

5224.0100 INDUSTRIAL HOMEWORKERS.

Subpart 1. **Definition.** Industrial homeworkers are persons who work in their own homes or workshops on the manufacture or assembly of articles from materials supplied by the purchaser of their services. Services provided by industrial homeworkers include typing of envelopes and the manufacture, alteration, or finishing of gloves, slippers, bedspreads, slipcovers, pottery, boxes, toys, or similar items.

Subp. 2. **Independent contractor.** An industrial homemaker is an independent contractor when all the following criteria are substantially met.

A. The homemaker works under agreements that only require the completion of assignments according to specifications and within designated times.

B. The homemaker is furnished materials by the firm and, in accordance with a pattern or general instructions, turns out a finished product which measures up to the firm's standards.

C. The completed products are paid for on a piecework basis.

D. There is no requirement that the homemaker give preference to the firm's work, although the homemaker is expected to complete assignments within a specified time.

E. The homemaker may work for others; however, in many cases, the amount of work furnished by one firm keeps the worker busy full time.

F. Unsatisfactory work is done over without pay.

G. Set hours of work are not prescribed by the firm, nor is the work supervised.

Subp. 3. **Employee.** A homemaker is an employee if all of the following criteria are substantially met.

A. The services of the homemaker are closely integrated into the business of the firm that employs the worker.

B. The homemaker is subject to virtually the same set of controls as employees who work on the firm's premises.

C. The homemaker uses his or her own small hand tools, but large tools or heavy equipment is furnished by the firm.

D. The homemaker works or is paid on an hourly basis and renders personal services of a recurring nature.

E. The homemaker is given detailed instructions or training in the work and is required to change the work plans and the order of services when requested.

F. Although there is usually no direct supervision over the services, the firm checks the finished product and has the right to change or direct the method of operation if the completed article is not satisfactory.

G. The homemaker is required to report on progress periodically.

H. The relationship is terminable by either party, with or without cause prior to completion of a project without incurring liability for damages for noncompletion.

I. The employer may change the homemaker's work assignment.

Statutory Authority: *MS s 176.041; 176.83*

History: *10 SR 1852*

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