

Some best practices to protect independent contractor status:

For carriers:

1. Have a written contract
2. Carrier financially responsible for any damages they cause while making deliveries.
3. Carrier's income will fluctuate up and down, tied to number of deliveries.
4. Carrier has right to purchase supplies (rubber bands, polybags) from any supplier
5. Carrier has right to choose own substitute
6. Carrier chooses delivery route sequence in territory ... where to start, where to end.
7. Carrier sets own working hours as long as deliveries made before assigned deadline.
8. Carrier handles delivery misses, or pays publisher if publisher deliver missed papers
9. Carrier has right to choose type of vehicle used for delivery, and is responsible for own vehicle expenses such as insurance, fuel, repairs
10. Carrier has right to employ helpers.
11. Carrier is prohibited from using the newspaper's logo or other trademarks of company
12. Carrier is not supervised nor monitored while they deliver papers
13. Carrier has right to deliver other publications
14. Publication advertises "Business Opportunity" when looking for carriers, "operate your own business," promotes "profits" of XXX per month, notes carriers are "independent contractors."

For freelancers/stringers:

1. Have a written contract
2. Contractor has right to perform contract services for other publications
3. Contractor has right to submit unsolicited articles/photos for possible publication

4. Contractor performs his/her contracted service away from premises of publishing company
5. Contractor, other than meeting deadlines, determine own working hours
6. Contractor pays own expenses: Auto, Computer, Materials, Insurance
7. Contractor has right to employ/contract others to assist in performance of contracted service
8. Contractor submits invoice to Publishing Company
9. Contract fees based on stories/photos published
10. Contractor's by-line on stories different from that of employee writers

Note: These best practices were taken (with permission) from a document about Independent Contractor Status for newspaper carriers and freelance writers, from Michael Zinser with The Zinser Law Firm in Nashville, Tenn. There were numerous other best practices in the document to be considered.

Michael has focused his practice on representing communications companies and industry trade associations – in particular, labor/employee relations and newspaper circulation legal issues.