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**JOINT ENFORCEMENT TASK FORCE ON MISCLASSIFICATION AND PAYROLL  
Independent Contractor Test Workgroup**

Virtual Meeting via WebEx

November 12, 2021  
10:00 am – 12:00pm

**To Attend, Register Here**

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**Agenda**

Attendees: Cara Connors, Jennifer Dambach, Jim O'Malley, John Varda, Joseph Moreth, Steuart Wilson, Steven Peters, Maria Lapacek

Others: Anna Smith

A. Welcome and Introductions – Steve Peters, Chair

B. Discussion

1. Review of Worker Classification Comparison and Worker Questionnaire Documents
  - i. Change the word firm to company or business
  - ii. Work with Workers Comp
    1. Good questions
    2. Only concern is length and too much info requested, may cause people to ignore it
  - iii. Ambiguity for transportation on some questions
  - iv. Questions aren't perfect for some specific industries
  - v. DWD had a listing of questions that were originally used and from the IRS
    1. Created questions that weren't originally asked
  - vi. Questionnaire is the first step in determining the issue
  - vii. General questions, could create a different questionnaire for specific industries
  - viii. Unified form
  - ix. Not tasked with creating the questions or form specifically

- x. Comparison
  - 1. Compared tests and test questions from various areas
- 2. Recommendations
  - i. While a single independent contractor test may be feasible in the long term, the work group recommends a unified worker questionnaire as a pilot to consider a unified test
    - 1. Stu motions to approve the recommendation
    - 2. Maria seconds
  - 3. In DOR, businesses can ask specific questions about their situations
    - i. If there's an audit and the business has documented the guidance from DOR, it can't be held against them
    - ii. Is there a way to do this for UI or WC?
    - iii. No fault consultation idea
    - iv. Education piece
    - v. FAQ or example scenarios
    - vi. Other states that do this?
      - 1. Wisconsin does significantly more education and enforcement than most states in Joe's opinion
      - 2. People have sent emails or have called to ask questions
    - vii. Small employers vs larger employers
    - viii. Liability issues and ability to pay insurance/claims, etc.
- C. Final Recommendations for Misclassification Taskforce
- D. Adjourn

***For press inquiries including interview requests, please contact the DWD Communications Office via email at [CommunicationsOffice@dwd.wisconsin.gov](mailto:CommunicationsOffice@dwd.wisconsin.gov)***