

TESTIMONY to the Vermont House Commerce Committee

Peter Gould

Thank you very much for affording me this opportunity to add my voice to the House Commerce Committee's present hearings. I don't know whether you will find my comments useful, but they *may* shed light upon a kind of work that many artists in Vermont are involved in.

I am Peter Gould, founder of "Get Thee to the Funnery" Shakespeare camp in the Northeast Kingdom. We're now in our twentieth year. I also direct youth theatre in Brattleboro, and do arts residencies in schools throughout the state. There are many artists in Vermont like me; we do our studio work and we also have a long history of interacting with the school population.

In recognition of my forty years as a Vermont artist, I was awarded the 2016 Governor's & Vermont Arts Council "Arts in Education Award." I decided that--thank you but really--I would not take it as a lifetime achievement award; instead, I would see whether I could use my new platform as a way to make the working life easier for Vermont artists in the future. Kind of a legacy.

I'm also married to Representative Mollie Burke from Brattleboro. Thirty-six years today! She will confirm to you all that I've been making a living in the arts as an independent contractor for **all these years**. Sometimes there has been a situation which looked more like "employment;" in those cases I became a part-time, no benefit, employee: teaching Spanish at the School for International Training, for example, or staffing an after-school program at the New England Youth Theatre.

I have a lot of experience and opinions about independent contracting. I always strive to be legal and aboveboard. I know that the State and the Federal government need to collect taxes. No problem with that. I know that you're worried that some employers will take advantage of the contracting system to avoid paying benefits. Looking at it from the inside, I am not so worried.

In the example of my Shakespeare camp, I collaborate with four or five other theater artists for two weeks every summer. Two weeks! I don't consider them my employees. They don't consider me their boss. We get together and share our skills with the children. We decide where the program will take place, what play we'll teach, and who will do what—they all bring individual skills to the mix.

They fill out a W-9, and receive a 1099 from me as a sole proprietor, which helps me with filing my Schedules C and SE. I do it this way because the grant money we receive has to come into one bank account and be shared. I do the bookkeeping. I don't live with them, so I assume that they file their taxes. They know that they must. Just to be sure, this past summer I paid Unemployment Insurance for them for those two weeks. The State told me to consider them my employees for those two weeks so that that insurance would get paid. Then I could let them go after that. I did that, although I explained at length to the Dept. of Labor that they are not my employees. "We know that," they told me; "pay into the Unemployment pool anyway."

Also, just to be sure, I purchase with our grant money a basic liability insurance policy for the five or six of us for those two weeks. The cost of that goes up by about a hundred dollars every summer. This protects us in the event of a lawsuit. Shakespeare can be dangerous.

This year, the Dept. of Labor told me that I should carry Workers Compensation insurance for my **employees**. "But they are not my employees," I told them. They said they would get back to me.

They got back to me. They said, in effect, we **know** that they're not your employees, but, we think you should get that insurance anyway. This is a very gray area. Wanting to do it right, I obeyed the advice. To my dismay, I found that I could not purchase a policy for the two week period of the program. I had to buy one entire year's coverage from a company in Orlando, Florida, for \$1200. Even though we are collaborators and equals, the plan does not cover me.

A friend said, Peter, just buy the policy and then cancel it after two or three weeks. But that is not how I operate. I wanted to be honest, and I also didn't want the insurance salesman to accumulate black marks upon his or her name because folks started cancelling policies they sold. We are a small state and what we do to improve our bottom line may negatively impact someone whom we know!

I still want to facilitate some wonderful sharing between young Vermont theater artists (and myself) and very young student actors. We know that our camp has a huge influence upon the kids. Our success is not open to question. It's how much it costs us to put the program on. Writing grants is very time consuming, and we haven't raised tuitions in about ten years. The Northeast Kingdom is not a wealthy place. I want to continue doing this work; I want to show the young artists with whom I collaborate: that you can find good rewarding work here; you can make it happen. You won't make a lot of money, but you'll have a life! But, there does come a point where expenses are too high to make the enterprise worth while.

For instance, wouldn't it be nice--given the State's wish for me to have that workers comp coverage--if I could just insure us for the time that we are actually doing the work?

My fear is that the House will be able to pass a rule requiring insurers who do business in this state to offer seasonal or quarterly policies--and then the companies will make the coverage so expensive for that short period, that the difference between a quarter and a year will be insignificant.

That's all for today. I'd be happy to talk with members of the Committee about my view--from the inside--of the in's and out's of being an independent contractor. That will be for another day.

Thank you all so much for this opportunity. Sorry not to be there in person; I listened to VPR's advice that I stay home.

Peter Gould
Brattleboro
petergouldvt@gmail.com