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

Virtual Meeting via WebEx

November 12, 2021
10:00 am – 12:00pm

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Agenda

Attendees: Cara Connors, Jennifer Dambach, Jim O'Malley, John Varda, Joseph Moreth, Stuart 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

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