

INDEPENDENT PERSPECTIVE

Newsletter of the Consulting and Independent Contracting Professional Interest Committee Spring 1994



Independent Consultant

I've flunked every quiz that tests whether you've got what it takes to succeed at self-employment. The clear conclusion is that I should be going door to door filling out applications. So why am I sitting in my upstairs office surrounded by To-Do piles?

ESSENTIAL INGREDIENTS

*What it takes
to go it alone*

by Mary A. Durlak

Because I don't believe those quizzes, that's why. Anybody who does probably shouldn't try self-employment no matter how well they score. To be independent, you have to know your abilities and potential better than anyone else, expert or no. You also have to trust your own opinion, because it's often the only one available to review your work, evaluate criticism, and develop plans and goals.

What other qualities are essential to the successful independent?

Promiscuous curiosity, for one. Like an annoying three-year-old, you have to wonder about *everything*. How does the telephone system work? What are the government regulations about hazardous materials? Does the laser

printer have to print that test page? Who's going to read this? To develop this skill, go to any toddlers' playground and observe. Then try it yourself. You may skip the step that involves tasting the article in question.

You also need good interpersonal skills, for hours and hours, day after day. This may be easier for people who are inherently pleasant. For more cantankerous types, maintaining a professional persona—cheerful, upbeat, respectful, interested—can result in serious facial strain.

At no time, ever, under any circumstances, do your client's employees become your colleagues. This means you never complain about the boss, never repeat gossip, never put your feet up and indulge in a good gripe session when you're working on-site. On the plus side, I promise you a week-long glow the day somebody says, "Aren't you ever grumpy?"

It helps to have that credit card with the "Pay As You Can" plan. Just kidding—but you do have to be able to stand not knowing what

your income will be from one month to the next. Pay regularly and liberally on any loan or credit card that drops the "Minimum Due" to zero in the month after they receive an overpayment. You don't want to use that no-payment option, of course, but sometimes it may help you avoid choosing between buying groceries and blowing your credit rating.

To boldly go

You need enough Lewis and Clark in you to enjoy exploring and adapting to the unknown. The unknown can be plush mauve-and-grey office suites, ear-shattering production plants where toxic chemicals abound, or faded low-overhead corporate headquarters with floors as undulating as a choppy surf.

Expect a certain number of unwelcoming natives. Such a person is typically the resident expert who believes that withholding information is the secret to life-long employment. I was once faced with someone who refused to provide me with critical information: "too busy."

(see *Essential*, page 6)

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Dear Editor:

I want to thank you, Chris Juillet, Kevin Sunderman, Cal Callahan, and all members of the C&IC PIC for the won-

Independent voices

Fresh air
for Arizona

derful job you are doing with the PIC and the newsletter.

For those of us who live in right-to-work states, the information on independent business status and contract issues is invaluable, and that is about as close as this technical writer ever gets to hyperbole. We Arizona independents simply have no such information circulating in our state, and hearing

(in your last issue) from a National Writers Union Grievance Officer and from STC independents in other markets is a real breath of fresh air.

Because Arizona is a relatively small market, the IRS has been very successful, through public meetings and via direct contacts, in steering companies that might employ contract technical writers away from using independents. As a result, a great number of companies now use vendor lists that exclude independent contractors. Also, because there is less awareness of labor and contract issues than in some other markets, many less experienced

writers are not fully aware of the distinctions among W2-employee-with-no-benefits, sole proprietorship, and corporation, and do not push for independent status in contract discussions.

All of this is to say that your newsletter is very important here. The articles on CompuServe, cooperation among
(see *Letters*, page 4)

INDEPENDENT PERSPECTIVE

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From the editor

Our recent treatments of struggling for identity and rights seem to have generated more food for thought; this issue is evidence. William Lewis, Patti Dorazio, Mary Durlak, thanks very much for your articles. We are getting a steady stream of letters as well: thanks for writing in, Joseph Gawel and Jill Ginsburg. For those of you who live in Arizona or like-minded states, note the list Jill refers to in her letter. You may find it worth procuring.

On a personal note: In the ever-changing pace of life in the fast lane, it appears I'll be relocating to New Hampshire, Montana, or Washington State—at this point

I'm not sure which. Quite a range, eh? It will be daunting to start my consulting business all over again, but I'm fortunate to be an STC member. I'll have a good start. And the *Independent Perspective* already makes a transcontinental journey—I collect, write, and edit in New York, Cal lays out and edits in California, Kevin copy-edits in Pennsylvania, and Linda produces in Texas. We've never actually met!

