



Job Status and Your Rights

Why does my job status matter?

Your job status is what kind of worker you are. It is important to know this because your rights at work depend on your job status. Your job status also affects your benefits and taxes.

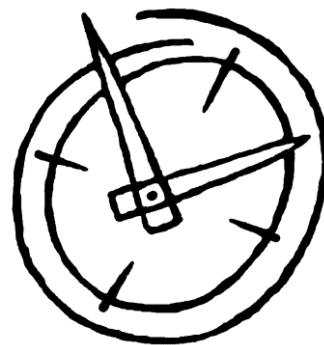
Am I an employee or independent contractor?

Which one you are is defined by law. The amount of control an employer has over your job usually shows if you are an employee or an independent contractor.

- **Employee:** You are probably an employee if your employer controls the tasks you do. Mostly, if you are an employee, you are paid regularly and not at the end of a project. Taxes are taken out of your paychecks, and you may get benefits.
- **Independent Contractor:** An independent contractor is in business for themselves. If you are an independent contractor, you usually agree to finish a job by a certain date for a certain price. The company you do the job for doesn't set how many hours a day you work, what days you work or tell you how to do your job. You probably don't get benefits or have taxes taken out of your pay. Time spent as an independent contractor does not count for unemployment benefits or social security unless **you** pay taxes for these things as a self-employed person.

An employer might call you an independent contractor to avoid legal requirements for employees. They may be trying to get out of paying things like:

- employment taxes
- overtime
- minimum wage
- workers' compensation
- unemployment compensation, and more



If you are really an employee under the law, but your employer is treating you as an independent contractor, they are breaking the law.

If you think you really should be considered an employee, you can make a complaint to the Minnesota Department of Labor and Industry, the U.S. Department of Labor, or through an employment lawyer.

Am I a temporary or permanent employee?

The law does not define who is temporary or permanent. Your employer decides if they want you on a temporary or a longer-term basis. If you are not sure if your job is temporary, check with your employer.

Am I a full-time or part-time employee?



- **Full-time Employment**

A full-time employee usually works 31-40 hours per work week. Employers set what is full-time or part-time themselves. The law doesn't set this.

Many employers who have benefit programs like vacation and health insurance, only give those benefits to full-time employees.

Note: The Affordable Care Act (ACA) or "Obamacare" usually requires employers that have 50 or more full-time employees to offer health insurance to anyone working:

- 30 hours or more a week or
- 130 hours or more a month

If you regularly work this amount, you may be considered a full-time employee under the ACA.

Note: For unemployment benefits 32 hours or more a week are counted as full-time. See our fact sheet [Getting Unemployment](#).

- **Part-time Employment**

A part-time employee usually works from 1-30 hours per work week. Employers set what is part-time themselves. The law doesn't set this.

Many employers who give benefits don't give them to part-time employees.

An employer isn't supposed to avoid paying benefits by saying you are part-time if you really work full-time.

Questions?

Minnesota Department of Labor and Industry (DLI)

www.dli.mn.gov

(651) 284-5005 or 1-(800) DIAL-DLI (1-(800) 342-5354)

U.S. Department of Labor

www.dol.gov/whd

1-(866) 4-USWAGE (1-(866) 487-9243)

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