on behalf of the government agency.

(2) Generally, home care services are funded in whole or in part by the federal, state, or local government program. Home care services include health care and personal attendant care services rendered to the HCSR and will vary based on the governmental program.

(3) Cases where a worker is performing home care services for a HCSR, but receives payment from a federal, state, or local governmental agency, or from another entity on behalf of the government agency, constitutes a three party arrangement.

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(4) Questions may arise as to which party directs and controls the worker as the common law employer. If the HCSR is determined to be the common law employer, the government agency or other entity that pays the worker may be in control of the payment of wages to the worker.

(5) Under IRC Section 3401(d)(1), if the party that is the common law employer (i.e., the HCSR) does not have control of the payment of wages, the party that has control of the payment of wages is liable to withhold and pay employment taxes.

(6) The Service ordinarily does not issue a determination letter on which of the entities is the employer, when one entity is treating the worker as an employee. See Section 6.04 of the first annual Revenue Procedure and Section 4.01(64) of the third annual Revenue Procedure.

(7) If the HCSR, government agency, or other entity treat the worker as an employee, and the worker submits a Form SS-8 request asking for a determination as to who is the employer, send a no rule letter to the worker per IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.

(8) The worker performing home care services to the recipient may be covered under a Section 218 agreement.

(9) If the worker submits a Form SS-8 requesting a determination of their employment status, send the taxpayer a letter with the language in Exhibit 7.50.1-23, Letter Language when Processing Home Care Services Cases.

7.50.1.5.11.3
(08-19-2016)
Off-Duty Police Officers

(1) A law enforcement officer may provide services to a private firm during his or her off-duty hours. The private firm may request the services of off-duty law enforcement officers through a program administered by the officers' law enforcement agency. The off-duty employment may entail police-type activities or unrelated activities. The private firm may pay the law enforcement officer for the off-duty services directly, or the pay may be routed through the law enforcement agency, to be paid to the law enforcement officer.

(2) A case where a law enforcement officer is performing services for a private firm during his or her off-duty hours, but is paid by the law enforcement agency for which he or she is employed, constitutes a three party arrangement. Questions will arise as to which party directs and controls the worker as the common law employer. If the private firm is determined to be the common law employer, the law enforcement agency may be in control of the payment of wages to the law enforcement officer.

(3) Under IRC Section 3401(d)(1), if the party that is the common law employer (i.e., the private firm) does not have control of the payment of wages, the party that has control of the payment of wages is liable to withhold and pay employment taxes.

(4) The Headquarters Analyst should coordinate cases involving off-duty law enforcement officers through FSL/ET. FSL/ET will advise whether a no rule letter or an information letter should be issued in these cases.

(5) The SS-8 Technician will issue a no rule letter to the worker per IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements, when:

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   a. the private firm or law enforcement agency treats the law enforcement officer as an employee, with respect to the pay received for the off-duty services performed by the private firm, and

   b. the worker submits a Form SS-8 request asking for a determination as to who is the employer.

(6) The Service ordinarily does not issue a determination letter on which of two entities is the employer, when one entity is treating the worker as an employee. See Section 6.04 of the first annual Revenue Procedure and Section 4.01(64) of the third annual Revenue Procedure.

(7) If the worker submits a Form SS-8 requesting a determination of the worker's status, then an information letter will be issued per IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.

7.50.1.5.11.4
(08-19-2016)
Professional Employer Organizations (PEO)

(1) A Professional Employer Organization (PEO), sometimes referred to as an employee leasing company, is a business entity that contracts with employers (e.g. clients) to manage some or all of the following functions on behalf of the clients:

  1. Perform federal employment tax withholding, reporting, and payment functions related to its clients workers using the Employer Identification Number (EIN) of the PEO.

  2. Manage human resources for its clients, such as:

   • providing employee benefits such as health or retirements plans,
   • processing workers compensation claims, or
   • processing unemployment insurance claims.

Note: The PEO typically charges clients a percentage of payroll or other fee for the services it provides.

(2) The Internal Revenue Code (IRC) does not define PEO.

(3) There are state statutes that define PEOs for state law purposes. However, state law is not determinative for federal employment tax purposes.

(4) Cases where a worker is performing services for a client of a PEO, but receives payment from a PEO, constitutes a three party arrangement, because in unique circumstances, a PEO may be in control of the payment of wages to the worker performing services for its client.

(5) Under IRC Section 3401(d)(1), if the party that is the common law employer (i.e., the client), does not have control of the payment of wages, the party that has control of the payment of wages is liable to withhold and pay employment taxes.

(6) If the PEO or service recipient treats the worker as an employee, and the worker submits a Form SS-8 request asking for a determination as to who is the employer, send a no rule letter to the worked as noted in IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.

(7) The Service ordinarily does not issue a determination letter on which of two entities is the employer, when one entity is treating the worker as an

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employee. See Section 6.04 of the first annual Revenue Procedure and Section 4.01(64) of the third annual Revenue Procedure.

(8)   If the worker submits a Form SS-8 requesting a determination of their status, then an information letter will be issued as noted in IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.

(9)   For further information on PEOs, see IRM 5.1.24.6, Professional Employer Organization (Employee Leasing Company).

7.50.1.5.11.5
(09-17-2018)
Related Firms

(1)   Firms are considered "related firms"; if one firm is considered the owner of the other firm, or the firms have common ownership. In general, one of the following designations refers to related firms:

- Parent/Subsidiary - A parent/subsidiary relationship exists where one firm is the majority owner of the other firm through stock holdings or partnership interest. For example, if Corporation P owns 100% of the stock of Corporation S, the corporations are related firms. Corporation P is considered the parent corporation and Corporation S is considered the subsidiary corporation.
- Brother/Sister - A brother/sister relationship exists where two or more firms have the same majority owner through stock holdings or partnership interest. For example, if Corporation P owns 100% of the stock of Corporation X and Corporation Y, the corporations are related firms. Corporation X and Corporation Y are considered related brother/sister corporations. Corporation P is considered the parent of both Corporation X and Corporation Y.

Note: See IRM 7.50.1.5.1, Research for SS8ICP Data, which provides instructions on accessing case information for cases closed using SS8ICP.

(2)   Cases where a worker is performing services for a firm, but receives payment from a related firm, constitutes a three party arrangement, because, in unique circumstances a related firm may be in control of the payment of wages to the worker performing the services.

(3)   Under IRC Section 3401(d)(1), if the party that is the common law employer does not have control of the payment of wages, the party that has control of the payment of wages is liable to withhold and pay employment taxes.

(4)   If one of the related firms treats the worker as an employee and the worker submits a Form SS-8 request asking for a determination as to who is the employer, send a no rule letter to the worker per IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.

(5)   The Service ordinarily does not issue a determination letter on which of two entities is the employer, when one entity is treating the worker as an employee. See Section 6.04 of the first annual Revenue Procedure and Section 4.01(64) of the third annual Revenue Procedure.

(6)   If the worker submits a Form SS-8 requesting a determination of the worker's status, then an information letter will be issued per IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.

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7.50.1.5.11.6 (08-19-2016) **Temporary Staffing Services (TSS)**	(1) A Temporary Staffing Service (TSS) provides workers to a firm to supplement the firm's workforce for a short or indefinite period to address conditions, such as: • Employee absences, • Temporary skill shortages, or • Seasonal workloads.

(2) Typically, a TSS recruits and, in some cases, trains workers and assigns them to a firm/client on a non-permanent basis. In addition, the TSS typically pays the workers' wages and may provide the workers with other benefits.

(3) The IRC does not define a TSS.

(4) There are state statutes that define TSSs for state law purposes. However, state law is not determinative for federal employment tax purposes.

(5) Cases where a worker is performing services for a firm, but receives payment from a TSS, constitutes a three party arrangement. Factual questions may arise as to which party directs and controls the workers as the common law employer.

(6) If the firm is determined to be the common law employer, the TSS may be in control of the payment of wages to the worker.

(7) Under IRC Section 3401(d)(1), if the party that is the common law employer (i.e., the firm) does not have control of the payment of wages, the party that has control of the payment of wages is liable to withhold and pay employment taxes.

(8) If the TSS or service recipient treat the worker as an employee and the worker submits a Form SS-8 request asking for a determination as to who is the employer, send a no rule letter to the worker per IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.

(9) The Service ordinarily does not issue a determination letter on which of two entities is the employer, when one entity is treating the worker as an employee. See Section 6.04 of the first annual Revenue Procedure and Section 4>01(64) of the fourth annual Revenue Procedure.

(10) If the worker submits a Form SS-8 requesting a determination of their status, an information letter will be issued per IRM 7.50.1.5.10.1, General Procedures for Handling SS-8 Requests with Three Party Arrangements.

(11) For further information on TSSs, see IRM 5.1.24.4.1, Temporary Staffing Service.

7.50.1.5.12 (08-19-2016) **Statutory Non-Employees**	(1) In general, statutory non-employees are workers in three occupations that are not treated as employees for FICA, FUTA, or federal income tax withholding purposes provided they meet certain qualifications. The three occupations for statutory non-employees are as follows: a. qualified real estate agents, b. direct sellers, and c. qualified companion sitters.

(2) The SS-8 technician must verify statutory non-employee status before considering common law factors.

(3) For more information on statutory non-employees, see IRM 4.23.5.7.5, Statutory Non-Employees.

(4) Send statutory non-employee letter Exhibit 7.50.1-17, Statutory Non-Employee Letter Language and Form 14430.

7.50.1.5.12.1
(08-19-2016)
Statutory Employees

(1) In general, if a worker is not an employee under the usual common law rules or a corporate officer, the worker and the taxpayer may nevertheless still be subject to employment taxes. IRC 3121(d)(3) lists individuals in four occupational groups who, under certain circumstances, are considered employees for FICA tax and, in some instances, employees for FUTA tax, but not for federal income tax withholding. These workers are referred to as statutory employees and the list of the four occupational groups are listed as follows:

    a.   agent-drivers or commission-drivers,
    b.   full-time life insurance salespersons,
    c.   home workers, and
    d.   traveling or city salespersons.

(2) For more information on statutory employees, see IRM 4.23.5.7.4, Statutory Employees.

(3) Send statutory employee letter Exhibit 7.50.1-18, Statutory Employee Letter Language and Form 14430.

7.50.1.5.13
(08-19-2016)
Corporate Officers

(1) In general, corporate officers are specifically included within the definition of employee for purposes of FICA, FUTA, and federal income tax withholding.

(2) The common law standard does not apply to corporate officers.

(3) In general, the regulations provide that an officer of the corporation is an employee of the corporation.

(4) For more information on corporate officers, see IRM 4.23.5.7.3, Corporate Officers.

(5) Send corporate officer letters to the firm Exhibit 7.50.1-19, Corporate Officer-Firm Letter Language, and to the worker Exhibit 7.50.1-20, Corporate Officer-Worker Letter Language, along with Form 14430.

7.50.1.5.14
(09-17-2018)
Processing Form SS-8 Cases for Prospective Employment Status of Workers

(1) See the current Revenue Procedure referenced in IRM 7.50.1.1.2, Authority, that prohibits the SS-8 program from making determinations of prospective employment status of workers.

Note: These types of cases typically come from firms.

(2) The SS-8 program will take the following actions to process these Form SS-8 cases:

    a.   Prepare and mail Letter 5007, Firm - Advise on Future Workers, or Letter 5007 (SP), Firm - Advise on Future Workers (Spanish), to the firm.
    b.   Update the SS-8 e-Trak database activity log with all actions taken.

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      c.   Update the SS-8 e-Trak database to Status 01 with an "undetermined" finding. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.

7.50.1.5.15
(12-27-2023)
Preparation of Full Determination Cases for Assignment

(1)   The SS-8 clerical staff will take the following actions to prepare the full determination case for assignment to the SS-8 technician:

If	Then
Worker Request	a. Within five business days of receiving processable confirmation from SS-8 technician, prepare and mail Letter 3891, Acknowledgement Letter, to the taxpayer that submitted the request notifying them of receipt, and notifying them of the 180 day time frame for completion.
	Note: If the case cannot be closed within the 180 day time frame, an interim letter must be issued to the taxpayer giving a new case completion date. Continue to issue interim letters every 180 days until case is assigned.
	b. Within five business days of receiving processable confirmation from SS-8 technician, prepare and mail Letter 5367, Notification to Firm, to the firm with a blank Form SS-8. Allow 45 days for the firm to complete and submit the Form SS-8.
	c. Update the SS-8 e-Trak database to Status 03 for all cases except an expedite. If the case is an expedite, update the SS-8 e-Trak database to Status 04. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.
	d. Input Follow Up Date to SS-8 e-Trak database.
	e. Update the SS-8 e-Trak database activity log to document actions taken.
	f. File the physical case file in the holding area.
	g. If there is no reply to Letter 5367 sent previously, then refer the received Form SS-8 as a streamline case for processing per IRM 7.50.1.5.3.1, Streamline Processing Guidelines. Update the SS-8 e-Trak database to Status 06.
	h. If a reply is received to the above Letter 5367, refer the received Form SS-8 as a full determination case per IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases.
	i. Assign cases to the SS-8 technicians as needed, based on the earliest received date (first in, first out).

