



Joint agreement to affirm independent relationship for certain building and construction workers

Agreement to establish employer-employee relationship for certain building and construction workers

Este formulario está disponible en español en el sitio web de la División en www.tdi.texas.gov/forms/form20numeric.html
Para obtener asistencia en español, llame a la División al 800-252-7031.

Part 1. Agreements

Check only one:

<input type="checkbox"/>	Joint agreement to affirm independent relationship for certain building and construction workers	
<input type="checkbox"/>	Agreement to establish employer-employee relationship for certain building and construction workers (Complete items 1-7 as appropriate.)	
	1. Type of agreement <input type="checkbox"/> Blanket agreement <input type="checkbox"/> Job-site specific agreement	
	2. Agreement start date (mm/dd/yyyy)	3. Agreement end date (mm/dd/yyyy)
	4. Estimated number of employees affected	
	Location of job sites covered under agreement	
	5. Address (street or PO box, city, state, ZIP code)	
	6. Address (street or PO box, city, state, ZIP code)	
	7. Address (street or PO box, city, state, ZIP code)	

Attach a sheet with additional locations if needed.

Part 2. The hiring contractor must complete this part.

8. Hiring contractor name	9. Federal tax ID number
10. Address (street or PO box, city, state, ZIP code)	11. Email

12. Hiring contractor's affirmations**Check only one:** **Joint agreement to affirm independent relationship for certain building and construction workers**

I declare that the independent contractor meets the qualifications under Texas Labor Code Section 406.141, and the independent contractor is not an employee of the hiring contractor. The independent contractor and the independent contractor's employees are not entitled to workers' compensation insurance coverage from the hiring contractor. The hiring contractor's workers' compensation insurance carrier will not require the hiring contractor to pay premiums to cover the independent contractor or the independent contractor's employees, helpers, or subcontractors. Once this agreement is signed, the subcontractor and the subcontractor's employees will not be entitled to workers' compensation coverage from the hiring contractor unless a subsequent written agreement is signed, and filed according to division rules, expressly stating that this agreement does not apply.

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I will **withhold** **not withhold** the cost of workers' compensation insurance coverage from the independent contractor's price. I agree that the hiring contractor will purchase workers' compensation insurance coverage for the independent contractor and the independent contractor's employees.

I agree that I am the employer of the independent contractor for the purpose of providing workers' compensation insurance coverage, and no other purpose.

13. Signature of hiring contractor**14. Date of signature** (mm/dd/yyyy)**Part 3. The independent contractor must complete this part.****15. Independent contractor name****16. Federal tax ID number****17. Address** (street or PO box, city, state, ZIP code)**18. Email**

19. Independent contractor's affirmations

Check only one:

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I declare that I meet the qualifications under Texas Labor Code Section 406.141, and I am not an employee of the hiring contractor. My employees and I are not entitled to workers' compensation insurance coverage from the hiring contractor. The hiring contractor's workers' compensation insurance carrier will not require the hiring contractor to pay premiums to cover me, my employees, helpers, or subcontractors.

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I agree that the hiring contractor employs the independent contractor for the purpose of providing workers' compensation insurance coverage, and no other purpose.

20. Signature of independent contractor

21. Date of signature (mm/dd/yyyy)

FAQ

Joint agreement to affirm independent relationship for certain building and construction workers

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Who may use this agreement?

Texas Labor Code Section 406.145 allows certain building and construction workers, specifically, hiring contractors and independent contractors, to agree that the independent contractor is not an employee of the hiring contractor, and the hiring contractor is not responsible for workers' compensation insurance coverage for the independent contractor.

Texas Labor Code Section 406.144 allows certain building and construction workers, specifically, hiring contractors and independent contractors, to agree on who will provide workers' compensation insurance coverage to the subcontractor and the employees of the subcontractor.

Who is an independent contractor?

Texas Labor Code Section 406.141(2) defines an independent contractor as a person who contracts to perform work or provide a service for the benefit of another, and who is:

- paid by the job, not by the hour or some other time-measured basis;
- free to hire as many helpers as desired and determine what to pay each helper; and
- free to work for other contractors or send helpers to work for other contractors, while under contract with the hiring employer.

How do I know if I should sign this agreement?

You may want to talk to an attorney if you are not sure if all parties meet the requirements to enter into these agreements.

When does the agreement take effect?

The agreement takes effect the date both parties have signed it or on the start date of the agreement, whichever is later.

How long is the joint agreement to affirm an independent relationship in effect?

Texas Labor Code Section 406.145 states that the agreement to affirm an independent relationship applies to all hiring agreements the hiring contractor and the independent contractor make until the first anniversary of the date the hiring contractor filed the agreement with their workers' compensation insurance carrier. The agreement does not apply to a new hiring agreement if the new agreement states this agreement does not apply.

The hiring contractor and independent contractor must notify the hiring contractor's workers' compensation insurance carrier in writing within 10 days after the date they make a hiring agreement that does not apply to this agreement.

The subcontractor and the subcontractor's employees are not entitled to workers' compensation coverage from the hiring contractor once this agreement is signed. The hiring contractor and independent contractor must make a new written agreement to establish an employer-employee relationship and provide workers' compensation insurance coverage. The new written agreement must state that this agreement does not apply. The hiring contractor and independent contractor can use DWC Form-084, *Exception to Application of a Joint Agreement to Affirm Independent Relationship for Certain building and Construction Workers*. Find our forms at www.tdi.texas.gov/forms/form20numeric.html.

Where should I send this agreement?

The hiring contractor must file a legible and complete copy of this agreement with their workers' compensation insurance carrier within 10 days after signing the agreement. The hiring contractor must keep the original. The independent contractor should also keep a copy. If the hiring contractor changes workers' compensation insurance carriers during the effective dates of the agreement, the hiring contractor should file this form with their new insurance carrier.

You may file this form with Texas Department of Insurance, Division of Workers' Compensation (DWC) under Labor Code Section 406.145.

Note: With few exceptions, you are entitled to:

- be informed about the information DWC collects about you;
- receive and review the information (Government Code Sections 552.021 and 552.023); and
- have DWC correct information that is incorrect (Government Code Section 559.004).

For more information, contact DWCLegalServices@tdi.texas.gov or go to the Corrections Procedure section at www.tdi.texas.gov.