

	<i>Characteristics of Employee</i>	<i>Characteristics of Independent Contractor</i>
Control <i>Does your employer control the means and manner of your work? Are you required to follow instructions about when, where, and how you will do your work?</i>	An employee must follow the employer's instruction regarding when, where, and how the work must be completed. The employee may have some input and may even decide when, where, and how, but he/she must ultimately comply with the employer if it prefers an alternative means or method.	An independent contract usually has far more flexibility than an employee. The independent contractor often controls when the work will be done, where it will be done, and how he/she will get the project completed.
Payment <i>Who determines the value of your services? Are you paid on a regular schedule? Are taxes and deductions taken from your check?</i>	An employee usually does not determine the value of their service. Their paychecks come at regular intervals, such as bi-weekly, and taxes and deductions are already removed. Employees also do not bare the risk of the business, nor does he/she get profits.	An independent contractor often negotiates the value of their work with the employer and receives payment without taxes or deductions taken out. Payments usually occur as negotiated. The independent contractor takes on the risk of the job, and therefore, also stands to gain profits if it is successfully completed.
Tools and Materials <i>Are you required to supply your own tools and materials, such as cars or equipment?</i>	An employee is usually not required to supply anything for their employment. A mode of transportation to get to/from work is not a required tool unless your employer requires you to travel during the day in your own vehicle.	An independent contractor will likely supply his/her own tools and is responsible to replace them when broken.
Premises <i>Does your employer control the premises where the work is performed?</i>	An employee has very little to no control over the premises where the services are performed.	An independent contractor generally has his/her own place of business and controls the premises.
Discharge <i>Can your employer sue you for breach of contract if you terminate the relationship? Is your employment at-will?</i>	An employee can usually be fired at-will. Both the employee and employer often have the right to terminate employment without incurring legal liability.	An independent contractor and employer have usually negotiated an agreement that creates legal liability if either terminates the relationship early or the work is not performed.