Stephanie Keller

Writing assignment 1

Questions to ask the client to determine if they are an employee or if they are an independent contractor.

1. Was there an employee agreement, a contract, or another document that you signed before you started your job at Academy K9?
2. Were there requirements for your dress code or appearance while you were performing your job? If there was supposed to be a dress code was it enforced by Academy K9?
3. Did the company schedule your hours or were you allowed to come and go as you pleased? Was there a set number of training sessions or number of hours that you were required to work at Academy K9? Were you allowed to accept and decline clients at your discretion?
4. Were all of the training materials used on the job provided to you by the Academy K9 or were you required to provide your own training materials for your sessions? If you did purchase any of the product or equipment used in the training sessions for Academy K9 were you reimbursed for the expenses?
5. Are you certified as a dog trainer or hold any type of notable “special skill” needed for the position that you held?
6. Were there any terms on the longevity of the relationship between you and Academy K9?
7. What other services are offered by the Academy K9? If so, what percentage of the business is specifically training

Discussion with the client:

I would explain to the client that the issue would come down to his employee or an independent contractor relationship with Academy K9. We would review the six factors from Donovan and how the factors are weighed independently and may be used to prove or disprove the relationship between an worker and an employer. After we discuss each of the factors from Donovan we would then discuss the Uber case specifically where the court discusses that contractors may work for multiple companies because the employer has a lack of control over the worker, and the worker has the ability to decide when, how, and how many hours among other issues for themselves rather than being prescribed these functions by the employer.