

Montgomery County Wage Requirements Law

Independent Contractor Declaration

Business Name					
Address					
City		State		Zip Code	
Phone Number			Fax Number		
E-Mail Address					

The classification of a worker as an employee or an independent contractor is a legal determination which depends on the actual circumstances of the working relationship, rather than how the parties represent themselves. The IRS and courts have established several factors to be considered in making the determination. The weight given to each factor may vary across industries. Montgomery County strongly encourages all of its prime contractors who utilize the services of an independent contractor to seek legal advice to ensure that they are in compliance with the law. Further information and guidance may be found on the IRS website at <https://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee>.

In order to ensure that workers are being properly classified and paid, those prime contractors who are utilizing the services of one or more independent contractors will be asked to submit certain documentation verifying the status of the worker. Such documentation may include, but is not necessarily limited to:

- Copy of the worker’s business license;
- The worker’s Certificate of Insurance for general liability coverage and workers' compensation insurance;
- Copy of the worker’s Workers' Compensation Commission Sole Proprietor's Status as Covered Employee Form;
- Copy of the contract between the prime contractor and the worker;
- The worker’s 1099s from the prime contractor and from other clients;
- The worker’s invoices to the contractor;
- SDAT information for the worker;
- Federal tax return for the worker; and
- Documentation which shows that the worker at issue makes his/her services available to the general public, and not just the contractor
 - For example – the worker’s business card, business phone, website, advertising, white pages listing, etc.

Contractor Declaration

CONTRACTOR SIGNATURE: By signing this form, I certify that if I am awarded a contract, I understand I will need to provide the above documentation for all Independent Contractors who will be working on this bid/offer.

Authorized Signature		Title of Authorized Person	
Typed or Printed Name		Date	