

NEVADA ABC TEST

**(Extracted from State of Nevada
Department of Employment, Training & Rehabilitation
Employment Security Division
Unemployment Insurance Information)**

Independent Contractor Criteria:

Nevada Unemployment Compensation Law does not define "independent contractor." It uses what is commonly referred to as the "ABC" test. This test is unique to the Unemployment Compensation Program. Unless otherwise specifically excluded, payment for personal services is deemed subject to unemployment taxes unless the following conditions are met. All three conditions must be met in fact; a written contract alone is not sufficient. The burden of proof rests upon the employer to demonstrate the existence of these conditions:

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

If you cannot demonstrate the above conditions, the person is an employee. A written contract, in itself, does not establish "independent contractor" status. If in doubt, contact the Contributions Section for a ruling.