

to perform some function in which the carrier is a specialist. The third factor that the court looked at said that the kind of occupation which referenced to whether in the locality the work is usually done under the direct...direction of the employer or by a specialist without supervision. Since the, they quoted Professor Larson, said since disposition of the product is normally an inherent part of any business, there is an increasing tendency to indulge the presumption that salesmen, distributors and deliverymen who fall short of the status of businessmen holding themselves out to the public as such are employees. Thus, if you're not an independent contractor or business you fall, by virtue of not being the other, into the category of an employee. Fourthly, the court looked at the skill required in a particular occupation. It says work which does not require the services of one highly educated or skilled is indicative of the relation of master and servant. The ad that the paper used to attract paperboys and papergirls said, hey, kids, if you are ten years or older we need you. The fifth category that the...or criteria that the court looked at said whether the employer of the workmen supplies instrumentalities, tools and a place of work for the person doing the work. In this case, the paper supplied the workplace by signing and configuring the paper routes and assigning...designating the routes to be covered by its paper carriers. It also supplied the product, the newspapers, the inserts and the extras, the shoppers that were delivered by the carriers. In addition, it supplied at no cost to the carriers collection calendars, collection cards with tear-off subscriber receipt forms, collection books, introduction pads, vacation handbooks for substitute carriers, vacation time forms so the carriers could use to notify subscribers that the carrier was going on vacation and to provide subscribers with the name and telephone number of the substitute carrier and free sample newspapers to use in effort to solicit new subscriptions. Thus, the paper supplied substantial instrumentalities to its carriers to assist the carriers in performing their job. The sixth criteria was the length of time for which the person is employed. Said that, excuse me, the Nebraska Supreme Court, in a previous case, said that where the right to terminate without penalty exists, the employee is usually a servant. Moreover, employment over a considerable period of time with regular hours suggests the master/servant relationship. In this case, the individual was a papergirl. She was a substitute papergirl, but she was a papergirl who had worked six days a week in this capacity for a number of hours a week. Said if, however, the work is not