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If	Then
Firm Request	a. Within five business days of receiving processable confirmation from SS-8 technician, prepare and mail Letter 3891-A, Acknowledgement Letter, to the firm. b. Within five business days of receiving processable confirmation from SS-8 technician, prepare and mail Letter 5367, Notification to Firm, to the worker with a blank Form SS-8. Allow 45 days for the worker to complete and submit the Form SS-8. c. Update the SS-8 e-Trak database to Status 03 for all cases except an expedite. If the case is an expedite, update the SS-8 e-Trak database to Status 04. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. d. Input Follow Up Date to SS-8 e-Trak database. e. Update the SS-8 e-Trak database activity log to document actions taken. f. File the physical case file in the holding area. g. If there is no reply to Letter 5367 sent previously, then refer the received Form SS-8 as a streamline case for processing per IRM 7.50.1.5.3.1, Streamline Processing Procedures. Update the SS-8 e-Trak database to Status 06. h. If a reply is received to the above Letter 5367, refer the received Form SS-8 as a full determination case per IRM 7.50.1.5.15.1, Processing Guidelines for Full Determination Cases. i. Assign cases to the SS-8 technicians as needed, based on the earliest received date (first in, first out).

7.50.1.5.15.1
(12-27-2023)
Processing Guidelines for Full Determination Cases

(1) SS-8 technicians will use guidelines in IRM 4.23.5.7, Common Law Standard, to process a full determination case. SS-8 technicians will apply the common law standards, and rules for corporate officers and statutory employees, to determine whether the worker is an employee or an independent contractor.

Note: The SS-8 technician needs to verify statutory non-employee status before considering common law factors. See IRM 7.50.1.5.12, Statutory Non-Employees, for more information.

Note: If the firm is an IRC Section 501(c)(3) organization, the SS-8 technician will process the case following the guidelines in this section.

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(2) The SS-8 technician will perform a first read of newly assigned full determination cases or incoming correspondence on assigned cases within three business days and ensure subsequent case action is taken within 45 days.

(3) After the SS-8 technician has determined the worker's status, the SS-8 technician will refer to the table below to close the case.

If Determination is	Then
Employee	1. Prepare Form 14430, SS-8 Determination Analysis, to provide the facts and circumstances that led to the employee determination. 2. Prepare Form 14430-A, SS-8 Determination - Determination for Public Inspection, following the guidelines in IRM 7.50.1.5.15.2. ***Note:*** The case summarization on Form 14430-A, SS-8 Determination-Determination for Public Inspection, must be limited to one page to ensure that it will upload to IRS.gov. 3. Prepare and mail Letter 4991, SS-8 Employee Determination, or Letter 4991 (SP), Employee Determination (Spanish), and Form 14430, SS-8 Determination Analysis to the worker. 4. Prepare and mail Letter 4991-A, Notice to Firm - Determination Employee, or Letter 4991-A(SP), Notice to Firm - Determination Letter (Spanish), and Form 14430, SS-8 Determination Analysis, to the firm. 5. Close case on the SS-8 e-Trak database to Status 10 with employee finding. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 6. Input applicable case codes to the case on the SS-8 e-Trak database. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 7. Update the SS-8 e-Trak database activity log with all actions taken. 8. Input TC 971/AC 074 on the requesting taxpayer's latest tax module with an open ASED from the Form SS-8. TC 971/AC 074 indicates the taxpayer's Form SS-8 case is closed.

If Determination is	Then
Independent Contractor (IC)	1. Prepare Form 14430, SS-8 Determination Analysis, to provide the analysis of the facts and circumstances that led to the IC determination. 2. Prepare Form 14430-A, SS-8 Determination - Determination for Public Inspection, following the guidelines in IRM 7.50.1.5.15.2. ***Note:*** The case summarization on Form 14430-A, SS-8 Determination- Determination for Public Inspection, must be limited to one page to ensure that it will upload to IRS.gov. 3. Prepare and mail Letter 5246, Contractor Determination - Worker, and Form 14430 to the worker. 4. Prepare and mail Letter 5246–A, Contractor Determination - Firm and Form 14430 to the firm. 5. Close case on the SS-8 e-Trak database to Status 10 with IC findings. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 6. Input applicable case codes to case on the SS-8 e-Trak database. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.. 7. Update the SS-8 e-Trak database activity log with all actions taken. 8. Input TC 971/AC 074 on the requesting taxpayer's latest tax module with an open ASED from the Form SS-8. TC 971/AC 074 indicates the taxpayer's Form SS-8 case is closed.

> ***Reminder:*** IRC 6110 requires determinations to be posted for public inspection. See IRM 7.50.1.5.15.2, IRC 6110 Public Inspection of Written Determinations, for posting procedures.

7.50.1.5.15.2
(12-27-2023)
IRC 6110 Public Inspection of Written Determinations

(1) Overview: IRC 6110 requires determinations to be posted for a worker classification request be made available to the public. This is accomplished by posting the final determination to IRS.gov on the *SS-8 Determinations of Worker Classification* page. Only information required by IRC 6110 is posted. The claimant/requestor must be notified of the intent to publish before the determination can be posted to IRS.gov.

(2) Preparing Documents for Notification of Intent to Publish - Before any written determination is made available for public inspection, certain information must be deleted (redacted). The most common deletions are the names, addresses,

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and other identifying details of all entities and individuals. IRC 6110(c) provides a list of material to be redacted, including the following:

a.   The names, addresses, and other identifying details of the person to whom the written determination pertains and of any other person, other than a person with respect to whom a notation is made under IRC 6110(d)(1), identified in the written determination or any background file document.

b.   Information specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, and which is, in fact, properly classified per such Executive Order.

c.   Information specifically exempted from disclosure by any statute (other than this title) which is applicable to the IRS.

d.   Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

e.   Information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

f.   Information contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of, an agency responsible for the regulation or supervision of financial institutions.

g.   Geological and geophysical information and data, including maps, concerning wells.

(3)   Use Form 14430-A, SS-8 Determination-Determination for Public Inspection. Ensure the 508 Compliant PDF is selected. Complete the occupation, determination and third-party communication sections as applicable. Copy the facts and analysis from Form 14430, SS-8 Determination Analysis, and paste in the facts and analysis sections of Form 14430-A. Remove personally identifiable information (PII) and any other identifiable material as described above and in IRC 6110.

Note: The case summarization on Form 14430-A, SS-8 Determination-Determination for Public Inspection, must be limited to one page to ensure that it will upload to IRS.gov.

(4)   Save the file to the appropriate shared folder on the common drive. Name the file using the following rules:

•   Use the code for the main occupation category as shown in Exhibit 7.50.1-21, Naming Convention for IRC 6110 Posting.
•   Use the code for the sub-category as shown in the Exhibit.
•   Use the case number to complete the file name.

Example: Form SS-8 filed indicates Occupation is Farm Worker. Main category is Agriculture - so per the Exhibit the number would be 01FRWXXXXX, where "XXXXX" is the case number. Case number could be five or six digits.

(5)   Following the weekly inventory reconciliation, a management official or designee will generate an e-Trak report of full determination cases from the prior week for review. Within five business days, the management official or designee will review the Forms 14430-A created for the prior week to ensure the file is correctly named and redacted and is no longer than one page.

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(6)   The reviewer will save a copy of the approved Form 14430-A to a designated folder and email the SS-8 technician to send the Letter 441, Notice of Intention to Disclose to the requestor (worker or firm).

(7)   Within five business days of review completion, the SS-8 operation will create and mail Letter 441, Notice of Intention to Disclose, and Form 14430-A, SS-8 Determination-Determination for Public Inspection, to requestor .

- Update the SS-8 e-Trak database to Status 09.
- Suspend case for 90 days and input Follow Up Date on SS-8 e-Trak.

(8)   If the requestor does not respond, take the following actions:

- Allow the full 90 day suspense period.
- Post Form 14430-A to IRS.gov.
- Update the SS-8 e-Trak database to Status 10.

(9)   See the table below for handing requestor replies to Letter 441:

If	And	Then
The requestor responds stating they agree with the proposed redactions,	N/A	1. Post Form 14430-A to IRS.gov. **Note:** It is not necessary to continue to hold the Form 14430-A in suspense for remainder of the 90 day period. 2. Update the SS-8 e-Trak database to Status 10.

If	And	Then
The requestor asks for additional redaction to Form 14430-A or disagrees with the redaction,	The request is timely, being faxed or postmarked no later than 20 days after Letter 441 date, or on or before the "Last date to request IRS review" on the letter,	1. Review requestor's mark-up copy of Form 14430-A and the explanation of their request. Additional redaction can only be made if it meets the criteria seven categories listing in Paragraph 2, Preparing Documents for Notification of Intent to Publish, above. 2. *If the additional redactions are not allowable*, respond in writing within 20 calendar days. **Note:** A timely response to the requestor is critical as they have limited time to petition the Tax Court if they disagree with SS-8's evaluation of the requested additional redactions. **Caution:** A lack of response to the requestor indicates that SS-8 will incorporate the requested redactions. 3. Post Form 14430-A to IRS.gov with any additional allowable redaction, after the suspense period expires. 4. Update the SS-8 e-Trak database to Status 10.

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If	And	Then
The requestor asks for additional redaction to Form 14430-A or disagrees with the redaction,	The request is not timely, being faxed or postmarked more than 20 days after Letter 441 date, or after the "Last date to request IRS review" on the letter,	1. Respond to the taxpayer and advise their request was not received timely and will not be considered. *Note:* If the requestor provides information as to why they couldn't make a timely request, consult lead or manager to determine if the tax-payer's request can be considered. *Caution:* If SS-8 determines it will consider an untimely request, advise the requestor this will not extend their time to petition the Tax Court. 2. Post Form 14430-A to IRS.gov, after the suspense period expires. 3. Update the SS-8 e-Trak database to Status 10.
The requestor asks for a delay in posting for public inspection,	The request is timely, having an IRS received date of no later than 60 days after Letter 441 date, or on or before the "Last date to request delay" on the letter,	1. Allow the taxpayer's request, up to an additional 90 days after the mandated 90 day suspense period. 2. Suspend the case for requested number of days. 3. Post Form 14430-A to IRS.gov, after the suspense period expires. 4. Update the SS-8 e-Trak database to Status 10. *Note:* The requestor can make a second request to delay the determination posting an additional 180 days, if good cause exists (see lead or manager). This request must have an IRS received date of at least 30 days before the first extended suspense period ends.

If	And	Then
The requestor asks for a delay in posting for public inspection,	The request is not timely, having an IRS received date later than 60 days after Letter 441 date, or after the "Last date to request delay" on the letter,	1. Respond to the taxpayer and advise their request was not received timely and will not be considered. ***Note:*** If the requestor provides information as to why they couldn't make a timely request, consult lead or manager to determine if the tax-payer's request can be considered. 2. Post Form 14430-A to IRS.gov, after the original 90 day suspense period expires. 3. Update the SS-8 e-Trak database to Status 10.

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If	And	Then
The requestor states they want to petition Tax Court,	N/A	1. Contact the taxpayer and advise them to petition the Tax Court directly as per the letter instructions. *Note:* The requestor must file their petition within 60 days of the mailing date of the letter, or by the "Last date to petition Tax Court" date. Petitions can be downloaded at *United States Tax Court* and either electronically filed or mailed. To be considered timely, a mailed petition must be postmarked by the United States Postal Service within the 60 day period and the envelope containing the petition must be properly addressed and have the correct postage. 2. Post Form 14430-A to IRS. gov, after the suspense period expires, *if not contacted by Tax Court*. 3. Update the SS-8 e-Trak database to Status 10.

(10) **Only determinations are posted. Opinions are not posted.**

(11) At least twice a month, an SS-8 management official will upload the Forms 14430-A to IRS.gov via the SecureFX application.

