



JOB STATUS AND YOUR RIGHTS

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?

The amount of control an employer has over your job usually shows if you are an employee or an independent contractor.

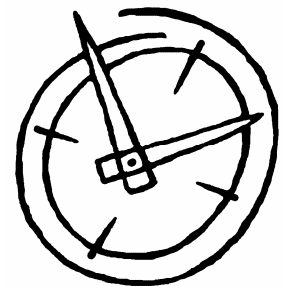
- **Employee:** You are probably an employee if your employer controls the tasks you do from start to finish. Mostly, if you are an employee, you are paid regularly and not at the end of a project. Taxes are taken out of your paychecks and you may get benefits.
- **Independent Contractor:** An independent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

An employer might try to call you an independent contractor to get out of giving you benefits (like health insurance, and paid sick or vacation time). They might want to get out of paying taxes for you to social security or for worker's compensation or unemployment. If you are really an employee and not an independent contractor, you should be getting these benefits.

CAN I GET PAID OVERTIME?

Getting paid overtime depends on if you are an "exempt" or "non-exempt" employee. Whether you are paid hourly or get a salary does not always set the rules for getting overtime pay. You should ask your employer if you are not sure.

- **Exempt**
Exempt employees are often (but not always) paid by the hour.
Exempt employees should be paid overtime.
- **Non-exempt**
Non-exempt employees usually get a salary or a set amount of money per year.
Non-exempt employees don't have to be paid overtime.



New federal regulations may change or add to these rules. Talk to a lawyer or call the Department of Labor and Industry (DOLI) at (651) 284-5005.

AM I A TEMPORARY OR PERMANENT EMPLOYEE?

- **Temporary Employment**

Temporary employment is usually a short-term job. If you are a temporary employee, you mostly work for someone for a short period of time. You often know when the job will end. Some temporary jobs last for a long or an uncertain time, but not usually.

- **Permanent Employment**

A permanent employee is usually hired for a job without a set end date. If you are a permanent employee, you usually get benefits like paid sick or vacation time and health insurance **if** the employer gives benefits.

AM I A FULL-TIME OR PART-TIME EMPLOYEE?

- **Full-time Employment**

A full-time employee works a 40-hour (or close to 40 hour) work week. Employers set what is full-time or part-time themselves. The law doesn't set this.

- **Part-time Employment**

A part-time employee usually works from 1-30 hours a week. Employers set what is part-time themselves. The law doesn't set this. They usually get only limited or no health benefits.

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



For questions about your rights, call the Minnesota Department of Labor and Industry (DOLI) at (651) 284-5005 or 1-(800) 342-5354.