



STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR

Criteria to Establish an Employee or Independent Contractor

“Employee” means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) **or**

any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person holds himself or herself out to be in business for himself or herself.

(e) The person is not required to work exclusively for the employer.

Inspection Division
P.O. Box 2076
Concord, NH 03302-2076
(603) 271-1492 & 271-3176

David M. Wihby
Deputy Labor Commissioner

George Copadis
Labor Commissioner

THIS NOTICE MUST BE POSTED IN A CONSPICUOUS PLACE