I'll keep you posted on the new address, but my mail will be forwarded! Please continue sending me your pieces of wisdom—we all enjoy them heartily. **IP**

Susan

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Please submit long articles in both paper and electronic form (IBM text or Word Perfect format preferred)

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Technical communicators have extensive rights regarding the ownership of their work. Yet

We demand our (copy)rights!

by William Lewis

“freelance artists and writers retain some or all of copyright ownership for their works...”

we probably don't think too much about our copyrights. What if, for instance, someone other than your employer or client profits from your work? Take the following scenario:

Dave Marken, an independent technical writer, has written and illustrated an operator manual for a grinder built by Acme Machinery, Inc. Acme has paid Dave in full for his work and has provided the manual to a big customer of its grinders, Gravel Unlimited. Gravel Unlimited hires the Excellent Training Company to write training manuals to cover its entire gravel-making operation. Excellent Training sees that the text and illustrations in the manual Dave wrote could be useful, and asks Acme Machinery for the electronic files of the original work. Wanting to keep good relations with Gravel Unlimited, Acme gives the files to Excellent Training.

Since Excellent Training will profit from Dave's manual, should Dave demand a royalty fee? Was Acme within its rights to provide the

files to Excellent Training?

To answer these questions, we first need to find out what copyright law says.

The U. S. Copyright Law states that copyright protection begins the moment "original works of authorship" are written or otherwise recorded. Authors of original works have the right to decide who may reproduce their work, who may prepare derivative work based on the copyrighted work, how ownership of the work may be transferred, and can decide if the work may be displayed publicly.¹

No copyright for employees

An author who creates a work as an employee, though, cannot claim copyright unless agreed to by the employer. However, "freelance artists and writers," the U. S. Supreme Court has ruled, "retain some or all of copyright ownership for their works unless a written agreement expressly assigns copyright ownership to the individual or organization that causes the work to be created."

Notice the phrase "some or all." Although an employer may not specifically retain a freelancer's copyright, the freelancer might have to share the copyright with other contributors. So

before we freelance technical writers can claim copyrights, we must consider how much of a work relies upon the creative work of others. Considering this, let's examine the Dave and Acme Machinery scenario.

Acme's investment in Dave's manual was significant: Grinder operation being highly complex, Acme's engineers provided Dave a considerable amount of editing and handwritten technical explanations. Also, Acme's CAD files that Dave imported into his illustrating software allowed him to efficiently create his illustrations. And Dave found lots of useful material in previous Acme manuals, as well.

If Dave decides to exercise his copyrights, lawyers may be required to sort out his share of the copyrights before any royalties can be negotiated. He might even get some royalties if Excellent Training still wants his material that badly; however, he will most certainly lose a client, and he might end up in court with Acme.

Things could really get messy for Dave in court. U. S. Copyright Law says under the "work made for hire" rule that the employer (or client) is the author of a work if the work "is specially ordered or commissioned for use (see *Copyrights*, page 4)

Copyrights (from page 3)

as... an instructional text...¹ Does this mean that a U. S. Federal Court might find that our technical writer has *no* copyrights to the material he sold Acme? Such questions regarding law are rarely easily answered.

The scenario I imag-

ined represents but one of probably thousands of possible circumstances involving questions of ownership that arise in our profession. Therefore, all technical communicators, especially freelancers who work on a variety of projects for

different clients, should learn what their copyrights are—before accepting employment or starting a project. *William Lewis is a senior member of STC and owner of Attic™ Publications, specializing in quality technical publications for the papermaking, automotive, and heavy equipment industries.* **IP**

¹ *Circular 1: Copyright Basics*, Copyright Office, Library of Congress, Washington, D.C. 20559. For a list of free publications, call 202-707-3000.

Letters (from page 2)

“...someone
out here opens
the IP first...”

professionals, and the reference book recommendations are most valuable. Along the cooperation lines, a group of Phoenix-area independents and consultants recently met to discuss the W-2 vs. independent vs. corporation issues; from that meeting and some other seminars I attended, I made up a list of tax-related publications useful to independents. It's pretty basic, but it includes worthwhile reading for newly independent writers.

Thank you for the newsletter and the PIC. Just thought you'd like to know that someone out here opens the *IP first* when it shows up in the mailbox.

