



**Note:** *The draft you are looking for begins on the next page.*

## **Caution: DRAFT—NOT FOR FILING**

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information. **Do not file draft forms** and do **not** rely on draft forms, instructions, and pubs for filing. We incorporate all significant changes to forms posted with this coversheet. However, unexpected issues occasionally arise, or legislation is passed—in this case, we will post a new draft of the form to alert users that changes were made to the previously posted draft. Thus, there are never any changes to the last posted draft of a form and the final revision of the form. Forms and instructions are subject to OMB approval before they can be officially released, so we post drafts of them until they are approved. Drafts of instructions and pubs usually have some additional changes before their final release. Early release drafts are at [IRS.gov/DraftForms](https://www.irs.gov/DraftForms) and remain there after the final release is posted at [IRS.gov/LatestForms](https://www.irs.gov/LatestForms). Also see [IRS.gov/Forms](https://www.irs.gov/Forms).

Most forms and publications have a page on IRS.gov: [IRS.gov/Form1040](https://www.irs.gov/Form1040) for Form 1040; [IRS.gov/Pub501](https://www.irs.gov/Pub501) for Pub. 501; [IRS.gov/W4](https://www.irs.gov/W4) for Form W-4; and [IRS.gov/ScheduleA](https://www.irs.gov/ScheduleA) for Schedule A (Form 1040), for example, and similarly for other forms, pubs, and schedules for Form 1040. When typing in a link, type it into the address bar of your browser, not a Search box on IRS.gov.

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## Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding

Go to [www.irs.gov/FormSS8](http://www.irs.gov/FormSS8) for instructions and the latest information.

**For IRS Use Only:**  
**Case Number:**

**Earliest Receipt Date:**

### Disclosure of Information

The information provided on Form SS-8 may be disclosed to the firm, worker, or payer named below to assist the IRS in the determination process. For example, if you are a worker, we may disclose the information you provide on Form SS-8 to the firm or payer named below. The information can only be disclosed to assist with the determination process. See *Privacy Act and Paperwork Reduction Act Notice* in the separate instructions for more information. **If you do not want this information disclosed to other parties, do not file Form SS-8.**

#### IMPORTANT THINGS YOU SHOULD KNOW

- **The Form SS-8 must be fully completed. If you provide incomplete information, we may not be able to process your request.**
- All questions in Parts I through IV must be explained with clear concise answers.
- Part V must be completed if the worker provides a service directly to customers or is a salesperson.
- If you cannot answer a question, enter "Unknown" or "Does not apply."
- If you need more space for a question, attach another sheet with the part and question number clearly identified. Write your firm's name (or worker's name) and employer identification number (or social security number) at the top of each additional sheet attached to this form.
- You **MUST** include copies of the Forms W-2, 1099-MISC, and/or 1099-NEC for each year you are contesting. See instructions.

Name of firm (or person) for whom the worker performed services		Worker's name	
Firm's mailing address (include street address, apt. or suite no., city, state, and ZIP code)		Worker's mailing address (include street address, apt. or suite no., city, state, and ZIP code)	
Trade name		Worker's daytime telephone number	Worker's alternate telephone number
Firm's fax number	Firm's website	Worker's fax number	Worker's social security number
Firm's telephone number (include area code)	Firm's employer identification number	Worker's employer identification number (if any)	

**Note:** If the worker is paid for services performed for a business or individual not listed above, enter the name, address, and taxpayer identification number of that business/individual who paid the worker, if known. Explain the relationship between the firm and the business/individual who paid the worker.

#### Part I General Information

**1** This form is being completed by:  Firm  Worker  
for services performed from beginning date \_\_\_\_\_ to ending date \_\_\_\_\_  
MM/YYYY MM/YYYY

**Caution:** Filing Form SS-8 does not prevent the expiration of the time in which a claim for refund must be filed.

**2** Explain your reason(s) for filing this form.

You received a bill from the IRS  You believe you erroneously received a Form 1099 or Form W-2  
 You are unable to get workers' compensation benefits  You were audited or are being audited by the IRS  
 Other (specify) \_\_\_\_\_



Don't complete this form if payment was received for reasons unrelated to Form SS-8. See instructions.

