

# Vermont Department of Labor

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[www.labor.vermont.gov](http://www.labor.vermont.gov)

## THE THIRD QUARTER 2015 C101 REPORT FILING DUE OCTOBER 31, 2015

### Staying in Compliance with the Law

The discussions taking place around possible changes to Vermont Title 21 and the "employee vs independent contractor" language are continuing, with the Department taking the lead to bring the business and labor communities together to find possible compromise and resolution to this long-standing issue. However, as of this date, the statutory language remains the same, and the court decisions surrounding the interpretation of the language provide the precedent and guidance to the Department, such that it is important for each business to review the provisions of the law, and resources, listed below. The Commissioner's Office welcomes your comments and feedback on this issue.

### Employee vs. Independent Contractor

In order to determine whether an employer is required to provide Unemployment Insurance coverage to an individual, the Department is required to apply the statutory 'test' provided under Vermont law, Title 21. Under this statute and case law, an "employment" relationship exists - and unemployment insurance is required - unless and until the employee can demonstrate that all 3 parts of the statutory "ABC Test" are met. Those parts are:

- A. Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; and
- B. Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and
- C. Such individual is customarily engaged in an independently established trade, occupation, profession or business.

ALL three parts of the above test must be met. If only one or two of them can be shown, the individual's work is considered to be employment covered under the unemployment insurance program and contributions (taxes) must be paid on the individual's wages.

Misclassification is when a worker is not properly classified as an employee and is not reported to this department for unemployment coverage.

If you have any questions about whether the person you hire is an employee or an independent contractor, please contact your local UI Field Representative. You WILL NOT be penalized for this inquiry.

### UI Field Representatives

Barre:	828-4200	Bennington:	447-2867
Burlington:	951-5147	Middlebury:	652-0328
Montpelier:	828-1147	Morrisville:	888-2542
Newport:	334-3303	Rutland:	786-8806
Springfield:	885-1411	St Albans:	863-7480

### **Reporting Changes To Your Business**

When any change in your business occurs, this department must be notified promptly. A delay could result in additional costs to you later. Be sure to report changes such as:

- Sale of your business;
- Discontinuation of your business;
- A new business name;
- Change in ownership of your business;
- Incorporation of your business (registered with the Vermont Secretary of State's office);
- Change in business address or telephone number;
- Acquisition of another business.

A notice of change form (Form C-36) can be found on our website at [www.labor.vermont.gov](http://www.labor.vermont.gov) under "Forms", "Unemployment Insurance Forms", and then "Employer Forms" or by calling the Employer Services Unit at 802-828-4344.

### **OSHA's Revised Hazard Communication Requirements**

As of June 1, 2015 the federal OSHA is requiring chemical manufacturers, importers, distributors and employers to have a common approach to classifying chemicals and communicating hazard information on labels and safety data sheets, including a signal word, [pictogram](#), hazard statement, and precautionary statement for each hazard class and category. The new format for [Safety Data Sheets](#) requires 16 specific sections to ensure consistency in presentation of important protection information. For more information, see OSHA's "[Hazard Communication webpage](#)."

If you have questions or are in need of assistance, please contact  
Vermont Department of Labor Employer Services Unit at 802-828-4344.