

Requirement of additional Documentation for Non-Employee Individuals

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Applicable Statutes: 50-1-702 and 50-1-703

The Tennessee Lawful Employment Act (50-1-701 et. seq.) requires employers, including public entities, request and maintain for non-employees a copy, pursuant to subdivision (a)(4), of any one (1) of the following documents prior to the non-employee providing labor or services:

(i) A valid Tennessee driver license or photo identification license issued by the department of safety;

(ii) A valid driver license or photo identification license issued by another state where the issuance requirements are at least as strict as those in this state, as determined by the department. The commissioner, in consultation with the department of safety, shall determine which states have issuance requirements that are at least as strict as this state, and shall develop, and periodically update, a publicly accessible list of such states on the department's web site;

(iii) An official birth certificate issued by a United States state, jurisdiction or territory;

(iv) A United States government-issued certified birth certificate;

(v) A valid, unexpired United States passport;

(vi) A United States certificate of birth abroad (DS-1350 or FS-545);

(vii) A report of birth abroad of a citizen of the United States (FS-240);

(viii) A certificate of citizenship (N560 or N561);

(ix) A certificate of naturalization (N550, N570 or N578);

(x) A United States citizen identification card (I-197 or I-179); or

(xi) Valid alien registration documentation or other proof of current immigration registration recognized by the United States department of homeland security that contains the individual's complete legal name and current alien admission number or alien file number (or numbers if the individual has more than one (1) number)

The record is to be maintained for three (3) years after the documentation is received by the employer or for one (1) year after the non-employee ceases to provide labor or services for the employer, whichever is later.

For purposes of the statute, "non-employee" is defined as any individual, other than an employee, paid directly by the employer in exchange for the individual's labor or services. In other words, it only applies

when we contract with an individual to perform a service, not when the vendor or contractor is a corporation etc..