7.50.1.5.16
(11-03-2014)
**Form SS-8
Reconsiderations**

(1) If either party disagrees with the original determination, they may request that SS-8 reconsider their determination. In order to request a reconsideration, the party must present new documentation that was not considered during the original SS-8 determination process.

(2) The SS-8 technician that worked the original case will explain the SS-8 process; including the reconsideration process. To set up a case for reconsideration, the technician will request documentation of any information not previously submitted and documentation of any facts the submitter believes were not fully considered in the original submission.

(3) There is no time limit for a taxpayer to request a reconsideration of a determination letter.

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> **Note:** To accept the reconsideration request, the statute does not have to be open and can be based on issue.

7.50.1.5.16.1
(09-17-2018)
**Requests for
Reconsideration**

(1)   If a taxpayer requests a reconsideration, the second screener will take the actions as shown in the table below. The SS-8 technician and reviewer assigned to the reconsideration will be different than the one who worked the case during the initial determination process.

> **Note:** See IRM 7.50.1.5.1, Research for SS8ICP Data, which provides instructions on accessing case information for cases closed using SS8ICP.

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> **Note:** If either party contacts the SS-8 program and disagrees with the original determination, the SS-8 technician that worked the original case will explain the SS-8 process, and make clear that information not previously considered needs to be submitted with documentation or documentation that identifies facts that were part of the original submission that the requester thinks were not fully considered in order to set-up a case for reconsideration. If the requester does not provide any new information, the requester will need to provide a clear, concise analysis explaining the alleged error in the determination.

If	And	Then
Worker or firm submits reconsideration request.	No additional or supporting information was submitted.	1. Prepare and mail Letter 5083, Reconsideration Letter - No Additional Information to Consider, to the submitter denying the request. 2. Update the SS-8 e-Trak database activity log with all actions taken.

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If	And	Then
Worker or firm submits reconsideration request.	Additional or supporting information was submitted. *Note:* This can include an analysis from the worker explaining their reason why they believe the SS-8 determination is not correct.	1. Review prior case and new information received. The second screener will refer to independent reviewer within the SS-8 program. *Note:* If the case is referred to independent reviewer, the independent reviewer will follow the next steps below. 2. Perform additional research to determine result, as needed. 3. Prepare and issue a letter to the taxpayer with the language shown in Exhibit 7.50.1-15, Letter Language When Processing Form SS-8 Reconsideration Cases. Include Form 14430, SS-8 Determination Analysis, to taxpayer with reconsideration results. 4. Update the SS-8 e-Trak database activity log with all actions taken. 5. Input case flags in the SS-8 e-Trak database, if applicable. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 6. Close case on the SS-8 e-Trak database to Status 10 with appropriate findings. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.

7.50.1.6
(09-17-2018)
SS-8 Program Reports Overview

(1) The SS-8 program generates various reports to assist with planning, budgeting, and evaluation of the SS-8 program. The SS-8 program generates the following reports:

- Closed case report.
- Follow-up report.
- Monthly Government Liaison (GL) report.
- Monthly reconsideration report.
- Open individual report.
- Open inventory report.
- Weekly inventory report.

(2) The SS-8 program will consolidate the reports and send the report to Examination Field and Campus Policy Headquarters based on the applicable time frames.

7.50.1.6.1
(10-03-2013)
SS-8 Program Reports

(1) To summarize activity, inventory, and closure dispositions occurring each week, the SS-8 units must prepare weekly inventory reports to show volumes of the following:

a. Receipts
b. Rejects
c. Closures
d. Pending cases
e. Aged cases
f. Status of cases
g. Closure dispositions

(2) Weekly reports cover activity from Sunday through Saturday of the prior week.

(3) To summarize reconsideration case activity, the SS-8 units prepare monthly reports to show volumes and results of closed reconsideration cases.

(4) The SS-8 program will consolidate the reports and send the report to Examination Field and Campus Policy Headquarters and Planning and Special Programs (PSP) based on the applicable time frames.

7.50.1.7
(10-03-2013)
Coordination Between the SS-8 Program and Other Areas

(1) Pursuant to IRC 6103(d) and (l)(1)(C), the SS-8 program coordinates with other programs to facilitate the sharing of information to assist in strengthening and enhancing compliance with federal and state laws and regulations. The SS-8 program coordinates with the following programs:

• Railroad Retirement Board (RRB)
• State Tax Agencies

7.50.1.7.1
(08-19-2016)
Coordination with the Railroad Retirement Board (RRB)

(1) The RRB and the IRS signed an agreement to share SS-8 determination results to assist in the examination of entities within RRB's respective regulatory jurisdictions.

(2) The agreement is pursuant to IRC 6103(l)(1)(C) and Section 7(b)(3) of the Railroad Retirement Act (RRA).

(3) IRC 6103(l)(1)(C) authorizes disclosure of federal tax returns and return information to the RRB for administering the RRA.

(4) When the SS-8 technician has completed their determination regarding the status of railroad workers with respect to Forms SS-8, filed by either a firm or a worker, the determination and Form SS-8 will be sent to the SB/SE Employment Tax Policy Program Manager. The SB/SE Employment Tax Policy Program Manager will provide a copy of the determination and Form SS-8 to the RRB Chief Financial Officer (CFO) (provided such determination and Form SS-8 relate to the Railroad Retirement Tax Act (RRTA).

7.50.1.7.2
(08-19-2016)
Coordination with the State Tax Agencies

(1) Pursuant to IRC 6103(d), various state tax agencies coordinate with Governmental Liaison (a function of Privacy, Governmental Liaison, Disclosure and Safeguards) to obtain results of SS-8 determinations for state tax purposes. Establishment of a Secure Data Transmission (SDT) process assists the SS-8 program with providing results to the participating states.

(2) Each month, the SS-8 program completes an extraction of state reports from the SS-8 e-Trak database using the Business Objects (BO) application. BO

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extracts closed SS-8 determination cases by state that have a determination. SS-8 employees will use local guidelines and reports developed with Governmental Liaison Headquarters Policy to prepare and forward cases using the SDT process. See Exhibit 7.50.1-1, Coordination with Government Liaison Local Guidance for Processing SS-8 Cases for Secured Data Transfer (SDT), for more information.

(3)   To summarize the volume of cases forwarded to each participating state, the SS-8 program will prepare a monthly SS-8 Disclosure Accounting Report. This report will be forwarded to:

- Governmental Liaison Headquarters Policy, Program Analysts
- Headquarters Disclosure Policy, Tax Law Analyst
- BSC EFS Department 3 Manager
- Examination Field and Campus Policy Headquarters Program Analyst

7.50.1.8
(08-19-2016)
Miscellaneous Items

(1)   Sometimes Form SS-8 cases are involved with the following miscellaneous items:

a.   Informant Cases
b.   Undeliverable Mail
c.   Whistleblower Cases
d.   Expedited Cases
e.   Referrals
f.   Telephone Contact or Disclosure

7.50.1.8.1
(12-27-2023)
Informant Cases

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7.50.1.8.2
(08-19-2016)
Undeliverable Mail

(1) Undeliverable (UD) mail is any letter, SS-8 letter, or notice sent to the taxpayer or firm and returned with an indication the address is not valid.

(2) When there is receipt of UD mail, the clerk will sort each piece by the letter type. The clerk will complete IDRS research to identify a more current address. Examples: CC INOLES or CC ENMOD.

(3) When UD mail has a United States Postal Service (USPS) "yellow label address sticker" attached, the clerk will complete IDRS research to confirm which address is most current.

(4) The clerk will refer to the table below to process the UD mail.

If UD Mail is	And	Then

• Determination Letter
• Incomplete Form SS-8
• Information Letter
	Research identifies new address.	1. Reissue letter to current address.
		2. Update the SS-8 e-Trak database activity log with all actions taken.
		
		   Note: The activity log should be notated with both the old and new addresses to avoid resending to old address.
		
		   Note: Update the new address in the "Taxpayer Data" section of the SS-8 e-Trak database.

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If UD Mail is	And	Then
• Determination Letter • Incomplete Form SS-8 • Information Letter	Research did not identify a new address.	1. Contact firm or worker by phone for an updated address. If new address provided, re-send letter to new address. *Note:* **During this telephone contact, the SS-8 clerk must verify the tax-payer's name, TIN, and address.** 2. File letter in case file. 3. Update the SS-8 e-Trak database activity log with all actions taken.
• Determination Letter • Incomplete Form SS-8 • Information Letter • Undeliverable Form SS-8	Phone call did not identify new address or unable to contact taxpayer by phone.	1. File letter in case file. 2. Update the SS-8 e-Trak database activity log with all actions taken. 3. A case file will not be main-tained for an incomplete or undeliverable Form SS-8.
• Acknowledgement • Interim letter	Research identified a new address and the letter date is less than 240 days from our mailing date.	1. Re-send letter to new address. 2. Update the SS-8 e-Trak database activity log with all actions taken. *Note:* The activity log should be notated with both the old and new addresses to avoid resending to old address. *Note:* Update the new address in the "Taxpayer Data" section of the SS-8 e-Trak database.

If UD Mail is	And	Then
• Acknowledgement • Interim letter	Research did not identify new address and letter date is less than 240 days from our mailing date.	1. Attempt telephone contact to taxpayer to secure new address. *Note:* **During this telephone contact, the SS-8 clerk must verify the tax-payer's name, TIN, and address.** If new address is received, re-send the letter. 2. File letter in case file. 3. Update the SS-8 e-Trak database activity log with all actions taken.
• Acknowledgement • Interim letter	Letter date is more than 240 days from our mailing date.	1. Destroy letter. *Note:* The clerical staff would have issued an interim letter prior to the expiration of the 240 day period for response to SS-8 request. Address verification is required before issuing an interim letter.
• POA letter	Research identified new address.	1. Re-send letter to new address. 2. Update the SS-8 e-Trak database activity log with all actions taken. *Note:* Update the new address in the "Taxpayer Data" section of the SS-8 e-Trak database. *Note:* Update the new address in the "Taxpayer Data" section of the SS-8 e-Trak database.
• POA letter	Research did not identify new address.	1. File letter in case file. 2. Update the SS-8 e-Trak database activity log with all actions taken.

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If UD Mail is	And	Then
• Additional information request	Research identified new address.	1. Re-send letter to new address 2. Update the SS-8 e-Trak database activity log with all actions taken. **Note:** Update the new address in the "Taxpayer Data" section of the SS-8 e-Trak database. **Note:** Update the new address in the "Taxpayer Data" section of the SS-8 e-Trak database.
• Additional information request	Research did not identify new address.	1. Process case with the information in the case file. 2. File letter in case file. 3. Update the SS-8 e-Trak database activity log with all actions taken.
• Incomplete Form SS-8	Research did not identify new address and unable to obtain new address	1. A case file will not be maintained for an incomplete Form SS-8. 2. Discuss with the SS-8 manager or lead. 3. The SS-8 manager or lead will review to confirm a new address is not available. 4. If a new address is not available, the incomplete Form SS-8 will be placed in classified waste . 5. Update the SS-8 e-Trak database activity log with all actions taken.

An explanation for each letter in the above table can be found in Exhibit 7.50.1-10, Published Forms and Letters Used in the SS-8 Program.

7.50.1.8.3   #
(09-17-2018)   #
Whistleblower Cases   #
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7.50.1.8.4
(12-27-2023)
Expedited Cases

(1) In accordance with revenue procedures issued at the beginning of every calendar year (for instance, Rev. Proc. 20XX-1 for tax year 20XX), the SS-8 program processes determination requests in order of received dates. The granting of expedited requests occurs only in rare and unusual circumstances. This is out of fairness to prior requests already received in the SS-8 program, and because the SS-8 program seeks to process all requests as expeditiously as possible.

(2) The SS-8 program expedites the following specific cases:

a.   Automated Underreporter (AUR)
b.   Congressional (CON)

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      c.   Management Request (MGE)
      d.   Protective Claims
      e.   Taxpayer Advocate Service (TAS)

(3)   When the SS-8 program identifies a case with an expedited handling request for other than a case described above, the SS-8 program will forward the case to the SS-8 manager or SS-8 work leader for review. Upon receipt of the case, the SS-8 manager or SS-8 work leader will take the following actions:

      a.   Review the expedited request using guidelines in Rev. Proc. 2023-1 Section 7.02(4).
      b.   Update the SS-8 e-Trak database activity log with a detailed explanation of the decision made.
      c.   Forward the expedited case to the clerical staff for processing.

7.50.1.8.4.1
(12-27-2023)
Processing Expedited Automated Underreporter (AUR) Cases

(1)   The SS-8 program receives AUR cases as follows:

- AUR sends a case to the SS-8 program via Form 3210, Document Transmittal and/or Form 4442, Inquiry Referral with Form SS-8 attached.
- The SS-8 has been notated with "AUR" on the top of the form.

