

5224.0280 SAWMILL OPERATORS.

Subpart 1. **Definition.** Sawmill operators manage sawmills. A sawmill is used to convert logs into lumber or other forest products. The mills may be stationary or portable. Moving the logs into position, the sawing operation itself, and the stacking or removal of the products often require the services of a crew of workers.

Subp. 2. **Independent contractor.** A sawmill operator is an independent contractor if all of the following criteria are substantially met.

A. The operator has a substantial investment because he or she owns all or part of the mill and equipment used to move logs, lumber, or other forest products.

B. The operator contracts to saw, or harvest and saw, timber at so much per thousand board feet. The operator may bind himself or herself by contract to complete the job within a set time or to produce a daily or weekly quota.

C. The work calls for independent thought and action based on business judgment, experience, and training.

D. The operator contracts to do a specific job, using his or her own methods. The only control over the work concerns attainment of an acceptable result.

E. The operator hires, pays, and directs his or her own crews.

F. The operator is not required to do the work personally, but is responsible for its being done.

G. The operator is in a position to lose or profit from management of the workers and care of the equipment.

H. The operator is free to work for others.

I. There is no restriction of activities so long as the sawmill turns out products that meet the overall specifications in the contract.

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

A. The purchaser of the services pays the cost of running the mill, even though the operator may own the mill.

B. The operator may pick a crew to operate the mill, but the company pays them and can fire them for poor work.

C. The company has the right to tell the operator what hours to work and require the operator to keep records of the amount produced and on hand daily.

D. The mill is moved from one tract to another as the company requires.

E. The operator may be paid a salary or pay may be computed on a piecework basis.

F. The services are terminable by either party at any time.

G. The operator has no business expenses nor opportunity for profit or risk of loss.

H. The operator cannot work for others.

Statutory Authority: *MS s 176.041; 176.83*

History: *10 SR 1852*

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