



DSHS Supervised Visitation Contractors and Labor and Industries September 2015

We are reaching out to you and other business owners in your industry about workers' compensation requirements for independent contractors.

Unfortunately, many business owners in your industry don't realize that they must pay workers' compensation premiums if their independent contractors don't pass a stringent six part test.

Our goal is to inform you of your requirements and provide you with resources if you have questions.

Please be aware that it is very common for business owners in your industry to misclassify independent contractors. A key requirement is that the independent contractor must be free from your direction and control over the performance of the service.

How do I know if my contractor passes the independent contractor test?

Read the guide at www.independentcontractor.lni.wa.gov

In many cases, an independent contractor is a covered worker who has protection under the law. Completing a 1099 form for an independent contractor may not relieve your business of responsibilities such as Workers' Compensation coverage, unemployment taxes, and wage and hour laws.

The requirements of the DSHS contract with your entity have many elements that the law considers control over the performance of the service, which means that you would owe premiums on the hours that they work.

Did your independent contractors pass the test?

Independent contractors need more than a UBI number or a contractor registration with L&I. Make sure all parties have the needed documents and meet all the criteria to be excluded from coverage.

What if they didn't pass the test?

Call Workers' Comp Coverage Determinations at 509-324-2627 or email at Determinations@lni.wa.gov for a determination of coverage.

Open an account for workers' comp with the Department of Labor & Industries and begin reporting your covered workers. The link for opening an account is: <http://www.lni.wa.gov/ClaimsIns/Insurance/Learn/Open/Existing.asp>

What is the correct risk classification for Supervisor Visitation Contractors?

Risk classification **6511 Chore Services/Home Care Assistants** is the correct risk classification for workers in this industry. This classification includes supervising visits between children and parents, and includes transporting the child.

What if I am not classified correctly?

If you find that you are not classified correctly, please contact your Account Manager at 360-902-4817.

What are the consequences of not reporting covered workers?

If a covered worker has an injury on the job and you do not have an active Workers' Compensation Insurance Account, you could be liable for 100% of the cost of the injury claim. You would also be responsible for the premiums, penalties and interest on the worker hours that should have been reported for the last 12 quarters.

What if I still have questions?

Please feel free to contact Steve Beaty at: 509-324-2627 or email at beat235@lni.wa.gov