

5224.0020 ARTISANS.

Subpart 1. **Definition.** An artisan is a person who has been trained in a mechanical art or trade. The particular skill necessary in the work is acquired by attending a technical college, serving an apprenticeship, or by working as a handyman or helper and learning the trade informally.

Artisans include bricklayers, blocklayers, cable installers, carpenters, electricians, roofers, siders, painters, plasterers, paperhangers, tapers, joiners, plumbers, and steamfitters.

Subp. 2. **Independent contractor.** An artisan is an independent contractor and not an employee if all of the following criteria are substantially met.

A. The artisan is responsible for the final result, is free to choose the means and methods for accomplishing the result, and is not required to conform to fixed hours.

B. The artisan is free to select others to assist in performing the job.

C. The artisan has the opportunity of making a profit or suffering a loss and is not guaranteed a minimum income.

D. The artisan has business expenses beyond the furnishing of tools, such as scaffolding, ladders, trucks, equipment, and advertising.

E. The artisan has a substantial investment in facilities or equipment.

F. The artisan holds himself or herself out to the public as being available to perform services for others.

G. Payment for the work is on a job basis for a complete job rather than a time basis.

H. The artisan agrees to provide lien waivers upon completion of the job.

Subp. 3. **Employee.** An artisan is an employee if all of the following criteria are substantially met.

A. The artisan is hired to do the work personally and any helpers are hired, paid, and subject to control by the purchaser of the artisan's services.

B. Work is during fixed hours established by the purchaser and on a full-time basis.

C. The artisan is paid on an hourly, weekly, or similar rate that is independent of the amount of work completed.

D. The artisan has no substantial investment in facilities or equipment for doing the work.

E. Materials and equipment other than hand tools are supplied by the purchaser of the artisan's services.

F. The artisan will not incur a loss or realize a profit by exercising independent judgment in hiring helpers, selecting the materials used, determining methods of work, or similar matters.

G. If the artisan does not complete the job, the artisan is not responsible for damages for noncompletion or for obtaining a replacement to complete the job.

Subp. 4. **Cooperatives.** An artisan who is a member of a labor cooperative or similar job sharing entity is an employee of the cooperative or entity if the artisan's investment in the cooperative is less than 15 percent and advance payments based on hours of work are made by the cooperative prior to completion of the job.

Statutory Authority: *MS s 176.041; 176.83*

History: *10 SR 1852; L 1987 c 258 s 12; L 1989 c 246 s 2*

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