An SS-8 clerk screens the Form SS-8 to determine whether the case will be processed, returned to AUR, or if the case was previously established on the SS-8 e-Trak database.

(2)   After the SS-8 clerk has screened the Form SS-8, the SS-8 clerk will refer to the table below to process the Form SS-8 received from AUR.

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If to be	And	Then
Processed	There is no existing Form SS-8 case entered on the SS-8 e-Trak database	1. Prepare and attach the AUR sheet to the Form SS-8 and submit it to the SS-8 work leader for review. 2. The SS-8 work leader reviews the Form SS-8 to determine whether the case is open in AUR and requires expedite processing. 3. If the SS-8 is an AUR case that needs to be expedited, the clerk will set-up the case based on expedited procedures. 4. Place the "AUR" case type in the SS-8 e-Trak database. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 5. Prepare and send Letter 3891, Acknowledgement Letter, to the worker and send Letter 5367, Notification to Firm, to the firm. *Note:* The firm's letter has 15 days to respond with the completed Form SS-8 . The worker's letter will acknowledge receipt and indicate the expedited nature of their case (letter states we understand the request is submitted due to another tax matter and we hope to conclude the determination within 60 days).
Processed	There is an existing Form SS-8 case entered on the SS-8 e-Trak database	1. Pull the existing case file. 2. Prepare and attach the AUR sheet to the Form SS-8 and submit it to the SS-8 work leader for review. 3. Place the "AUR" flag on this case in the SS-8 e-Trak database. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information. 4. The SS-8 work leader determines the next actions to take. *Note:* The SS-8 work leader will review to determine when the SS-8 case was set-up on the SS-8 e-Trak database. If it was within the prior 30 days, update the case to Expedite Status 04.

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If to be	And	Then

Returned to AUR	Has not been returned previously	1. Set-up "return" case as normal, except no return letter will be sent to the worker.
		2. Complete Form 3210, Document Transmittal, to return case back to the AUR Coordinator as per the DLN of the TC 922. See *SERP - AUR Coordinators.*
		  a. Include the worker's name and last four digits of their SSN.
		  b. Annotate: Case returned to AUR due to (state reason for return to AUR). Please resubmit once completed and/or corrected.
		Note: If the AUR case is being returned due to a non SS-8 issue, follow the steps above. However, the explanation notated on Form 3210 will be as follows: Case returned to AUR due to (Non SS-8 reject reason). This case does not meet the SS-8 program criteria and is not handled by the SS-8 unit. Please advise the taxpayer to contact the IRS Help Line at 1–800–829–1040 for further assistance.

Returned to AUR	Case was previously returned	***Note:*** This should only be for missing signatures or cases that don't meet the SS-8 program criteria. 1. Prepare and attach the AUR sheet indicating why the case was not accepted by the SS-8 program, and submit to the SS-8 work leader for review. 2. The SS-8 work leader will contact the AUR coordinator as per the DLN of TC 922 to explain why the case does not meet the SS-8 program criteria. See *SERP - AUR Coordinators*. ***Note:*** If the Form SS-8 is missing an original signature, the SS-8 work leader will establish a follow-up date when a revised Form SS-8 will need to be received.

(3)   Determinations should be made within 60 days from the received date on existing cases, or 60 days from the purge date for new cases. **AUR must be contacted if either of these time frames cannot be met.**

| 7.50.1.8.4.2
(08-19-2016)
**Processing Expedited
Congressional Request
Cases** | (1) | Congressional request cases are Form SS-8 cases received through the e-Trak system. These SS-8 cases are expedited and time frames for completion are determined by the SS-8 program management. |

| 7.50.1.8.4.3
(08-19-2016)
**Processing Expedited
Management Decision
Cases** | (1) | Management decision cases are Form SS-8 cases when the SS-8 program management determines that a case needs to be worked immediately. The SS-8 program manager will set the time frames for completion. |

7.50.1.8.4.4
(12-27-2023)
**Processing Expedited
Protective Claim Cases**

(1) If IDRS and/or general case research indicates the taxpayer filed a protective claim, expedite case processing as much as possible, while maintaining established taxpayer response timeframes.

(2) SS-8 will share case dispositions and copies of determination letters with the protective claims coordinator as requested.

(3) If SS-8 receives a case with an open statute that expires during the SS-8 processing period, but identifies a protective claim was timely filed, SS-8 will make a determination on the case.

(4) A protective claim received with Form SS-8 will be treated as misrouted mail.

7.50.1.8.4.5
(08-19-2016)
**Processing Expedited
Taxpayer Advocate
Service (TAS) Cases**

(1) TAS submits a Form 12412, Operations Assistance Request (OAR), to the SS-8 program to expedite an existing Form SS-8 case. The TAS request should be on cases that are over 180 days in the SS-8 program inventory. The OAR is reviewed by an SS-8 manager before assigning it to an SS-8 technician to determine whether the time frame is appropriate based on the current status of the case. The SS-8 program management works with TAS to ensure the requested time frames meet time requirements to complete the case.

(2) The SS-8 program management will assign the OAR to an SS-8 technician. If the case cannot be closed by the agreed completion date, the SS-8 technician will contact the TAS representative to obtain a revised completion date. The revised completion date should be obtained at least three business days prior to the existing completion date.

Note: There may be instances when the SS-8 program will accept a new filed Form SS-8 case from TAS. In these instances, the cases will be set-up per expedited procedures, and a TAS case type will be input on the SS-8 e-Trak database for this case. See Exhibit 7.50.1-2, SS-8 e-Trak Case Status, for more information.

7.50.1.8.4.5.1
(08-19-2016)
**Closing Taxpayer
Advocate Service (TAS)
Cases**

(1) When closing a TAS case, the SS-8 technician will:

a. Complete the OAR.
b. Return the completed OAR, a copy of the firm letter, and/or a copy of the worker letter to the SS-8 TAS Liaison.

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c.   E-mail the TAS liaison, the SS-8 unit work leader, the SS-8 unit manager, and any others as designated by the SS-8 program advising them the TAS case has been completed. In this E-mail, the SS-8 technician will include the following:

- Taxpayer Advocate Management Information System (TAMIS) number
- OAR number
- Taxpayer's name control
- Form SS-8 case number
- Taxpayer Identification Number (i.e. SSN or EIN)

7.50.1.8.5
(12-27-2023)
Referrals

(1)   Form SS-8 is a potential source of leads for employment tax examinations. After completing all actions related to issuance or non-issuance of the determination letter, the assigned SS-8 technician will make referrals to the following Business Operating Divisions (BODs):

- SB/SE
- LB&I
- TE/GE - EO
- TE/GE - FSL/ET
- TE/GE - ITG
- TE/GE - TEB
- CFC

Exception: SB/SE has access to the database to determine whether an examination is warranted. No referrals to SB/SE are required unless an individual case has indicators of fraud or unusual circumstances. See Exhibit 7.50.1-11, Field Referral Criteria, Exhibit 7.50.1-12, Fraud Checklist, and note below for more information.

Note: If the taxpayer's BOD code on IDRS is "SB" or "LM" and a referral to Employment Tax is required, send a secure email that includes pdf copies of Form SS-8, the accompanying form (for example, Form 3949-A) and any pertinent case information to Employment Tax Workload Selection & Delivery at *SBSE ET WSD Referrals. Ensure the email subject line includes "SS-8" and a concise description of the issue (for example, "Form SS-8 - Supplemental Wage Issue" or the relevant form identification (for example, "SS-8 - Form 3949-A").

(2)   Once the Form SS-8 is assigned for audit, the assigned examiner must contact the SS-8 technician who worked the Form SS-8 case to obtain copies of any pertinent documentation in the Form SS-8 case file.

Note: Field examiners must follow the guidelines in IRM 4.23.18.5, Employment Tax Examination Determinations that Differ from SS-8 Determination Letters, if they disagree with the SS-8 determination.

(3)   Any type of SS-8 case listed above could have fraud indicators. SS-8 technicians use IRM 25.1, Fraud Handbook, and Fraud Checklist to identify and develop SS-8 cases meeting Fraud Criteria. See Exhibit 7.50.1-12, Fraud Checklist, for more information.

(4)   The SS-8 technician will forward the fraud referral, along with Form SS-8 and all supporting documentation based on the taxpayer's BOD type, to the appro-

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priate address listed in this IRM section above. Example: If the SS-8 case has fraud indicators and the taxpayer is considered an SB/SE taxpayer, the SS-8 case would be forwarded to CFC - Fraud Coordinator as outlined in Paragraph (1) above.

7.50.1.8.6
(11-03-2014)
Telephone Contact

(1) During the determination process, it may be necessary for an SS-8 technician to contact a firm or a worker by phone. All contacts should be conducted in a professional manner.

(2) When making or receiving phone calls, the SS-8 technician must follow IRM 21.1.3.2.3, Required Taxpayer Authentication, to ensure they are speaking to the appropriate taxpayer, and to prevent unauthorized disclosure of tax information.

Note: If a taxpayer calls in and leaves a message, the return call must be made within one business day. The exception is during the filing season of February - May, the return call must be made within three business days.

(3) The SS-8 technician should take the following actions for any telephone contact.

    a.   Provide the taxpayer with contact information and employee identification number in accordance with RRA 98 Section 3705(a).

    b.   Verify taxpayer's current address.

       Note: If the taxpayer's current address is different than the address of record, the SS-8 technician should inform the taxpayer to file Form 8822, Change of Address, to update their address of record.

    c.   If the SS-8 technician receives a difficult phone call (push back from a taxpayer or firm), the SS-8 technician will notify the manager. The manager is required to return these types of phone calls within 24 hours.

    d.   If the taxpayer requests to speak to a manager, the SS-8 technician will notify the manager of this request. The SS-8 technician will notify the taxpayer that a manager will call them back within 24 hours of the taxpayer's request.

    e.   Update the SS-8 e-Trak database activity log, under the Phone Conversation drop down option, to document important points derived from the telephone conversation in a clear, concise manner.

7.50.1.8.6.1
(12-27-2023)
Guidelines for Retrieving Phone Calls from SS-8 General Information Telephone Line

(1) The SS-8 program established a general information phone line for taxpayers to call. This phone number is included on various letters issued by the SS-8 program. Examples include:

- Letter 3891, Acknowledgement Letter for Worker.
- Letter 4949, SS-8 Return Letter.
- Letter 5367, Notification to Firm.

    Note: A complete listing of published SS-8 letters can be found in Exhibit 7.50.1-10, Published Forms and Letters Used in the SS-8 Program.

Taxpayers leave a voice mail on this telephone line with questions on their case. SS-8 staff monitors the telephone line on a daily basis.

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(2)   The assigned SS-8 employee takes the following actions to ensure timely responses to telephone inquiries received.

    a.   Extracts voice mails from the generic telephone line on a daily basis.

    b.   Researches each request to identify the appropriate SS-8 employee to return the call.

    c.   Forward all information to appropriate SS-8 employee for call back.

    d.   If necessary, return calls to taxpayer to secure additional information. Example: The taxpayer did not provide enough information to look up a case. The SS-8 employee would have to contact the taxpayer to secure enough information to process the telephone call.

        Note: When making phone calls, the SS-8 employee must follow IRM 21.1.3.2.3, Required Taxpayer Authentication, to ensure they are speaking to the appropriate taxpayer, and to prevent unauthorized disclosure of tax information.

    e.   If the employee receives a difficult phone call (push back from a taxpayer or firm), they will notify the manager. The manager is required to return these types of phone calls within 24 hours.

    f.   If the taxpayer requests to speak to a manager, the employee will notify the manager of this request. The employee will notify the taxpayer that a manager will call them back within 24 hours of the taxpayer's request.

    g.   Update SS-8 e-Trak activity log to record the call and all actions taken.

Exhibit 7.50.1-1   (09-17-2018)
Coordination with Governmental Liaison (GL) Local Guidelines for Processing SS-8 Cases for SDT

1. The assigned SS-8 technicians require permissions to the following common drive, reports, applications, and documents to prepare and forward reports to the state tax agencies using the SDT process:

- SS-8 e-Trak database
- SS-8 e-Trak GL Report
- Common2(\\vp0sentshrcmn18)\EFTU\SBSE\BrookhavenCampus\SS-8 folders.
- The Zip Code listing will be updated annually and shared with the SS-8 Reports Technician/ Coordinator in January. As new agreements are implemented with PGLD, new updates will be provided to the SS-8 Reports Coordinator.
- SS-8 SDT File Names and Instructions.

