

8-206. SPECIFIC EXEMPTIONS FROM COVERED EMPLOYMENT.

(A) CERTAIN BARBERS AND COSMETOLOGISTS.

WORK IS NOT COVERED EMPLOYMENT WHEN PERFORMED BY A LICENSED BARBER OR LICENSED COSMETOLOGIST WHO LEASES A CHAIR OR BOOTH FROM A HOLDER OF A BARBERSHOP PERMIT, A BEAUTY SALON PERMIT, OR AN OWNER-MANAGER PERMIT WHO OPERATES A BARBERSHOP OR BEAUTY SALON, IF THE SECRETARY IS SATISFIED THAT:

(1) THE BARBER OR COSMETOLOGIST AS LESSEE AND THE PERMIT HOLDER HAVE ENTERED INTO A WRITTEN LEASE THAT IS IN EFFECT;

(2) THE LESSEE PAYS A STIPULATED AMOUNT FOR USE OF THE CHAIR OR BOOTH AND IS NOT REQUIRED TO MAKE ANY FURTHER ACCOUNTING OF INCOME TO THE PERMIT HOLDER;

(3) THE LESSEE HAS ACCESS TO THE PREMISES AT ALL HOURS AND MAY SET PERSONAL WORK HOURS AND PRICES; AND

(4) THE LEASE EXPRESSLY STATES THAT THE LESSEE KNOWS:

(I) OF THE RESPONSIBILITY TO PAY STATE AND FEDERAL INCOME TAXES AND MAKE CONTRIBUTIONS TO SOCIAL SECURITY FOR SELF-EMPLOYMENT; AND

(II) THAT THE WORK IS NOT COVERED EMPLOYMENT.

(B) DIRECT SELLERS.

WORK THAT A DIRECT SELLER PERFORMS IS NOT COVERED EMPLOYMENT IF THE SECRETARY IS SATISFIED THAT:

(1) THE DIRECT SELLER IS ENGAGED IN THE TRADE OR BUSINESS OF SELLING CONSUMER PRODUCTS:

(I) IN THE HOME OR AT ANY OTHER LOCATION OUTSIDE OF A PERMANENT RETAIL ESTABLISHMENT; OR

(II) TO A BUYER ON A BUY-SELL BASIS, A DEPOSIT-COMMISSION BASIS, OR ANY SIMILAR BASIS FOR RESALE BY THE BUYER OR ANY OTHER PERSON IN THE HOME OR AT ANY OTHER LOCATION OUTSIDE OF A PERMANENT RETAIL ESTABLISHMENT;

(2) THE DIRECT SELLER AND THE PERSON FOR WHOM THE WORK IS PERFORMED HAVE ENTERED INTO A WRITTEN AGREEMENT THAT IS CURRENTLY IN EFFECT;