**Section 300.460 Independent Contractor Exemption**

a) All three conditions enumerated in Section 2 of the Act must be satisfied for the independent contractor exemption to apply. For purposes of Section 2 of the Act:

1) "Control" means the existence of general control or right to general control, even though the details of work are left to an individual's judgment.

2) "An independently established trade, occupation, profession or business" means the individual performing the services has a proprietary interest in such business, to the extent that he/she operates the business without hindrance from any other person and, as the enterprise's owner, may sell or otherwise transfer the business.

b) An individual may be an employee without being entirely dependent upon his/her relationship with a specified employer for his/her livelihood. A person engaged in other occupations may be an employee of a specified employer even though he/she only worked intermittently or part time.

c) In determining whether this exemption applies, the Department shall consider the actual, rather than the alleged, relationship between an employer and a claimant; designations and terminology used by the parties are not controlling nor is the claimant's status for tax purposes controlling.

(Source: Added at 16 Ill. Reg. 13828, effective September 1, 1992)