CONTROL TEST DEFINES INDEPENDENT CONTRACTOR OR EMPLOYEE SPORTS OFFICIAL

The control test determines whether a particular individual is an employee or independent contractor for workmen's compensation.

The control test is applied to determine agency tort liability for personal injury and/or property damage caused by employee negligence.

Internal Revenue Service applies this same control test to determine whether a particular individual providing services to an agency is an employee or independent contractor for federal employment tax purposes.

Agency will be responsible for agents who are employees, but not services provided by independent contractors.

Degree of control exercised by an agency over the operational details of an individual's work product is determinative of employee or independent contractor status.

No clear line of demarcation between employee and independent contractor status.

Lynch v. Workmen's Compensation Appeal Board (Connellsville Area School District),

9. Injury during a high school football game which gave rise to his claim for workmen's compensation benefits.

10. Whether a football official's relationship is that of an employee or independent contractor of a high school for the purpose of workmen's compensation."

11. Whether a relationship is one of employer-employee or independent contractor,

control of the manner that work is to be done; responsibility for result only;

12. Terms of agreement between the parties;

nature of the work or occupation;

skill required for performance;

13. Whether one employed is engaged in a distinct occupation or business;

which party supplies the tools;

whether payment is by the time or by the job;

14. Whether the work is part of the regular business of the employer,

right to terminate the employment at any time.

15. Right to control is the most persuasive indication of one or the other.
most important factor is control of the manner in which the work is accomplished.

16 traditional test of the employer-employee relation is the right of the employer to control the details of the work.

17 Workmen's Compensation Board had based its conclusion that Lynch was not an employee of the District

18 paid by the job, not by the time spent doing the job, and no deductions were made from his pay,

19 required to possess a certain skill to be a referee which skills are not possessed by people who are not so trained.

20 did in fact perform a similar service for other schools and organizations during the same season

21 supplied his own clothing, flags, shoes and whistle,

home team had no right to dismiss the official at any time.

22 no evidence to indicate that the District had, or exercised, any control whatsoever

over the manner in which Lynch and the other officials performed their duties during the game."
whether a relationship is one of employer-employee or independent contractor,

no one test standing alone, except the right of control of the manner of the work to be done, is decisive.

officials were not on the District's payroll and no deductions were taken from their fee for taxes or social security.

not given the benefits which other District employees received.

They bought their own uniforms, shoes, hats, whistles and penalty markers, and provided their own medical insurance.

"clear that the District exercised no control over the manner in which Lynch performed his work as an official during the game,

method of payment was indicative of an independent contractor status

no equipment was furnished to Lynch and the District had no right to discharge him."

appeals court affirmed the order of the Workmen's Compensation Board denying Lynch's claim against the District.