

SS-8 Determination—Determination for Public Inspection

Occupation 03MIS.37 MiscLaborServices	Determination: <input checked="" type="checkbox"/> Employee <input type="checkbox"/> Contractor
UILC	Third Party Communication: <input checked="" type="checkbox"/> None <input type="checkbox"/> Yes

Facts of Case

According to the information and documentation submitted, the firm's business is wedding coordination and design. The firm is hired by clients for contracted amounts of time to coordinate wedding vendors and execute wedding day. The worker performed services as an Associate Wedding Coordinator. The worker provided support to the principle coordinator and business owner to coordinate wedding vendors, coordinate room blocks, and execute wedding day coordination. The firm reported the worker's earnings on Form 1099-MISC at year end.

The worker received her assignments from the firm and personally performed her services. The firm's clients paid the firm for the wedding coordination services provided. The firm paid the worker based on the fees it collected from its clients. The worker also received benefits such as commissions from booking blocks of hotel rooms for the wedding guests. The worker had no investment in a business providing similar services nor could the worker perform similar services due to a non-compete agreement with the firm. The worker was free to terminate her services without incurring any liabilities.

Analysis

According to the information and documentation submitted concerning the work relationship, the worker received her assignments from the firm and personally performed her services.

The firm controlled payment to the worker by paying her a percentage of the fees. The worker had no investment in a business providing similar services. The worker's services as an associate wedding coordinator were integral to the firm's business operations. Both parties could terminate the work relationship without incurring any liabilities.

Integration of the worker's services into the business operations generally shows that the worker is subject to direction and control. When the success or continuation of a business depends to an appreciable degree upon the performance of certain services, the workers who perform those services must necessarily be subject to a certain amount of control by the owner of the business.

If the services must be rendered personally, presumably the person or persons for whom the services are performed are interested in the methods used to accomplish the work as well as in the results. See Rev. Rul. 55-695, 1955-2 C.B. 410.

If the worker has the right to end his or her relationship with the person for whom the services are performed at any time he or she wishes without incurring liability, that factor indicates an employer-employee relationship. See Rev. Rul. 70-309, 1970-1 C.B. 199.

Therefore, the firm exercised direction and control over the services performed by the worker to establish that an employee/employer relationship existed.