

GENEVA GUIDANCE RESOURCE

1099 Independent Contractor Guidance for Linguists Understanding NY State Department of Labor (DOL) Expectations

Why This Matters

The New York State Department of Labor (DOL) carefully reviews whether interpreters and translators are truly independent contractors or should be classified as employees.

To qualify as independent, linguists must clearly show they are **“in business for themselves”** — not simply working as individuals for one company.

What the DOL Says

According to the DOL's *Guidelines for Determining Worker Status – Translating and Interpreting Industry (Form IA 318.20)*:

“Independent contractors are persons who are in business for themselves and available to the general public to perform services.”

“Having an established business as evidenced by business cards, letterhead, or a business résumé with established credentials” is considered a strong indicator of independence.

Source: IA 318.20 (NYS DOL)

<https://dol.ny.gov/independent-contractors>

How the DOL Interprets This in Practice

While the written guidance doesn't specifically mention forming an LLC or obtaining an EIN, the DOL has consistently ruled that linguists using only their personal name and Social Security Number (even with an EIN) are not operating as independent businesses.

In enforcement actions and audits, the DOL has expected contractors to have:

1. A **registered business name** (such as a DBA or LLC), and
2. An **EIN connected to that business name**.

These steps demonstrate that the linguist is truly “in business for themselves” — a key factor in avoiding misclassification findings.

What You Can Do

To help demonstrate your independent business status, you may consider the following actions:

1. **Register a business name (DBA or LLC)**
 - You can do this online through [NYS Business Express](#).
 - Example: *Maria Gomez Language Services LLC* or *Global Voices by John Chen*
2. **Obtain an Employer Identification Number (EIN)**
 - Free and easy via the IRS: [Apply for an EIN Online](#)
3. **Use your business name consistently**
 - On invoices, W-9s, and correspondence
 - Include your business name and logo on your email signature, business cards, or résumé

Why This Helps You

- You maintain full independence as a business owner.
- You can work with multiple agencies or clients freely.
- You help ensure Geneva can continue to contract with you under DOL rules.

Disclaimer

This resource reflects Geneva Worldwide Inc.’s interpretation of New York State Department of Labor enforcement practices based on our experience.

It is intended as a guidance resource only, this is not official legal advice, or a government document.