

5224.0080 DOMESTIC SERVICE.

Subpart 1. **Definition.** Domestic service means household services such as housecleaning, meal preparation, or invalid companionship or care.

Subp. 2. **Independent contractor.** A person providing domestic services is an independent contractor if all of the following criteria are substantially met.

A. The service is performed in connection with some episode in the life of the purported employer's family, such as an illness of short duration, preparation for a wedding, the birth of a child, or other episode of limited duration that indicates an engagement to accomplish a specific job.

B. The domestic is free to work for others.

C. The domestic may hire helpers to complete the job.

D. The domestic is paid on a job basis rather than an hourly basis.

Subp. 3. **Employee.** A person providing domestic services is an employee if all of the following factors are substantially met.

A. The parties are not members of the same household or immediate family.

B. The services are performed regularly and over a considerable period of time.

C. The domestic received at least \$500 as wages from the employer for any three-month period during the preceding 12 months. This factor is alone sufficient to establish the employment relationship under Minnesota Statutes, section 176.041, subdivision 1.

D. The domestic is not claimed as a dependent for income tax purposes.

E. The domestic is paid on an hourly, weekly, or similar time basis.

F. The domestic does not contribute to the employer's household expenses.

Statutory Authority: *MS s 176.041; 176.83*

History: *10 SR 1852*

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