Hypothetical Scenario For Independent Contractor Vs Employee Classification – California



Little Learners Preschool was established over 25 years ago. Marlene is the owner of the preschool and she employs seven employees. One of the school's employees is named Harold and he is the preschool's music teacher. Harold recently approached Marlene about painting the outside of the school's building. Over the years, the paint on the school's exterior walls has faded and peeled off in some areas. Harold thinks the building could use a fresh coat of paint. Marlene thinks this is a great idea so she decided to run an ad on the school's social media page that the school is looking for a professional painter for the painting project. Harold has a small painting business that he has been operating on the weekends for several years now to bring in some extra income. In response to the ad, Harold submits a proposal to Little Learners Preschool for the painting job. Even though Harold is already employed by Little Learners Preschool, Marlene suggests that the school hire him as an independent contractor for the painting project.

Harold can be classified as an independent contractor for the painting project. To the extent that Harold is free from the control and direction of the preschool in connection with the painting project, this classification meets the criteria under California's ABC test. Harold has an established trade in the painting business that he has operated for years and the scope of work at issue here is outside the scope of the Little Learners Preschool's business.