**Section 502.220 Workers' Compensation**

An applicant for a trainer's license shall elect to be bound by the provisions of the Workers' Compensation Act (Ill. Rev. Stat. 1993, ch. 48, pars. 138.1 through 138.28) [820 ILCS 305/1-28] and shall, accordingly, comply with the provisions of Section 4 of said Act; and shall, at the time of submitting an application for a trainer's license, attach to said application a certificate of compliance or certificate of approval from the Industrial Commission of the State of Illinois that said trainer has complied with the provisions of said Workers' Compensation Act.

a) For the purposes of this Section, a person shall be deemed to be in the service of the applicant and therefore, an "employee" within the meaning of Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, par. 138.1(b)(2)) [820 ILCS 305/1(b)(2)] whenever the applicant has the right to control and direct such person, not only as to the result to be accomplished; provided that, it is not necessary that the applicant actually direct or control the manner in which the work is performed, if the applicant has the right to do so.

b) In determining whether an employer-employee relationship exists under subsection (a) above, the furnishing of tools and a place to work by the applicant to such person performing the work shall be considered factors characteristic of an employer.

c) If the criteria of subsection (a) above, are satisfied, an employer-employee relationship shall be deemed to exist, regardless of the description or designation by the parties themselves, and it shall be of no consequence that the person performing the work is designated as partner, co-adventurer, agent, independent contractor, or the like. Such employer-employee relationship includes, but is not limited to, persons performing the services of groom, hotwalker, and exercise person.

d) If a trainer of harness horses has no employees, and contemplates none, he shall attach an affidavit to this effect with his application upon a form to be supplied by the Board. If thereafter, said trainer does become an employer, he shall comply with this Section and supply to the Board the applicable certificate. This subsection does not apply to trainers of thoroughbred horses.

(Source: Amended at 17 Ill. Reg. 19961, effective November 8, 1993)