

Self-Employment; General; Not OSIPM or QMB

- (1) Self-employment income is income resulting from an individual's business, trade, or profession, rather than from a salary or wage paid by an employer. An individual is considered self-employed if the individual meets the criteria in sections (2) or (3) of this rule. Except as noted in section (3) of this rule when an individual has established a corporation, determine if the individual is self-employed according to section (2) of this rule. If the individual has more than one self-employment business, trade, or profession, the income from each is determined separately.
- (2) Except as provided in OAR [461-145-0250](#)(1), an individual is self-employed for the purposes of this division of rules if the individual meets the requirements of one or more of (a), (b), or (c):
 - (a) Files taxes as self-employed for their business on their personal taxes.
 - (b) Is considered an independent contractor by the business.
 - (c) Meets all the following criteria:
 - (A) Is not required by the business to complete an IRS W-4 form;
 - (B) Is not required to pay federal income tax or FICA payments from their paycheck(s);
 - (C) Liability or worker's compensation insurance for the individual is not paid by the business;
 - (D) Meets at least one of the following:
 - (i) Creates or provides the products or services they sell, or
 - (ii) Sets the price for the products or services they sell;
 - (E) Is responsible for the business expense and losses; and

- (F) Receives profits from the business, or could receive profits from the business but the business is not making a profit.

(3) Notwithstanding section (2) of this rule:

- (a) Homecare Workers (see OAR [411-031-0020](#)) paid by the Department are not self-employed.
- (b) Providers considered an employee of an Aging and People with Disabilities, Office of Developmental Disabilities Services, or Oregon Health Authority benefit recipient, such as Independent Choices Program (see OAR [411-030-0100](#)) providers, Personal Support Workers (see OAR [411-375-0000](#)), and Personal Care Attendants (see OAR [410-172-0776](#)) are not self-employed.
- (c) Specific self-employment income types and professions:
 - (A) The following individuals are considered self-employed:
 - (i) Child care providers for the ERDC program,
 - (ii) Adult foster home providers (see OAR [411-050-0602](#)) paid by the Department, and
 - (iii) Realty agents.
 - (B) The following income types are considered self-employment:
 - (i) Selling plasma,
 - (ii) Redeeming beverage containers,
 - (iii) Foraging items to sell (mushrooms for example), and
 - (iv) Similar enterprises.

- (4) In the REF, SNAP, and TANF programs, self-employment income is counted prospectively to determine *eligibility* (see OAR [461-001-0000](#)) as follows:

- (a) Self-employment income is annualized when it is:
 - (A) Received during less than a 12-month period but is intended as a full year's income.
 - (B) From a business that has operated for a full year and the previous year is representative of what the income and costs will be during the budget month.
 - (b) Self-employment income is treated as anticipated income when a *financial group* (see OAR [461-110-0530](#)) begins self-employment and is unable to determine what the income and costs will be during the budget month.
- (5) In the REFM program:
- (a) Self-employment income is counted only if received in the month of application.
 - (b) If self-employment income counted in the month of application puts the applicant over the income limits for REFM, the income is calculated according to section (4) of this rule.
- (6) When determining the amount of *countable* (see OAR [461-001-0000](#)) self-employment income, the Department follows OAR [461-145-0930](#).

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.070](#), [411.404](#), [411.816](#), [412.006](#), [412.049](#), [413.085](#), [414.619](#)

Statutes/Other Implemented: ORS [409.010](#), [409.050](#), [411.060](#), [411.070](#), [411.404](#), [411.816](#), [412.006](#), [412.049](#), [413.085](#), [414.619](#)

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