

CYSA North District V Meeting  
Tuesday, April 17<sup>th</sup>, 2007

Rohnert Park Soccer Building  
Call to Order 7:30pm

**Roll Call:**

Leagues Present:

Petaluma	Don Angotti
Santa Rosa	Steve Senecka
WESCO	Art Feagles
Tiburon	Vicki Sodaro
Rohnert Park	Barry Commerford
Sonoma Valley	Sam Honey
Cloverdale	Carlos Jimenez
Novato	Grant Fairlie
Napa	Luigi Cervone
Ukiah	Annette & Richard Rhodes

Staff Present:

District Commissioner	Bruce Weaver
Assistant Commissioner	Kurt Barthel – Special Presentation: Employee v Independent Contractor (see attached outline)
Association Cup	Barry Commerford
Founders' Cup / R&R	Luigi Cervone
Recreation	Steve Senecka
Secretary	Kelli Bohanan
State Cup	Bruce Weaver
TOPs Soccer	Paula Rudd
Tournaments	Ken Stelling
D1	Vicki Sodaro
DDI	Michael Carlston

Minutes: Minutes from District Meeting held March 20<sup>th</sup>, 2007; motion to approve made by Vicki Sodaro/Tiburon and was 2<sup>nd</sup> by art Feagles/WESCO. Minutes were approved with no corrections.

Treasurer's Report: No Report.

Registrar's Report: No Report.

TOPS: Paula Rudd and Steve Senecka attended the TOPS Symposium in Salt Lake City. USYS is making a huge effort in the TOPS program. There will be a coaches training for those individuals who are interested in coaching with the District's TOPs program April 18<sup>th</sup> at Slater Middle School at 6:30pm. Paula is working in trying to get some tournaments going for next year.

Association Cup: No Report.

Coaching: OPEN.

Founders' Cup: No Report.

ODP: No Report

PAD: No Report

Recreation: OPEN.

Rules & Revisions: No Report

State Cup: No Report.

Tournaments: Tournament calendar out and new forms are available, please read because there are changes that have been made. Ken will not be accepting faxes to approve tournaments.

Referee Director of Instruction: There are 35 applicants for classes. To be re-certified there is a requirement of 5 hours per year of refresher classes. Instructors go over points of emphasis. If there are any problems heard of at any of the refresher classes, please contact Michael Carlston.

Division I Fall League: No Report.

Division I Winter: No Report.

Division III Fall: No Report

Division III Winter: No Report

Division IV: No Report.

Unfinished Business:

New Business: Next month's Guest Speaker: Bob Heckmann w/ Positive Coaching Alliance

District Commissioner:

Good of the Game:

Next meeting: 7:30 pm, May 15<sup>th</sup>, 2007 @ Novato High School

## EMPLOYEE v INDEPENDENT CONTRACTOR

1. Intro self:
  - a. 20 years League President, League Vice President, Club President, D IV Coach U10-U14, D III Coach U12-U16, D I Coach U14 –U19, Licensed Referee, State Service
2. Questions: How many Leagues have,
  - a. Paid Coaches
  - b. Paid Trainers
  - c. Paid Staff (except Registrars)
3. Definition to Employ:
  - a. Industrial Welfare Commission (IWC)
    - i. To engage, suffer or permit to work
  - b. California Labor Code (LC)
    - i. Includes hiring, or in any way contracting for, the services of an employee
4. Definition of an Employee:
  - a. Industrial Welfare Commission (IWC)
    - i. Means any person employed by an employer
  - b. California Labor Code (LC)
    - i. Every person, including aliens and minors, rendering actual service in and business for an employer, whether gratuitously or for wages or pay, whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation and whether the service is rendered on a commission, concessionaire, or other basis.
5. Definition of an Employer:
  - a. IWC
    - i. Any person (LC 18), who is directly or in directly, or through an agent any other person, employs or exercises control over wages, hours, or working conditions of any person.
  - b. LC
    - i. Means every person engaged in ay business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether the person is the owner of the business or operating on a concessionaire or other basis
6. Definition of an Independent Contractor:
  - a. LC section 2750.5
  - b. Case Law
  - c. Control (no right of control)
  - d. Self Sustaining Business
  - e. No hire/fire
  - f. Specific Task
  - g. Redwood Swim Club (example)
7. European Club Model:
  - a. CA wage laws
  - b. US wage laws
8. Paid Coaches/Trainers – 1099:
  - a. Who hires
  - b. Who sets game schedule
  - c. Who pays/sets payments
  - d. Who controls field/practice times
  - e. Is there a signed contract?
9. Government Agencies:
  - a. California – Labor Wok Force Agency:
    - i. Division of Labor Standards Enforcement (DLSE)
    - ii. Employment Development Department (EDD)
    - iii. EDD Tax Audit
  - b. Franchise Tax Board
  - c. IRS
  - d. US Department of Labor
  - e. City of San Francisco
10. Summary – Employee v Independent Contractor
  - a. Borello – product only/labor tools
  - b. Right of Control
  - c. Economic realities (separate business)

Old Adage: Looks like a duck. . .If it “kinda sorta” looks like an employee, acts like an employee, strong chance to consider them an employee under California Labor Law.