

Guide to the AICP/IRS Independent Contractor Guidelines

On May 12, 1994 the Internal Revenue Service (IRS) issued the final approved guidelines for "Classification of Workers Within the Commercial Production and Professional Video Communications Industries". These guidelines are the result of discussions between the IRS and the Association of Independent Commercial Producers (AICP), the International Television Association (ITVA) and the Minnesota Film and Video Association.

The objective of the 49-page document is to provide more definitive guidelines for classifying workers in the commercial production and corporate video production industries. They are intended to limit the grey areas in these determinations by significantly reducing the famous "20 Questions" to three "Critical Factors" and five "Significant Factors" and by categorizing workers by job function.

While these guidelines are a significant improvement over the uncertainties of the old system, the determination of worker classification is by no means simple or absolute. In an attempt to guide you, below is a concise listing of the job function categories and attached is a flow chart, which might be useful in your individual evaluations.

Prudent use of the IRS guidelines or our aids requires careful analysis and documentation of each individual. It should be noted that use of the guidelines will not avoid a classification audit and that you should be prepared to defend your determinations in such an audit. It would be wise to consult a CPA or Tax Attorney in creating your company policy on these issues.

Job Function Categories

1. Jobs involving overall planning or implementation of the commercial and/or video production.

Art Director	Assistant Director	Casting Director	Director
Director of Photography	Location Scout	Music Composer	Producer
Production Designer	Set Designer	Writer	

2. Jobs involving planning, design or implementation of specific aspects of the commercial and/or video production, and jobs involving both problem solving and technical skills.

Animator	Audio Technician (Snd. Engineer or Mixer)	Carpenter (If paid by project and is at risk of loss)	Engineer
Costume Designer	Editor	E.F.X. Director	
Food Stylist (Home Economist)	Graphic Artist	Hair Stylist	
Head Electrician (Key Gaffer)	Key Grip	Lighting Director	Make-Up Artist
Outside Prop Person	Scenic Artist (If paid by project and is at risk of loss)		Security Director
Wrangler/Trainer	Videographer		

3. Other jobs

Assistant Producer (Production Coordinator)	Boom Operator	Camera Assistant
Camera Operator	Carpenter (if paid by the hour)	Character Generator Operator
Driver	E.F.X. Operator	Gaffer
Home Economist Assistant	Generator Operator	Grip
Police/Fire Fighter	Nurse	Playback
Script Supervisor	Recordist	Scenic (if paid by hour)
Teleprompter Operator	Talent	Teacher
	Wardrobe Attendant	

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Commercial Production & Professional Video Communications Industries