2. The assigned SS-8 employee generates an SS-8 Referral Report from the SS-8 e-Trak GL Report during the first week of the current month to extract data from the prior month cases.

Example: During the first week of April 2023, the assigned employee runs a report for March 1 - March 31, 2023.

3. The assigned SS-8 employee takes the following actions to generate the "SS-8 Referral" report for each state tax agency:

   a.   Access SS-8 e-Trak - generate report.
   b.   Select GL Report.
   c.   Enter beginning and ending date range.
   d.   Display: Adobe Option (default).
   e.   Generate report and open.
   f.   Go to Thumbnails:
        Choose extract pages to separate each page (generated report has a page for each applicable state, but is one report); change page to run from page 1 to XX; choose extract pages as separate files to be saved.
   g.   Save to destination: Common2\\vp0sentshrcmn18\EFTU\SBSE\BrookhavenCampus\SS8, Validation folder, and rename each state report using the SS-8 SDT File Names and Instructions provided by Governmental Liaison Headquarters Policy.

Caution: **Using the appropriate naming convention is crucial for this process:**
        "SS8PssXXX001MMDDYYYY.pdf" where ss=state abbreviation, XXX = agency number, sequence number = 001 (for first time), MMDDYYYY = month, day and year.

4. The assigned SS-8 employee prints the "SS-8 Disclosure Accounting Report" located on Common2\\ vp0sentshrcmn18\EFTU\SBSE\BrookhavenCampus\SS8. This report lists current state tax agencies authorized to receive information from the SS-8 program. The SS-8 employee uses this report as a check sheet to notate volumes of cases and tax periods extracted for each state agency from the SS-8 GL reports.

5. There are specific zip codes identified on the SS-8 "Zip Code for Cities" report to identify which cities are authorized to receive applicable determinations (as of 4/19/2018 Kentucky, Missouri, Ohio and Pennsylvania). To create reports for cities, assigned SS-8 employees will:

   a.   Go to SS-8 e-Trak Generate Reports.
   b.   Choose GL zip code report ***.
   c.   Enter beginning and ending date range.
   d.   Display: Adobe Option (default).
   e.   Generate report.

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Exhibit 7.50.1-1 (Cont. 1) (09-17-2018)
Coordination with Governmental Liaison (GL) Local Guidelines for Processing SS-8 Cases for SDT

   f.   Go to Thumbnails:
      Choose extract pages to separate each page (generated report has a page for each applicable state, but is one report); change page to run from page 1 to XX; choose extract pages to be saved as separate files.
   g.   Save to Common2\\vp0sentshrcmn18\EFTU\SBSE\BrookhavenCampus\SS8, Validation Work folder, and rename each state report using the SS-8 SDT File Names and Instructions provided by Governmental Liaison Headquarters Policy.
   Caution: **Using the appropriate naming convention is crucial for this process: "SS8PssXXX001MMDDYYYY.pdf", where ss=state abbreviation, XXX = agency number, sequence number = 001 (for first time), MMDDYYYY = month, day and year.**
         DELETE the cases not applicable to the city agency.

***If GL zip code report is not operational, each case listed for the states with cities receiving determinations would be accessed in the SS-8 e-Trak database to see if the case matches the city zip code. City would then receive an adjusted report with only applicable zip code cases.

6. The assigned SS-8 employee copies the text document template (TemplateSS8P001MMDDYYYY.cntl.txt) located in the SS-8 folder on the Common drive and takes the following actions:

   a.   Generates a text document for each file.
   b.   Renames the template to match the SS8PssXXX001MMDDYYYY portion of the saved report file name.
   c.   Opens the text document.
   d.   Enters the naming convention of the SS-8 file in the open text document.
   e.   Enters the number of records on the SS-8 Referral report into the "Number of Records" field.
   f.   Saves and closes the document.
   g.   Completes the same actions for all required reports.
   Note: **Each state/city report must have a corresponding text document.**

7. The assigned SS-8 employee reviews the completed report and text documents to ensure accuracy. **File names must be correct in order for the files to be sent via SDT**. Move all reports and text documents from the validation folder only **after** all are determined to be named correctly.

8. Once the completed report and text documents are accurate, the assigned SS-8 employee will move these documents to the "SS8_to_State" folder located on the Common drive.

9. The assigned SS-8 employee updates the "SS-8 Disclosure Accounting Report" located on the Common drive with the data from the printed report. The SS-8 employee forwards the completed report via E-mail to the following recipients:

   •   Governmental Liaison Headquarters Policy, Program Analysts.
   •   Headquarters Disclosure Policy, Tax Law Analyst.
   •   BSC EFS Department 3 Manager.
   •   Examination Field and Campus Policy Headquarters Program Analyst.

Exhibit 7.50.1-2   (09-17-2018)
SS-8 e-Trak Case Status

SS-8 STATUS	Name	Definition	EXPEDITE CASE TYPE	CASE TYPE	RESULTS
01	Returned	Any cases that were deemed incomplete or non-SS-8 issues during setup, or after a tech assignment.	N/A	• S = Supplemental Wages • N = Not SS-8 issue • I = Incomplete (includes missing signature, missing pay documents, questions not answered, etc.) • F = Future Event (new business requests or premature worker request) • L = Lawsuit • RC = Related Cases • O = Other	UD = Undetermined
02	Pending database input and letter mailing	Second screened cases have not yet been input into SS-8 e-Trak and taxpayer have not been contacted.	N/A	N/A	N/A
03	Mail Suspense	Any case not assigned to a case worker	N/A	N/A	N/A

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Exhibit 7.50.1-2

Exhibit 7.50.1-2 (Cont. 1) (09-17-2018)
SS-8 e-Trak Case Status

SS-8 STATUS	Name	Definition	EXPEDITE CASE TYPE	CASE TYPE	RESULTS
04	Assigned-Expedite	Priority Cases	• AUR = Automated Underreporter • TAS = Taxpayer Advocate • MGE = Managerial Expedite • CON = Congressional	• NF = No Firm Response • TP = Third Party • FSL/ET = State or Local Government • INT = International • SH = Shared Economy • ITG = Indian Tribal Government • EC = Erroneous Classification • S = Supplemental Wages	• EE = Employee • IC = Independent Contractor • SE = Statutory Employee • SN = Statutory Non-Employee • SP = Split Determination • OE = Opinion Employee • OI = Opinion Independent Contractor • UD = Undetermined • NR = No Rule • FC = Firm Complied • RR = Request Rescinded

Exhibit 7.50.1-2   Internal Revenue Manual   Cat. No. 62288C (12-27-2023)

Exhibit 7.50.1-2 (Cont. 2) (09-17-2018)
SS-8 e-Trak Case Status

SS-8 STATUS	Name	Definition	EXPEDITE CASE TYPE	CASE TYPE	RESULTS
05	Assigned - Determi- nation	Replies from firm and worker	N/A	• FSL/ET = State or Local Gov- ernment • ITG = Indian Tribal Gov- ernment • INT = Inter- national • EC = Erroneous Classifica- tion	• EE = Employee • IC = Inde- pendent Contractor • NN = No FICA/No SECA • SE = Statutory employee • SN = Statutory Non- Employee • SP = Split Determina- tion • FC = Firm Complied • RR = Request Rescinded • O = Over- turned

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Exhibit 7.50.1-2 (Cont. 3) (09-17-2018)
SS-8 e-Trak Case Status

SS-8 STATUS	Name	Definition	EXPEDITE CASE TYPE	CASE TYPE	RESULTS
06	Assigned - Opinion	Only one side to consider	N/A	• NF = No Firm Response • TP = Third Party • FSL/ET = State or Local Government • INT = International • SH = Shared Economy • ITG = Indian Tribal Government • EC = Erroneous Classification • S = Supplemental Wages	• OE = Opinion Employee • OI = Opinion Independent Contractor • NN = No FICA/No SECA • NW = No Worker Response • UD = Undetermined • NR = No Rule • FC = Firm Complied • RR = Request Rescinded
07	Reconsideration	Taxpayer disagrees with outcome	N/A	• OV = Overturned • NC = No Change	• EE = Employee • IC = Independent Contractor • NN = No FICA/No SECA • SE = Statutory Employee • SN = Statutory Non-Employee • SP = Split Determination

Exhibit 7.50.1-2   Internal Revenue Manual   Cat. No. 62288C (12-27-2023)

Exhibit 7.50.1-2 (Cont. 4) (09-17-2018)
SS-8 e-Trak Case Status

SS-8 STATUS	Name	Definition	EXPEDITE CASE TYPE	CASE TYPE	RESULTS
08	Suspense	Multiple ***Note:*** Input an appropriate follow-up date into SS-8 e-Trak.	• D = Disaster • T = Translation • A = Audit • C = Criminal Investigation • W = Waiting for guidance • O = Other	N/A	N/A
09	IRC 6110 Suspense	Case closed but holding to post result to IRS.gov	N/A	N/A	N/A
10	Closed	Case closed	N/A	N/A	N/A
11	Archive	N/A	N/A	N/A	N/A

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Exhibit 7.50.1-3   (09-17-2018)
SS8ICP Status Codes

Status Code	Definition	Who Maintains Physical Control of File	Additional Information
A	New SS-8 Case to Program	Clerical Staff	Status date was the date case was loaded to the SS8ICP database.
AC	SS-8 Technician Case	SS-8 Technician	New SS-8 case assigned to an SS-8 technician but not started.
B	Assigned to SS-8 Technician	SS-8 Technician	SS-8 case assigned to SS-8 technician but not started.
C	Case in Process	SS-8 Technician	SS-8 case started, but not completed on the same day. *Note:* SS-8 cases started and completed on the same day can bypass this status.
D	6110 Review Pending	SS-8 Technician	6110: redacted copy of Form 14430, *SS-8 Determination Analysis*, is under local review.
DC	Suspense	SS-8 Technician	Awaiting guidance for disposition.
ED	Earliest Receipt Date	Clerical Staff	This represents the earliest receipt date of the SS-8 in any IRS office, and is used for tracking purposes only.
H	Holding Bin	Clerical Staff	SS-8 is ready for assignment. *Note:* Expedited cases can bypass this status when immediately assigned to an SS-8 technician.
OD	SS-8 Office Receipt Date	Clerical Staff	This represents the date case is received by the SS-8 program, and is used for tracking purposes only.

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Exhibit 7.50.1-3 (Cont. 1) (09-17-2018)
SS8ICP Status Codes

Status Code	Definition	Who Maintains Physical Control of File	Additional Information
PD	Purge Date	Clerical Staff	This status represents the response deadline by the second party to the SS-8 case. **Note:** Removal of status PD occurs when a new status is input prior to the related purge date.
Z	Closed	Clerical Staff or SS-8 Technician	See Exhibit 7.50.1-4 , SS-8 Case Flags for Database Used Prior to October 1, 2014, for more information for cases started before October 1, 2014. **Note:** For cases started between October 1, 2014 and September 29, 2017, see Exhibit 7.50.1-5, SS-8 Case Flags for SS8ICP Database for Cases Started Between October 1, 2014 and September 29, 2017, for more information .

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Exhibit 7.50.1-3

Exhibit 7.50.1-4   (08-19-2016)
SS-8 Case Flags for SS8ICP Database Used Prior to October 1, 2014

Flag	Definition	Use Flag When/for
A	Automated Underreporter (AUR) Case	AUR requests are expedited processing due to an open AUR case which may be affected by the SS-8 determination.
AL	Alien	Worker is a foreign citizen working in the U.S.
C	Home Care Service Worker/State Government	Worker paid with State funds. Example: Medicaid program. Typically used for home care of disabled or elderly. *Note:* Do not use flag for workers paid for child care services through welfare programs, unless specific to children with disabilities.
CG	Congressional Case	Case resolved using the e-Trak system.
DI	Third Party Payer	Payer is a separate entity from the firm for which services were provided.
DO	Field Audit Referral	Case is eligible for an IRS field office referral for audit consideration. *Note:* Use flags RA, RJ, and RS, if applicable, as stated in the table below.
E	6110 Processing	Case is subject to IRC 6110 processing requiring Form 14430, SS-8 Determination Analysis, to be made available for public inspection.
EC	Erroneous Classification of Employment Cases	Case involved erroneous classification of employment rather than worker classification, and the Form 1099-MISC income is not a supplemental wage.
EH	Expedite Handling	Case has a pink expedite flag on it.
EO	EO/TE/GE Case	Firm is an exempt organization.
F	Firm Requester	Firm initiated the Form SS-8 process.
FB	Family Business	Firm is a family run business.