**Did you remember to answer all questions and  
refer to the Instructions for Form SS-8 at [www.irs.gov/pub/irs-pdf/iss8.pdf](http://www.irs.gov/pub/irs-pdf/iss8.pdf)?**

**Part I General Information** (continued)

- 3 Total number of workers who performed or are performing the same or similar services: \_\_\_\_\_
- 4 How did the worker obtain the job? Attach any advertisement.  
 Application     Bid     Employment agency     Other (specify) \_\_\_\_\_
- 5 **Attach copies of all supporting documentation (for example, contracts; invoices; memos; Forms W-2, Forms 1099-MISC, or Forms 1099-NEC issued or received; IRS closing agreements; or IRS rulings).**
  - a Inform us of any current or past litigation concerning the worker's status. \_\_\_\_\_
  - b If no income reporting forms (Form 1099-MISC, 1099-NEC, or W-2) were furnished to the worker, enter the amount of income earned for the year(s) at issue \$ \_\_\_\_\_
  - c If both Form W-2 and Form 1099-MISC, or both Form W-2 and Form 1099-NEC, were issued or received, explain why.  
 \_\_\_\_\_  
 \_\_\_\_\_
- 6 Describe the firm's business. \_\_\_\_\_  
 \_\_\_\_\_
- 7 Did the worker receive pay from more than one entity (for example, two or more entities with different taxpayer identification numbers) because of a business sale, merger, acquisition, or reorganization?  No. Skip to line 8.     Yes. Complete the rest of line 7.  
 Name of the firm's previous owner: \_\_\_\_\_  
 Previous owner's taxpayer identification number: \_\_\_\_\_ Change was a:  Sale     Merger     Acquisition     Reorganization  
 Other (specify) \_\_\_\_\_  
 Description of above change: \_\_\_\_\_  
 \_\_\_\_\_  
 Date of change (MM/DD/YY): \_\_\_\_\_
- 8 What is the worker's job title? \_\_\_\_\_  
 Describe the worker's duties. \_\_\_\_\_  
 \_\_\_\_\_
- 9 Which do you believe the worker is? Check only one.     Employee     Independent contractor  
 Explain. \_\_\_\_\_  
 \_\_\_\_\_
- 10 Did the worker perform any services for the firm before or after the dates entered on line 1 on page 1 of this form?     Yes     No  
 If "Yes," what were the dates of service? \_\_\_\_\_  
 If "Yes," explain any differences between the services provided. \_\_\_\_\_  
 \_\_\_\_\_
- 11a Is the work done under a written agreement between the firm and the worker? . . . . .  Yes     No  
 If "Yes," attach a copy (preferably signed by both parties).  
 If "Yes," describe the terms and conditions of the work arrangement. \_\_\_\_\_  
 \_\_\_\_\_
- b Is the work done under an oral agreement? . . . . .  Yes     No  
 If "Yes," describe the details of the agreement. \_\_\_\_\_  
 \_\_\_\_\_

**Part II Behavioral Control** (Provide names and titles of specific individuals, if applicable.)

- 1 What specific training and/or instruction is the worker given by the firm? \_\_\_\_\_  
 \_\_\_\_\_
- 2 Who gives the worker work assignments?  
 How are the assignments received?     In person     Phone     Email     Text message  
 Other (specify) \_\_\_\_\_
- 3 Who determines the methods by which the assignments are performed? \_\_\_\_\_
- 4 If problems or complaints arise, who is contacted? \_\_\_\_\_  
 Who is responsible for their resolution? \_\_\_\_\_  
 \_\_\_\_\_

**Did you remember to answer all questions and refer to the Instructions for Form SS-8 at [www.irs.gov/pub/irs-pdf/iss8.pdf](http://www.irs.gov/pub/irs-pdf/iss8.pdf)?**

**Part II Behavioral Control** (Provide names and titles of specific individuals, if applicable.) (continued)

- 5 Is the worker required to complete reports?  Yes  No  
If "Yes," attach examples.
- 6a How frequently does the worker perform services?  As scheduled  As needed  As available  
 Other (specify) \_\_\_\_\_
- b Describe the worker's primary services.  Sales  Timesheets  Patient logs  
 Other (specify) \_\_\_\_\_
- 7 Where are the services performed? If more than one location, what percentage of the worker's time is spent at each location?  
 Firm premises \_\_\_\_\_ %  
 Worker's office or shop \_\_\_\_\_ %  
 Customer's location \_\_\_\_\_ %  
 Other (specify) \_\_\_\_\_ %
- 8a Is the worker required to attend meetings?  Yes  No  
If "Yes," what type of meetings?  Sales  Staff  Other (specify) \_\_\_\_\_
- b Is the worker penalized if unable to attend a meeting?  Yes  No  
If "Yes," what is the penalty? \_\_\_\_\_
- 9 Is the worker required to provide the services personally?  Yes  No
- 10 Can the worker hire substitutes or helpers?  Yes  No
- 11 If the worker hires the substitutes or helpers, is approval required?  Yes  No  
If "Yes," who approves the hiring?  Firm  Other (specify) \_\_\_\_\_
- 12 Does the worker pay substitutes or helpers?  Yes  No  
If "Yes," is the worker reimbursed?  Yes  No  
If the worker is reimbursed, explain who reimburses them. \_\_\_\_\_

