

SWORN TESTIMONY OF DAN FRIESEN, SOCCER COACH
SUBMITTED TO HOUSE JUDICIARY COMMITTEE
FOR HEARING ON HB 18-1303 APRIL 10, 2018

My name is Dan Friesen, and I have been a youth soccer coach for more than 25 years. I am here to provide information in support of HB 18-1303 because I strongly support being treated as an independent contractor, not an employee subject to unemployment withholding taxes.

I played soccer in high school, college and semi-professionally thereafter. I started coaching my younger sister's soccer team as a volunteer when I was in high school, and I continued coaching as a volunteer when I was in graduate school. When I had three kids of my own, I volunteered to be their coach when they played recreational soccer. When they moved on to competitive soccer, I started coaching competitive teams where coaches are paid a small stipend per season. I currently receive approximately \$2,500 per season per team for coaching one of the top 18-year-old women's teams at Colorado Storm.

Although I am recently retired, for most of my coaching career, I had a "day-job," meaning my principal occupation where I received full benefits and was subject to employment rules and policies. Coaching has always been a part-time activity I do on the side on a quasi-volunteer basis. I would coach regardless of whether I received compensation. I use the compensation I receive largely to offset my expenses - travel, balls, practice pennies, etc. The amount that I receive, while a nice added benefit, is far from my primary source of income. It is merely incidental to my overall living expenses.

As an independent contractor soccer coach, I enjoy a great deal of autonomy as follows:

- I choose my practice time and location.
- I recruit and select my own players.
- I decide what my teams need to work on and how we will work on it.
- I pick the tournaments we attend, and when the season starts and ends.
- I am free to stop coaching at the end of a season.
- I can coach teams for other clubs.
- I can reschedule practices when I have conflicts without conferring with the club.
- I can send substitute coaches to train my teams at practices or coach them at games.
- I am permitted - indeed expected - to have another full-time job.
- I am not required to attend meetings or professional development sessions.
- I am never required to take on extra coaching assignments from the club.

Coaching is part-time work, taking approximately 12 hours per week during the peak of the season, and significantly less in the pre and post season periods. It is also seasonal work that lasts from approximately August through October in the Fall and



from March through May in the Spring. Given the part-time and seasonal nature of the work, all team coaches, other than the professional staff, have separate full-time jobs.

As a part-time, seasonal soccer coach, I prefer to remain an independent contractor for three reasons.

First, the fact that I have another full-time job, requires the flexibility of being an independent contractor. As noted above, I have the flexibility to coach or not coach in any given season, to decide when my team starts practices and when they end during any given season, to pick my times and locations for practices, to cancel practices when needed, to send substitute coaches when I am not available. I couldn't do this job without the flexibility and freedom enjoyed by independent contractors.

Second, although I do not coach for the money, it is nice to have a relatively small amount of money to offset expenses. The amount of time away from friends and family is significant - especially on weekends - and having a small stipend gives me the ability to do something nice for them, e.g., dining out or a weekend get-away, as small compensation to them for me being away so much. In this regard, I prefer to have more money in the stipend, rather than having the amount reduced to pay unemployment insurance taxes or for benefits that I already receive elsewhere.

Third, keeping me as an independent contractor seems to more accurately reflect the nature of my relationship with the soccer club. This is part-time, seasonal work not subject to oversight as to when and how I accomplish the work. I have a great deal of autonomy and control over what I do and when I do it. Although I do not typically work for more than one soccer club at a time, I'm allowed to do so, and the reason I do not is that I have another full-time job, though not as a soccer coach. It seems particularly inappropriate to treat part-time, seasonal coaches as employees for unemployment withholding taxes. It is difficult to imagine what it would even mean to be laid off as a soccer coach and seek unemployment benefits. I can take a season off whenever I please, and, similarly, I do not have any ongoing expectation that there will be a team for me to coach in any particular season. Given the small amount of money and the limited nature of the work, I do not rely on nor do I need the income stream to meet my living expenses. That is, I neither need nor expect unemployment insurance to secure this income against events beyond my control.

I hereby certify that the above is true and accurate to the best of my knowledge and that it is based on my personal knowledge and experience as a soccer coach.

Dan Friesen
/s/
Dan Friesen

4/16/18