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Exhibit 7.50.1-4 (Cont. 1) (08-19-2016)
SS-8 Case Flags for SS8ICP Database Used Prior to October 1, 2014

Flag	Definition	Use Flag When/for
FC	Firm Compliance	There is evidence the firm voluntarily reclas-sified the worker from an independent contractor to an employee. ***Note:*** Cases with a FC flag should reflect "undetermined" as the case result if the firm complied prior to the determination letter issuance.
FD	Firm No Response	Firm did not reply with Form SS-8.
FF	Frivolous Filer Argument Referral	Case referred to Ogden Campus when frivolous filer argument is included.
FI	Firm Involved	Firm replied to Form SS-8.
FR	Fraud Referral	Case referred to examination when indicators of tax avoidance, evasion, or fraud are included. ***Note:*** Use flags RA, RJ, and RS, if applicable, as stated in the table below. **Do not use a DO flag.**
FW	Proposed Transaction Case or "Prospective Employment Status of Worker"	Case is for a proposed transaction or prospective employment status of worker. ***Note:*** Cases with a FW flag should always reflect "undetermined" as a result.
GL	Governmental Liaison Referral	Referring a case for information sharing with a state tax agency.
HS	Other Federal Agency Referral	Referring a case to another Federal agency. ***Note:*** The Disclosure staff must consider and approve the issue prior to referral.
IN	Informant Case	Taxpayer provides information about a Federal tax violation and does not request an award. Taxpayer advised to complete and send Form 3949–A, Information Referral to Fresno, CA. ***Note:*** **Do not use RA, RJ, or RS flags in conjunction with this flag.**
IT	Indian Tribal Governments/TE/GE Case	The firm's BOD is ITG/TE/GE.

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Exhibit 7.50.1-4 (Cont. 2) (08-19-2016)
SS-8 Case Flags for SS8ICP Database Used Prior to October 1, 2014

Flag	Definition	Use Flag When/for
K	KITA (Killed in Terrorist Action)/Disaster/ Combat Zone	Taxpayer is in a KITA/Disaster/Combat Zone. *Note:* Describe which party is impacted (firm or worker), the cause of the impact, and any special handling in the case notes.
L	Bilingual Case	Spanish language skills needed to process the case.
LE	Leasing Company/Leased Employees	Case involves leased employees and a third party is involved, other than a payroll company.
LM	LB&I Case	The firm's BOD is LB&I.
M	Management Flag	Manager or work leader is holding case.
NP	Not Processable	Case not processed due to missing or incomplete information.
O	Overturn	Determination finding was overturned, rescinded, or modified in a related case. *Note:* Related case number should be input to case activity log.
OF	Overseas Firm	Taxpayer is a U.S. citizen working overseas. Firm may be foreign or domestic.
OP	Opinion	Information letter issued to taxpayer to give advice instead of a determination. *Note:* In general, cases with an "OP" flag reflect "undetermined" as the result.
P	Taxpayer Advocate Service (TAS) Case	TAS case with an Operation Assistance Request (OAR) or Taxpayer Assistance Order (TAO) issued.
PA	Processable	Prior Form SS-8 reject case is now processable.
PF	Power of Attorney (POA) - Firm	Firm has a valid POA on file.
PW	POA - Worker	Worker has a valid POA on file.
Q	Quality Review Selection	Case selected for embedded quality review.
R	Reconsideration	Taxpayer requests review of closed case.

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Exhibit 7.50.1-4 (Cont. 3) (08-19-2016)
SS-8 Case Flags for SS8ICP Database Used Prior to October 1, 2014

Flag	Definition	Use Flag When/for
RA	Referral Accepted	Referred case accepted for reconsideration. ***Note:*** Use this flag with the DO, FR, and TC flags, as stated in this table, when a case is accepted for audit reconsideration.
RC	Related Case	Case is related to another case in the SS-8 e-Trak database. Notate related case number(s) in case notes. ***Note:*** Use this flag on the original case considered for reconsideration or revocation.
RF	First Read Reject	Form SS-8 not completed and has been rejected.
RJ	Referral Rejected	Referred case rejected for reconsideration. ***Note:*** Use this flag with DO, FR, and TC flags, as stated in this table.
RP	Retirement Plan	Case referred to TE/GE/EP for consideration of a retirement plan matter. ***Note:*** Do not use RA, RJ, or RS flags in conjunction with this flag.
RR	Request Rescinded	Requester has decided to withdraw request for SS-8 case processing.
RS	Referral Sent	Referral sent to the field for audit consideration. The referral date must be included.
RV	Revocation	IRS prompts review of closed case.
S	Firm Out of Business	This flag indicates the firm is out of business.
SB	SB/SE Case	Firm's BOD is SB/SE.
SH	Safe Haven Evidenced	Taxpayer provided written proof for IRC Section 530 eligibility for safe haven from IRS.
SM	FSL/ET/TE/GE	Firm's BOD is FSL/ET/TE/GE.
SW	Supplemental Wage Issue	Case involves erroneous classification of wages rather than worker classification.
TB	Transfer to Brookhaven Campus (BSC)	Case transferred from the Vermont SS-8 unit to the BSC SS-8 unit for handling.

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Exhibit 7.50.1-4 (Cont. 4) (08-19-2016)
SS-8 Case Flags for SS8ICP Database Used Prior to October 1, 2014

Flag	Definition	Use Flag When/for
TC	Tax Compliance Officer (TCO) Referral	Case is eligible for SB/SE TCO group referral for audit consideration. ***Note:*** Use flags RA, RJ, and RS, if applicable, as stated in this table.
TN	Transfer to Newport, Vermont	Case transferred from the BSC SS-8 unit to the Newport, VT SS-8 for handling.
TO	Transfer Out	Case file sent to another office for processing (field or National Office).
TP	Third Party Contact Made	Third party contact is made. Add flag to case at time of contact.
W	Worker Requester	Worker initiated the SS-8 process.
WB	Whistleblower Office Referral	Referring an Informant case to the IRS Whistleblower Office for handling. Taxpayer is requesting a Whistleblower Award. ***Note:*** Do not use RA, RJ, or RS flags in conjunction with this flag.
WP	Workshop Program	Worker(s) are in a sheltered workshop environment for disabled persons.
X	SS-8 Technician Held	The SS-8 technician maintains case file for issue other than listed.

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Exhibit 7.50.1-5   (09-17-2018)
SS-8 Case Flags for SS8ICP Database for Cases Started Between October 1, 2014 and September 29, 2017

-	INVENTORY FLAGS
Flag	**Definition**
E	6110 Processing - Inventory
EC	Erroneous Classification
EH	Expedite Handling
F	Firms
FW	Prospective Employment Status
OP	Opinion Letter - Streamline Processing
PF	POA for Firms
PW	POA for Workers
R	Reconsideration
RC	Related Case
SM	State & Local Government
SW	Supplemental Wage
TP	Three Party Arrangements
W	Worker
WP	Workshop Program

-	SECONDARY EXPEDITE HANDLING FLAGS
FLAG	**DEFINITION**
A	AUR
C	Congressional
M	Management Request
P	TAS

-	CLOSING FLAGS
FLAG	**DEFINITION**
FC	Firm Compliance
NP	Case Not Processable
O	For Reconsiderations Only - Use When Prior Determination is Overturned.
RF	Any SS-8 Returned.

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Exhibit 7.50.1-5 (Cont. 1) (09-17-2018)
SS-8 Case Flags for SS8ICP Database for Cases Started Between October 1, 2014 and September 29, 2017

-	CLOSING FLAGS
FLAG	**DEFINITION**
RR	Rescinded - By requester

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Exhibit 7.50.1-6   (12-27-2023)
Form SS-8 Case Results

Result	Description
Employee	Worker in case found to be an "employee" through common law analysis or by statute (not including those described under "Statutory Employee" or "Statutory Non-Employee" below.
Incomplete	Default finding for any case that has not reached a conclusion. ***Note:*** A closed case should not reflect an "incomplete" result.
Independent Contractor	Worker in case is found to be self-employed. ***Note:*** "Independent contractor" finding indicates Self-Employment Tax due on the net income earned by the worker.
No FICA or No SECA (Self-Employment Contributions Act) Due	Income in question found not to be wages or income earned in a trade or business. The income may or may not be reportable as gross income on the worker's return. The IRS informs the worker that there is no employment tax liability related to the income in question.
Split Determination	Worker in a case is earning two types of income from one firm (concurrently or intermittently) that have separate tax ramifications. Example: FICA and SECA are due. ***Note:*** This result does not include cases where the worker is one status for an initial time span, and the job evolves into another status. In most cases, the most recent status will be input as the result of the case.

Cat. No. 62288C (12-27-2023)   Internal Revenue Manual   **Exhibit 7.50.1-6**
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Exhibit 7.50.1-6 (Cont. 1) (12-27-2023)
Form SS-8 Case Results

Result	Description
Statutory Employee	Worker in the case found to be an independent contractor through common law analysis; however, they meet the statutory criteria under IRC 3121(d)(3), so the firm must treat them as an employee for FICA purposes. Occupations specific to this finding are: • Agent or commission driver • Full-time life insurance salesperson • Home workers • Traveling or city salespersons ***Note:*** This finding indicates FICA tax is due on the income in question.

Statutory Non-Employee	Worker in the case meets the statutory criteria of IRC 3508 as in the following:
	• Direct seller (including newspaper delivery or distribution).
	• Qualified real estate agent.
	   Note: This finding is also used if worker meets the statutory criteria under IRC 3506
	   for companion sitters.
	Note: This finding indicates Self-Employment Tax due on the net income earned by the worker.

Undetermined	Result for any case closed with no advice given as to the type of employment tax due on the income in question. It is undetermined for the following: • Request is incomplete and cannot be processed. • Withdrawal of the request by the submitter. • IRS chooses not to issue a determination letter for any reason. • Firm amends its returns to reflect the worker's correct status prior to issuance of a determination letter.

Exhibit 7.50.1-6   Internal Revenue Manual   Cat. No. 62288C (12-27-2023)

Exhibit 7.50.1-7   (08-19-2016)
Form SS-8 Case Required Research for Firms

Research for Firms by IDRS Command Code	Research Results
AMDISA	• Open audit controls
BMFOLE	• Address • NAICS codes • Type of entity • Cross-reference to other entities (only needed if worker notates additional entities in Note on Page 1 of Form SS-8 - checking to see if worker is paid by one related entity while working for another)
BMFOLI	• Filing history • Freeze codes
BMFOLT	• Statute information (only need statute on cases for tax years older than three years)
BMFOLZ	• Prior audit history • Disposal codes
ESTAB	• Requesting returns and audit results from files
INOLES	• BOD code involving Federal State Local Government (FSL/ET) or Indian tribal cases
PMFOL	• Number of Forms 1099 and Forms W-2 filed
SS-8 e-Trak database	• Related cases - same worker classification for potential determination, or to work all same class workers together

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Exhibit 7.50.1-8   (11-03-2014)
Form SS-8 Case Required Research for Workers

Research for Worker by IDRS Command Code	Research Results
AMDISA	• Open audit controls
IMFOLI	• Filing History • Freeze codes
IMFOLT	• Statute information (only need statute on cases for tax years older than three years)
INOLES	• Address
INOLEX	• Related EIN's - information to consider
IRPTR	• Research years listed on form and one year prior
SS-8 e-Trak database	• Related cases - worker filed multiple Forms SS-8 for determination on additional firms
N/A	

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Exhibit 7.50.1-9   (10-03-2013)
Freeze Codes

Freeze Code Description	Freeze Code
Audit freeze code.	-L
Combat zone designations.	-C
Criminal Investigation (CI) involvement.	-T, Z-, -Z
Disaster designations.	-O, -S
Litigation pending code.	-W

Cat. No. 62288C (12-27-2023)   Internal Revenue Manual   **Exhibit 7.50.1-9**
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Exhibit 7.50.1-10   (12-27-2023)
Published Forms and Letters Used in the SS-8 Program

