

## TITLE 260 – DEPARTMENT OF LABOR AND TRAINING

### CHAPTER 50 – INJURED WORKER SERVICES

#### SUBCHAPTER 05 – WORKERS' COMPENSATION

##### PART 2 – Notice of Designation of Independent Contractor

### 2.1 Authority

The following rules and regulations regarding the filing of a notice of designation as an independent contractor are promulgated pursuant to R.I. Gen. Laws §§ 28-29-17.1 and 28-29-26(a).

### 2.2 Purpose

The purpose of these rules and regulations is to regulate the designation of an independent contractor.

### 2.3 Designation of Independent Contractor

To be considered an independent contractor for purposes of workers' compensation, a person must file a notice of designation as independent contractor with the Director of the Department of Labor and Training in the manner prescribed by the Director.

### 2.4 Filing of Notice of Designation Form

- A. The notice of designation as independent contractor form (DWC-11-IC) may be filed in paper format or electronically. Improperly completed paper forms will be returned to the sender. Electronically filed forms will immediately be rejected if not properly completed. If the sender encloses a copy of the DWC-11-IC and a stamped self-addressed envelope, the Department will provide a date stamped copy of the notice. Electronic filers will receive an immediate confirmation of the filing.
- B. Upon receipt of a DWC-11-IC, the Department will send a notice to the named independent contractor advising of the effect of the filing, including information

regarding the distinction between an employee and an independent contractor, and a warning that the independent contractor will not be entitled to workers' compensation benefits.

## **2.5 Proof of Workers Compensation Insurance**

- A. Any employer hiring an independent contractor should request proof of workers' compensation insurance coverage, a copy of the DWC-11-IC from the independent contractor, or confirmation of the filing from the Department.
- B. The DWC-11-IC will remain in effect while the independent contractor is working for the named hiring entity or until a notice of withdrawal (DWC-11-ICR) is received, in paper format or electronically, and the receipt is confirmed by the Department. The Department will notify the named hiring entity when a DWC-11-ICR is filed.
- C. The Department will make available, electronically or otherwise, information on whether a person has filed a DWC-11-IC or a DWC-11-ICR with the Department. The Department's confirmation is evidence of both electronic and paper filings and absent a subpoena will be provided in lieu of the actual form. Social Security numbers and FEIN numbers contained on the forms will not be publicly disclosed. Workers' Compensation insurers should access the Department's independent contractor information during audits to assist in determining a worker's status as employee or independent contractor.