

Independent Contractor or Employee? Planning the Dental Practice Associateship

Table of Contents

Contents	Page
Overview of Law and Practice Issues	1
Introduction—Dentistry has Historically had Associates	1
Recent Congressional and IRS Interest	1
A Controversial Issue for the Dental Profession	2
Independent Contractor Status of Associate and Worker Classification	4
Primary Inquiry: Is the Worker an Independent Contractor or an Employee?	4
Tax Penalties on Finding Improper Classification	15
Related Legal Areas	17
Fair Labor Standards Act	17
National Labor Relations Act	19
Employee Retirement Income Security Act and Microsoft III	21
Title VII of the Civil Rights Act	23
Summary Observations	25
Addendum: Detailed Review of Common Law Factors	26
Control of Worker	26
Additional Workers Hired by Worker	26
Providing Instruments, Materials and Supplies	27
Worker Part of the Practice	27
Skill, Nature of Occupation and Personal Service	28
Worker In or Out of Practice	28
Scheduling	28
Discharge of Worker and Term of Employment	29
Compensation	29
Fringe Benefits	29
Competition with Practice	30
Other Factors	30
The Job's Not Done	32