



Exception to application of joint agreement to affirm independent relationship for certain building and construction workers

Use this form when there is a hiring agreement that should not be included in the terms of a joint agreement on DWC Form-083, *Joint Agreement to Affirm Independent 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. Agreement

1. Start date of joint agreement to affirm independent relationship for certain building and construction workers (mm/dd/yyyy)	2. Date of hiring agreement (mm/dd/yyyy) (Date must be later than the date in box 1.)
Location of job sites the agreement does not affect	
3. Address (street or PO box, city, state, ZIP code)	
4. Address (street or PO box, city, state, ZIP code)	
5. 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.

6. Hiring contractor name	7. Federal tax ID number
8. Address (street or PO box, city, state, ZIP code)	9. Email
10. Hiring contractor's affirmation I declare that the joint agreement to affirm independent relationship for certain building and construction workers, as recorded on DWC Form-083, <i>Joint Agreement to Affirm Independent Relationship for Certain Building and Construction Workers</i> does not apply to the hiring agreement (dated in box 2 above) between the hiring contractor and independent contractor. Nothing in this declaration will undo the joint agreement to affirm independent relationship for certain building and construction workers as it applies to other hiring agreements made during the term of the joint agreement.	
11. Signature of hiring contractor	12. Date of signature (mm/dd/yyyy)

Part 3. The independent contractor must complete this part.

13. Independent contractor name	14. Federal tax ID number
15. Address (street or PO box, city, state, ZIP code)	16. Email
17. Independent contractor's affirmation I declare that the joint agreement to affirm independent relationship for certain building and construction workers, as recorded on DWC Form-083, <i>Joint Agreement to Affirm Independent Relationship for Certain Building and Construction Workers</i> does not apply to the subsequent hiring agreement (dated in box 2 above) between the hiring contractor and independent contractor. Nothing in this declaration will undo the joint agreement to affirm independent relationship for certain building and construction workers as it applies to other hiring agreements made during the term of the joint agreement.	
18. Signature of independent contractor	19. Date of signature (mm/dd/yyyy)

FAQ

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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. DWC Form-083, *Joint Agreement to Affirm Independent Relationship for Certain Building and Construction Workers*. It also allows the parties to expressly state that the agreement does not apply to a subsequent hiring agreement.

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 on the date both parties have signed it.

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.

Do not send a copy to the Texas Department of Insurance, Division of Workers' Compensation (DWC).

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.