Letter Type	Letter or Form Number
Acknowledgement	• Letter 3891, Acknowledgment Letter for Worker • Letter 3891-A, Acknowledgement Letter for Firm
Closing	• Letter 3865, Closing Letter
Determination	• Form 14430, SS-8 Determination Analysis • Form 14430-A, SS-8 Determination - Determination for Public Inspection • Letter 4991, SS-8 Employee Determination • Letter 4991 (SP), SS-8 Employee Determination (Spanish) • Letter 4991-A, Notice to Firm - Determination Employee • Letter 4991-A (SP), Notice to Firm - Determination Letter (Spanish) • Letter 5246, Contractor Determination - Worker • Letter 5246 (SP), Contractor Determination - Worker (Spanish) • Letter 5246-A, Contractor Determination - Firm
Information	• Letter 441, Notice of Intention to Disclose • Letter 3865, Closing Letter • Letter 5007, Firm - Advise on Future Workers • Letter 5007 (SP), Firm - Advise on Future Workers (Spanish) • Letter 5083, Reconsideration Letter - No Additional Information to Consider • Letter 5081, Form SS-8 Determination of Employment Status Courtesy Letter - Employee • Letter 5082, Form SS-8 Determination of Employment Status Courtesy Letter - Independent Contractor
Participate in Determination Process	• Letter 5367, Notification to Firm
Rescind	• Letter 5236, Rescind Request for Determination • Letter 5236 (SP), Rescind Request for Determination (Spanish
Return	• Letter 4949, SS-8 Return Letter • Letter 4949 (SP), SS-8 Return Letter (Spanish) • Letter 4949-A, SS-8 Return Letter - 15 Day • Letter 4949-A (SP), SS-8 Return Letter - 15 Day (Spanish)
No Rule	• Letter 6491, SS-8 No Rule • Letter 6491 (SP), SS-8 No Rule (Spanish)

Exhibit 7.50.1-11   (08-19-2016)
Field Referral Criteria

<table>
<tr><td colspan="2" align="center">FIELD REFERRAL CRITERIA</td></tr>
<tr><td>1.</td><td>The available data on income paid for services by the firm on which no employment tax was paid (generally in the form of PMFOL, or a contract labor deduction taken on a business return or Schedule C) is as least $200,000 for any one of the two most current tax years open for audit.</td></tr>
<tr><td>2.</td><td>The firm has not filed information returns (i.e. no Form 1099-MISC or Form 1099-NEC filed), but the Form SS-8 case data reveals there is at least one worker in the class earning at least $25,000, or if workers earned less than $25,000, there are multiple Forms SS-8 received. Data can be in the form of verbal evidence obtained from the worker in the SS-8 case.</td></tr>
<tr><td>3.</td><td>A case may or may not meet either of the prior criteria in Paragraph 1 or 2 above, but there are egregious indicators of civil or criminal fraud. This includes erroneous classification of employment cases, where workers were intentionally reclassified to independent contractor status to avoid tax, which involve at least 10 workers.</td></tr>
<tr><td>4.</td><td>The payer is found to be in violation of a CSP, VCSP, or 906 Closing Agreement.</td></tr>
<tr><td>5.</td><td>There is an erroneous classification of wages or fringe benefit issue that was not treated as wages for at least 10 workers. The matter is company-wide and totals at least $100,000 when considering the approximate income amount not treated as wages for each worker, and the number of workers involved. Issues may include the following:
•   Officer compensation.
•   Accountable plan income.
•   Fringe benefits.
•   Workers treated as employees with tax withheld, but not paid in (no reporting form issued).
•   Third party payer cases that appear abusive.</td></tr>
<tr><td>6.</td><td>Any issues involving officer compensation, or whether an officer is improperly treated as an independent contractor.</td></tr>
<tr><td>7.</td><td>Any cases when there is an indication that the firm had previously treated the workers as employees, and converted the workers to independent contractors, regardless of the number of workers or amount paid.</td></tr>
</table>

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Exhibit 7.50.1-12   (08-19-2016)
Fraud Checklists

Indicators of Tax Avoidance
Evidence showing concealment of bank accounts or business records
Inadequate explanation dealing in large sums of cash
Failure to file an income tax return
Keeping two sets of books
Failure to keep adequate records
False statements during phone interview
Failure to answer pertinent questions or respond
Failure to follow advice from their POA
Testimony of employees concerning irregular business practices
Commingling funds
Pattern of consistent failure over several years (at least 3) of wrongdoing
Proof that returns are incorrect to a degree that indicate the falsity was deliberate.
Making false statements on Form SS-8 or attachments
Use of false TINs
Paying workers under the table; dealing only in cash
Not issuing reporting forms
Issuing Form W-2 without withholding tax
Check stubs show withholding but none paid to IRS
Collecting FICA, but not paying it to IRS
Income on reporting forms incorrect
Many TINs and no clear reason for changes to TIN
Paying workers through a "crew leader" to avoid tax
Ignoring a previously issued worker classification decision
Non-compliance with a CSP
Frivolous claims as to why they don't owe tax
Providing workers with incorrect information concerning withholding requirements
Ceasing to withhold tax for no apparent reason (Forms W-2/1099)
Filing a claim for refund of prior year withholding with no valid basis
Failing to call wages, wages (i.e. loans, etc.)
TP lives a lavish lifestyle and has extravagant spending habits

Exhibit 7.50.1-12   Internal Revenue Manual   Cat. No. 62288C (12-27-2023)
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Exhibit 7.50.1-12 (Cont. 1) (08-19-2016)
Fraud Checklists

Indicators of Tax Avoidance
Firm has not requested an EIN with which to pay employment taxes

Indicators of Willfulness to Avoid Tax
Paying employees in cash or part cash/part check
A pattern of employment tax violations
Failure to file employment tax returns
Prior conviction for employment tax offense
Changing payment reporting from Form W-2 to Form 1099-MISC or Form 1099-NEC without reason
Paying employees from different checking accounts
Paying employees from different business names
Loans to employees that are never repaid
Use of a 2nd set of payroll records
Employee leasing that causes change in worker classification
Making false or misleading statements.
Check stubs show withholding but none paid to IRS
Not following advice of POA or fully disclosing to POA
Making cash withdrawals from banks to cover cash payroll
Pyramiding
CBRS reflects high cash activity

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Exhibit 7.50.1-13   (12-27-2023)
SS-8 Time Frames

Staff	Action	Time frame
Clerk	Stamp in physical mail, intake faxes, and check DUT	2 business days
Clerk	Return/reject incomplete or un-processable Forms SS-8	5 business days
Clerk	Process incoming correspon-dence	5 business days
Technician	Return research requests to SS-8 clerk	2 business days
Technician	Return processable review to SS-8 clerk	2 business days
Technician	First read incoming correspon-dence on assigned cases	3 business days
Technician		
Technician	Process full determination case or take next necessary step on a full determination case	45 days
Manager or Designee	Review, provide feedback, and save prior week's full determina-tion Forms 14430-A	5 business days (after weekly inventory reconciliation)
Technician	Send Letter 441 to requestor after managerial Form 14430-A review completion	5 business days
Manager or Designee	Upload Forms 14430-A to IRS.gov via SecureFX applica-tion	Minimum of twice a month

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Exhibit 7.50.1-13   Internal Revenue Manual   Cat. No. 62288C (12-27-2023)

Exhibit 7.50.1-14   (08-19-2016)
Memorandum Language When Transferring Form SS-8 to Appeals or Criminal Investigation

Memorandum Language When Transferring Form SS-8 to Appeals or Criminal Investigation
Use the following memorandum language, in paragraph format, when referring a Form SS-8 to Appeals or Criminal Investigation: •   The SS-8 Program received a request from a taxpayer for consideration of a worker's status for federal employment tax purposes related to income earned from [insert firm name] from [insert date] to [insert date]. IRS procedures prohibit the SS-8 Program from issuing a determination when another IRS office has jurisdiction over the matter. IDRS research indicates your office has jurisdiction over federal employment tax matters of the federal employment tax matters of [insert worker or firm name] at this time. Therefore, we are suspending our Form SS-8 case pending notification of the results of your findings. •   We are enclosing a copy of the entire Form SS-8 file pending in our unit for your consideration. Please provide a quarterly update on the status of your case. •   Feel free to contact me if you have any questions about this Form SS-8 case. I look forward to hearing from you approximately 30 days from the date of this memorandum.

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Exhibit 7.50.1-15   (08-19-2016)
Letter Language When Processing Form SS-8 Reconsideration Cases

Letter Language When Processing Form SS-8 Reconsideration Cases
Use the following letter language, in paragraph format, when sending a letter to a worker or firm requesting a reconsideration of a prior determination. You will also need to prepare Form 14430, SS-8 Determination Analysis, for the reconsideration results. • This letter is in response to your request for reconsideration of a determination that was issued on [insert date], regarding the federal employment tax status of [insert worker name], who was engaged by (insert firm name) to provide services as a [insert occupation]. In that determination, we concluded that the worker was an [employee or independent contractor] of the firm for purposes of the taxes imposed under the Federal Insurance Contributions Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding. • The Internal Revenue Service allows taxpayers to request a reconsideration of the facts or law when they believe the determination to be in error. If warranted the original finding may be rescinded. • We have thoroughly considered your request for reconsideration and have prepared Form 14430, with the results of the reconsideration. • If you have any questions regarding this reconsideration, please contact us at the telephone numbers shown in the heading of this letter.

Exhibit 7.50.1-15   Internal Revenue Manual   Cat. No. 62288C (12-27-2023)
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Exhibit 7.50.1-16   (12-27-2023)
Second Screening Checklist

Second Screening Checklist should include:
Clerk Name: _____ Date:_____
Technician Name: _____Date:_____

Type of Case	Return To	Next Steps
Streamline	N/A	Technician will close case following IRM 7.50.1.5.3, Streamline Processing Overview.
IRM 7.50.1.5.4, Related Cases	Clerk	Clerk will set up cases based on technical advisement:_ _____ _____ _____ _____ _____ _____
Open Audit, Appeals, CI: IRM 7.50.1.5.5, Processing Form SS-8 Cases with Open Audit, Appeals, or Criminal Investigation Involvement	Clerk	Contact:_____ Proceed with processing: Yes___Check appropriate case type. No___If no provide instructions on case history.
Misclassification of Employment (Form 1099-MISC or Form 1099-NEC to Form W-2)	N/A	Technician will close the case following IRM 7.50.1.5.3, Streamline Processing Overview.
Misclassification of Employment (Form W-2 to Form 1099-MISC or Form 1099-NEC) IRM 7.50.1.5.6, Processing Misclassification of Employment or Wage Cases	Clerk	Clerical will setup following normal processing procedures.
Supplemental Wages	N/A	Technician will close case following IRM 7.50.1.5.6, Processing Misclassification of Employment or Wage Cases.
State/Local Government - If the firm listed is a state or local government or interstate instrumentality	N/A	Technician will close the case following IRM 7.50.1.5.7.2, Processing Cases Involving State and Local Governments.

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Exhibit 7.50.1-16

Exhibit 7.50.1-16 (Cont. 1) (12-27-2023)
Second Screening Checklist

Type of Case	Return To	Next Steps
International Cases	N/A	See IRM 7.50.1.5.9, Processing Cases Involving an International Entity: _____ _____ _____ _____ _____
Third Party Payer (ODO/PEO/TSS, Etc.)	N/A	Technician will close the case following IRM 7.50.1.5.11, Specific Guidance on Common Three Party Arrangements.
Prospective Employment Status Requests	N/A	Technician will close case following IRM 7.50.1.5.14, Processing Form SS-8 Cases for Prospective Employment Status of Workers.
Regular SS-8 Determination	Clerk	Clerical will follow IRM 7.50.1.5.15, Preparation of Full Determination Cases for Assignment.
Reconsiderations IRM 7.50.1.5.16, Form SS-8 Reconsiderations	Lead	Refer to IRM 7.50.1.5.15, Preparation of Full Determination Cases for Assignment.

Exhibit 7.50.1-17   (08-19-2016)
Statutory Non-Employee Letter Language

Statutory Non-Employee Letter Language
Use the following letter language, in paragraph format, when sending a letter to a worker that is a statutory non-employee. • We received your Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, for services performed [insert date] to [insert date]. • We determined that you are a statutory non-employee for federal employment tax purposes. The attachment to this letter provides an analysis of the facts and circumstances that led to our determination. • As a statutory non-employee, you must pay federal income tax and self-employment tax on the income your received for your services, unless a specific exclusion applies. Statutory non-employees report earnings as independent contractors, and deduct related business expenses, on Schedule C, Profit or Loss from Business (Sole Proprietorship). The net profit (or loss) from Schedule C is included on Schedule SE, Self-Employment Tax, to calculate self-employment tax and on Form 1040 for income tax purposes. Generally, because statutory non-employees do not have taxes withheld from the payments they receive for services, they must pay quarterly estimated taxes using Form 1040-ES, Estimated Tax for Individuals. • If you haven't filed your tax return (Form 1040), you may need to do so. If you have filed your return, you may need to amend it. You may be due a refund, you may reduce your tax liability, or you may owe additional tax. This depends on whether or not you filed a return and how you reported the income you received on that return. • If you need help preparing or correcting your tax returns, you can call Customer Service at 1-800-829-1040.