**Part III Financial Control** (Provide names and titles of specific individuals, if applicable.)

- 1a List the supplies, equipment, materials, and property provided by  
The firm: \_\_\_\_\_  
The worker: \_\_\_\_\_
- b Are supplies, equipment, materials, or property provided by another party?  Yes  No  
If "Yes," explain. \_\_\_\_\_
- 2 Does the worker lease equipment, space, or a facility?  Yes  No  
If "Yes," what are the terms of the lease? (Attach a copy or explanatory statement.) \_\_\_\_\_
- 3 Are expenses incurred by the worker in the performance of services for the firm?  Yes  No  
If "Yes," explain. \_\_\_\_\_
- 4a Are expenses reimbursed by the firm?  Yes  No  
If "Yes," provide the frequency and amount. \_\_\_\_\_
- b Are expenses reimbursed by another party?  Yes  No  
If "Yes," explain. \_\_\_\_\_
- 5a What type of pay does the worker receive?  Salary  Commission  Hourly wage  Piece work  Lump sum  
 Other (specify) \_\_\_\_\_
- b If paid commission, does the firm guarantee a minimum amount of pay?  Yes  No  
If "Yes," explain. \_\_\_\_\_
- 6 Can the worker request advance pay?  Yes  No  
If "Yes," how often?  Daily  Weekly  Monthly  Other (specify) \_\_\_\_\_
- 7 Whom does the customer pay?  Firm  Worker  
If worker, does the worker pay the total amount to the firm?  Yes  No If "No," explain. \_\_\_\_\_
- 8 Does the firm carry workers' compensation insurance on the worker?  Yes  No

**Did you remember to answer all questions and refer to the Instructions for Form SS-8 at [www.irs.gov/pub/irs-pdf/iss8.pdf](http://www.irs.gov/pub/irs-pdf/iss8.pdf)?**

**Part III Financial Control** (Provide names and titles of specific individuals, if applicable.) (continued)

9a Does the worker take a financial risk by performing services?  Yes  No  
If "Yes," explain. \_\_\_\_\_

b Can the worker suffer a financial loss by performing services?  Yes  No  
If "Yes," explain. \_\_\_\_\_

10a Who sets the rate of pay for the services performed?  Firm  Worker  Other (specify) \_\_\_\_\_

b If products are sold, who sets the product price?  Firm  Worker  Other (specify) \_\_\_\_\_

**Part IV Relationship of the Worker and Firm**

1 Are benefits made available to the worker?  Yes  No  
If "Yes," which benefits are available?  Paid vacations  Sick pay  Paid holidays  
 Personal days  Pensions  Insurance benefits  Bonuses  
 Other (specify) \_\_\_\_\_

2 Can the firm or worker end the work relationship without penalty?  Yes  No  
If "No," explain. \_\_\_\_\_

3 Did the worker perform similar services for others during the time period entered in Part I, line 1?  Yes  No  
If "Yes," is the worker required to get approval from the firm?  Yes  No

4 Is there an agreement prohibiting competition between the firm and the worker?  Yes  No  
If "Yes," explain or attach available documentation. \_\_\_\_\_

5 Reserved for future use.

6 Does the worker advertise?  Yes  No  
If "Yes," what type of advertising does the worker do? Provide copies, if available. \_\_\_\_\_

7 Does the worker assemble or process a product at home?  Yes  No  
If "Yes," who provides the materials and instructions or patterns? \_\_\_\_\_  
If "Yes," what does the worker do with the finished product?  Return to the firm  Provide to another party  Sell it  
 Other (specify) \_\_\_\_\_

8a Does the firm introduce the worker to its customers?  Yes  No  
If "Yes," how is the worker introduced?  Employee  Partner  Representative  Contractor  
 Other (specify) \_\_\_\_\_

b Under whose name are services performed?  Firm  Worker  
 Other (specify) \_\_\_\_\_

9 Does the worker still perform services for the firm?  Yes  No  
If "No," how did the work relationship end?  Firm ended the work relationship  Worker ended the work relationship  
 Job completed  Contract ended  Firm or worker went out of business  
 Other (specify) \_\_\_\_\_

**Part V For Service Providers or Salespersons.** You must complete this part if the worker provided a service directly to customers or is a salesperson.

1 Is the worker responsible for contacting potential new customers?  Yes  No  
If "Yes," what are the worker's specific responsibilities? \_\_\_\_\_

2 Is the worker provided leads (names and contact information) for potential new customers?  Yes  No  
If "Yes," who provides the leads? \_\_\_\_\_

3 Is the worker required to report on potential new customers contacted?  Yes  No  
If "Yes," what are the reporting requirements? \_\_\_\_\_

4 Does the firm set terms and conditions of sale?  Yes  No  
If "Yes," explain. \_\_\_\_\_

5 Are orders submitted and subject to the firm's approval?  Yes  No

6 Who determines the worker's sales territory?  Firm  Worker  
 Other (specify) \_\_\_\_\_

**Did you remember to answer all questions and refer to the Instructions for Form SS-8 at [www.irs.gov/pub/irs-pdf/iss8.pdf](http://www.irs.gov/pub/irs-pdf/iss8.pdf)?**

