

this case, went through a lengthy examination of whether or not this individual was an employee for purposes of workmen's comp. It's very interesting and it's a ra...it's not very lengthy at all. I apologize for not passing it out sooner, but not knowing when we were going to get to this I did not want the opinion to get lost in the flood of papers on our desks. What the court did in this case was go through a, basically, a ten-step procedure to determine whether or not this individual met the tests for purposes of being judged an employee and, thus, eligible for workmen's comp in relation to the injuries that she suffered as a paper carrier. The paper, which happened to be a paper out of Fremont, which is where the young woman, the girl, she was 11 years old, is 11 years old, was carrying papers, argued that they did not have to cover this individual for purposes of workmen's comp because she did not meet the criteria as it relates to an employee. The factors that the court addressed in determining that this individual was actually an employee were these. Said that the Nebraska Worker's Compensation Act defines employee and worker as including all ages and both sexes. It says common law tests for independent contractor includes many factors which are to be considered and weighed in making the determination, no one of which may be conclusive. The court set forth 10 factors from the restatement second of agency Section 220 which must be considered in determining the nature of the relationship. Those 10 factors are what the court, in this case, based their decision on. The first one said that the extent of control which, by the agreement, the master may exercise over the details of the work, said that if a carrier was really regarded as an independent contractor or as an independent businessman by what warrant would his supplier, in essence the paper, go out and collect his accounts receivable? In this case, the paper had a 24...a detailed 24-page carrier handbook of the job and told the carriers to follow it and that they were expected to follow it. That, alone, the court said was significant evidence of the paper's control over the carriers. The second criteria that the court looked at was whether or not the one employed is engaged in a distinct occupation or business. Clearly, it said that they...excuse me, the paper was...the only paper delivered by this young carrier and she had no other source of income. Said the publisher concedes that the paperboys and papergirls are an integral part of the paper's system of delivering its newspapers to its subscribers. They were performing an everyday integral portion of the paper's normal business. Newspaper carriers are employed precisely to further the newspaper's business and not