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Exhibit 7.50.1-18   (08-19-2016)
Statutory Employee Letter Language

Statutory Employee Letter Language
Use the following letter language, in paragraph format, when sending a letter to a worker that is a statutory employee. • We received your Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, for services performed [insert date] to [insert date]. • We determined that you are a statutory employee for federal employment tax purposes. The attachment to this letter provides an analysis of the facts and circumstances that led to our determination. • As a statutory employee, you must pay federal income tax and Federal Insurance Contributions Act (FICA) tax (that is social security and Medicare taxes) on wages you received for your services, unless a specific exclusion applies. • Statutory employees receive wages reported on Form W-2, but report earnings (wages) and deduct related business expenses on Schedule C, Profit or Loss from Business (Sole Proprietorship). The net profit (or loss) from Schedule C is not included on Schedule SE, Self-Employment Tax, because services performed as a statutory employee do not constitute the carrying on of a trade or business for purposes of calculating self-employment tax. Generally, statutory employees have FICA taxes withheld from the payments they receive for services. If these taxes were not withheld from your pay because you were treated as an independent contractor, you must compute and pay the employee portion of the tax with your return. Use Form 8919, Uncollected Social Security and Medicare Tax on Wages, to compute the tax. This will ensure you receive credit for these earning with the Social Security Administration (SSA). • If you haven't filed your tax return (Form 1040), you may need to do so. If you have filed your return, you may need to amend it. You may be due a refund, you may reduce your tax liability, or you may owe additional tax. This depends on whether or not you filed a return and how you reported the income you received on that return. • If you need help preparing or correcting your tax returns, you can call Customer Service at 1-800-829-1040.

Exhibit 7.50.1-19   (08-19-2016)
Corporate Officer-Firm Letter Language

Corporate Officer-Firm Language Letter
Use the following letter language, in paragraph format, when sending a letter to a firm for a corporate officer. •   We received your Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, for services performed [insert date] to [insert date]. •   In general, a corporate officer is an employee of a corporation, and is included within the definition of employee for purposes of Federal Insurance Contributions Act (FICA) tax, Federal Unemployment Tax Act (FUTA) tax, and federal income tax withholding unless a specific exclusion applies. •   We determined that the worker is an employee for federal employment tax purposes. The attachment to this letter provides an analysis of the facts and circumstances that led to our determination. •   This determination is binding on the Service, assuming there is no change in the facts or law that form the basis for the ruling. If you take a contrary position or disregard the ruling, you may be referred for audit. If you haven't filed employment tax returns, you may need to do so. If you filed employment tax returns, you may need to amend them. •   Employers generally must withhold income tax and Federal Insurance Contributions Act (FICA) tax, (that is, social security and Medicare tax) from wages paid to their employees and pay these taxes to the government. Employers must also pay the employer share of FICA tax and Federal Unemployment Tax Act (FUTA) tax on the wages. To make any necessary adjustments to pay these taxes on past wages to your employees, including the use of special rates, please refer to Publication 15, (Circular E) Employer's Supplemental Tax Guide and Publication 15-A, Employer's Supplemental Tax Guide. You can get these publications by calling 1-800-TAX-FORM (1-800-829-3676) or by visiting us online at www.irs.gov/formspubs. •   If you need help preparing or correcting employment tax returns, you can call Customer Service at 1-800-829-4933.

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Exhibit 7.50.1-19

Exhibit 7.50.1-20   (08-19-2016)
Corporate Officer-Worker Letter Language

Corporate Officer-Worker Letter Language
Use the following letter language, in paragraph format, when sending a letter to a worker that is a statutory employee. • We received your Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, for services performed [insert date] to [insert date]. • In general, a corporate officer is an employee of a corporation, and is included within the definition of employee for purposes of Federal Insurance Contributions Act (FICA) tax, Federal Unemployment Tax Act (FUTA) tax, and federal income tax withholding unless a specific exclusion applies. • We determined you are an employee for federal employment tax purposes. Therefore, you must pay federal income tax and your share of Federal Insurance Contributions Act (FICA) tax, that is, social security and Medicare taxes on the income you received for your services, unless subject to a specific exclusion. Normally, an employer withholds FICA and income taxes from an employee's paycheck and forwards the withheld amounts to the government. If this did not happen in your case because your employer didn't treat you as an employee, then you must pay your share of FICA. The attachments to this letter provide an analysis of the facts and circumstances in this case that led to our determination. • If you haven't filed your tax return (Form 1040) previously, you may need to do so. If you have filed your return, you may need to amend it. You may be due a refund, you may reduce your tax liability or you may owe additional tax. This depends on whether or not you filed a return and how you reported the income you received on that return. The enclosed Notice 989, Commonly Asked Questions When IRS Determines Your Work Status is "Employee", will help to explain what you should do next. • If you need help preparing or correcting Form 1040, you can call Customer Service at 1-800-829-1040.

Exhibit 7.50.1-21   (09-17-2018)
Naming Convention for IRC 6110 Posting

Occupation Description	Occupation Category	Sub-category Code
Agriculture	**01**	**Agriculture Code**
Farm/Ranch Workers	01	FRW
Forest Maintenance Workers	01	FMW
Plant & Land Maintenance Workers	01	PLW
Business, Office, & Sales Services	**02**	**Business, Office, & Sales Services Code**
Accountants/Bookkeepers/Tax Preparers	02	ABT
Administrators (non-computer services related)	02	ADM
Architects, Artists, and Designers (non-computer services related)	02	AAD
Archivists/Librarians	02	ALI
Brokers/Traders	02	BTR
Collectors	02	COL
Communications workers (examples: newspaper reporters, union representatives, academic advisors)	02	COM
Computer Services Personnel	02	CSP
Consultants (non-computer services related)	02	CON
Coordinators	02	COO
Corporate Officers	02	COF
Directors/Board Members/Trustees	02	DBT
Engineers (non-computer services related)	02	ENG
Law Staff	02	LAW
Loan Processors	02	LRP
Office Workers (except persons in charge)	02	OFF
Publishers/Editors/Producers	02	PDP
Recruiters	02	REC
Retail Workers	02	RET
Salespersons	02	SAL
Construction, Trades, & Technical Services	**03**	**Construction, Trades, & Technical Services Code**
Craftspersons (examples: jeweler, sign maker, taxidermist)	03	CRA

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Exhibit 7.50.1-21 (Cont. 1) (09-17-2018)
Naming Convention for IRC 6110 Posting

Occupation Description	Occupation Category	Sub-category Code
Factory or Mill Workers	03	FMW
Inspectors/Estimators/Investigators	03	IEI
Installers	03	INS
Mineral/Oil Extraction Workers	03	MOE
Miscellaneous Laborers (non-construction related; examples: locksmith, grave digger)	03	MIS
Operators (non-computer related services)	03	OPE
Photography/Video Workers	03	PVW
Repair/Maintenance Workers	03	PMW
Technicians (non-computer services related)	03	TEC
Tradespersons	03	TRA
Training Workshop Participants	03	TWP
Overseers/Persons in Charge (any industry)	**04**	**Overseers/Persons in Charge (any industry) Code**
Directors	04	DIR
Foremen/Superintendents/Crew or Peer Leaders	04	FSC
Managers/Supervisors	04	MAN
Other Persons in Charge	04	OPC
Personal Service Providers	**05**	**Personal Service Providers Code**
Attendants (examples: parking valet, school crossing guard)	05	ATT
Child Care Providers	05	CCP
Companion Sitters (caregivers for disabled/special needs/elderly)	05	CSI
Counselors	05	COU
Donors	05	DON
Food Industry Workers	05	FIW
Instructors/Teachers	05	ITE
Ministers/Priests	05	MPR
Personal Care Providers (examples: beauticians, body piercers)	05	PCP
Pet Handlers/Caregivers (excluding veterinarians)	05	PHC
Public Relations Workers (examples: customer service representatives, political campaigner, agent)	05	PRW

Exhibit 7.50.1-21 (Cont. 2) (09-17-2018)
Naming Convention for IRC 6110 Posting

Occupation Description	Occupation Category	Sub-category Code
Practitioners, Therapists, & Scientists (Medical & Other)	**06**	**Practitio-ners, Therapists, & Scientists (Medical & Other) Code**
Medical Practitioners (excluding nurses)	06	MPX
Therapists	06	THE
Aides/Assistants	06	AAS
Nurses	06	NUR
Scientists	06	SCI
Public Services, Security, & Safety	**07**	**Public Services, Security, & Safety Code**
Government Workers (excluding law enforcement)	07	GWO
Enforcement/Security Workers	07	ESW
Safety Workers	07	SWO
Volunteers	07	VOL
Sports/Physical Fitness/Entertainment (SPFE)	**08**	**Sports/ Physical Fitness/ Entertain-ment (SPFE) Code**
Casino/Gaming Workers	08	CGW
Musicians	08	MUS
Performers/Entertainers	08	PEN
Professional athletes	08	PRO
Transportation and Delivery	**09**	**Transporta-tion and Delivery Code**
Couriers and Messengers	09	CMA
Crew Members	09	CME
Drivers & Vessel Control	09	DVC
Newspaper Handlers	09	NHA
Other	**10**	**Other Code**
Use three letters that relate to the occupation	10	XXX

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Exhibit 7.50.1-22   (09-17-2018)
Firm Request, No Worker Response - Letter Language

Use the following letter language, in paragraph format, when sending a letter to a firm when a worker does not respond.

- We received your request for a determination of employment status, for federal employment tax purposes, concerning the work relationship between you and the worker reflected on your Form SS-8 for the period from _____ to _____.
- This letter is based solely on the information you provided on Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding. This letter isn't a determination letter and isn't binding. The sole purpose of this letter is to provide you with assistance in meeting your filing requirements.
- Based on the information you provided, we conclude that an employer/employee relationship [insert applicable verbiage from the two choices shown below} in the situation you described.
  Case result (IC): "does not exist"
  Case result (EE): "does exist"
- If you have questions about this decision, you can contact me at the number above.

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Exhibit 7.50.1-23   (12-27-2023)
Letter Language when Processing Home Care Services Cases

Home Care Service Letter Language
Use the following letter language, in paragraph form with the headers, when sending to a Home Care Services worker requesting a worker determination:
Why we're sending this letter •   We're returning your Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes, and Income Tax Withholding. Your form shows you provided services to a Home Care Services Recipient. Therefore, we're letting you know of the following information.
What you need to know •   Federal, state, or local government agencies fund and administer home care service programs and a worker who provides home care services may be a member of a Section 218 coverage group. •   Under Section 218 of the Social Security Act, state and local governments can enter into a Section 218 Agreement with the Social Security Administration (SSA) to provide Social Security and Medicare tax coverage to employees in coverage groups. If a position is covered under a Section 218 Agreement, a worker is generally considered an employee for federal tax purposes. •   SSA determines whether a position is or is not covered by a Section 218 Agreement. Until a coverage determination is made, IRS is unable to determine employment status for tax purposes.
What you can do •   You may want to contact your local State Social Security Administrator (SSSA) for guidance. You can also review the SSA Publication No. 05-10051, visit **SSA.gov** or refer to IRS Publication 963, Federal – State Reference Guide, for more information. Find tax forms or publications by visiting **IRS.gov/forms** or calling 800-TAX-FORM (800-829-3676). •   You don't need to respond to this letter.

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Exhibit 7.50.1-24   (12-27-2023)
Letter Language when Processing Cases with International Firm

International Firm Letter Language
Use the following letter language, in paragraph form with the headers, when sending to a worker who provided services to an international firm.
Why we're sending this letter •   We're returning your Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes, and Income Tax Withholding. Your form shows you provided services to the United Nations, a non-U.S. consulate or a business with no U.S. base. Therefore, we're letting you know of the following information.
What you need to know •   If you are a U.S. citizen and you received compensation for services performed as an employee of a foreign government, a public international organization covered under the International Organization Immunities Act, or a foreign entity with no U.S. base, that compensation is includible in your gross income and is reportable on your U.S. federal income tax return. This is true even if the compensation isn't subject to U.S. federal income tax withholding. •   If you are a U.S. citizen and you performed these services within the United States, you must also pay self-employment tax on your compensation.
What you can do •   See *www.irs.gov/individuals/international-taxpayers* for more information. •   You don't need to respond to this letter.

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