Sincerely,

Jill Ginsburg, WritePro, Inc.
STC Senior Member, Phoenix

[The list Jill mentions contains tax form numbers, publications, a special section on employee/independent determinations, and a lot of good Arizona-based resources. For a copy of the list you can reach Jill at WritePro, Inc., 337 W. Pasadena, Suite 11, Phoenix, AZ, 85013, or at 602-230-9723.—Ed.]

A quibble

Dear Editor:

I just received—and read—the Winter 1993/94 issue of the *IP* newsletter. It's only about the third one I've received, but it was certainly a good one in terms of content. The lead article was (potentially) extremely useful, and Susan Haire's article was thoughtful and

thought provoking. I got a good laugh out of the Mark Twain piece....

There's just one little quibble I have with the newsletter: I find it distracting to have the headline cut through the article text as it does on page 1 and page 3. I invariably go from the bottom of one column to the first line below the headline as I'm reading. Isn't the first rule of layout to design the page so it's easy for the reader to read? Other than that, I thought the issue was great.

Joseph E. Gawel
Suburban Editing Services,
Elmhurst, IL **IP**

IP readers' prevailing mood on the electronic world seems to be that

Help "Getting It Printed"

by Susan Witter

"Producing
a printed
publication
can be
complex"

of excitement and enthusiasm. Electronic mail, for instance, focuses on the early stages of our work (information gathering, conferring, early writing and editing) rather than the final stages. Equipment problems aside, doing our work using the computer is more flexible and more forgiving than doing it the old way. However, we still may control the production of printed material, often through a combination of old and new techniques. And, let's face it—producing a printed publication can be complex, prone to problems, time-consuming, fraught with mystery, and just plain hard. You can only learn so much from your mistakes or from an obliging printer—and the buck really does stop there.

A godsend

That's why *Getting It Printed* is a godsend for me. Not only are many complex printing-related processes (everything from papermaking, separating artwork and photos in 4-color and multicolor, offset lithography and other printing methods, bindery operations, and more) explained in detail and with clear illustrations,

but some of the basics that I missed out on are covered. For example: types of paper, what each is best used for, the sizes they come in and how to economically fit your printed pieces on each size, are all covered in text, a series of tables, and diagrams.

The section on photographs and halftones is a logical, comprehensive treatment of all that can be done to photographs to be used in printing, and how to evaluate it. Many full-color examples of series of halftones explain alternate methods, production problems, or progressive processes.

What we do

Especially useful are the sections which explain the client's (us!) duties at various points. How should you spec a job? How do you decide among alternatives? How exactly should you check what types of proofs? When should you consider using a design or production consultant? Planning considerations as well as sample schedules are discussed thoroughly.

All the technical information apart, one of the things this book does best is really get inside the heads of the various players in the production process. I delighted in the vignette-quotes on the outside bottom corner of some pages that pinpoint interesting philosophies, prevailing

problems or simply good tips. At the risk of using up a lot of space, I'll quote two of them:

I specified a real toothy paper for our convention program and thought it would be fun to give delegates note pads made from the same stock. I put a pad and pen in everyone's folder. Well, the surface of the paper was great for printing, but it ruined every felt tip pen in the meeting room within three hours.

Another favorite: The art director who retired last year told me the rule of thumb that a change costs \$5 on the mechanical, \$50 on the blueline, and \$500 on the press. I made a poster illustrating that concept and put it where our clients as well as the production people in our agency can see it. Everyone needs constant reminding of how expensive changes become in late stages of a job.

Reference info

Appendices include a glossary of printed products as well as one of terms, an extensive list of publications and associations, metric information, and copy-ready forms.

I came to the world of publication production from research and writing. This relatively slim reference book is of tremendous use to me: I may find myself con-

(see *Printed*, page 6)

Freelancing, vending, contracting, subcontracting. All are synonyms for the same work experience:

The contracting experience

by Patti Dorazio

ience: an independent agency (vendor) hires out its talented and skilled employees (contractors) to other companies for the sole purpose of providing assistance over a certain period of time with a specific job or project. If you, the contractor, are to succeed in this competitive business (in this case, freelance technical writing), you must possess skill, talent, and information. It is information

supplied to you *before* an agreement is reached that is vital if you are to meet your expectations, both professional and personal. To ensure satisfaction all around, be sure you receive a Contractor Job Description and Skill Requirements packet *before* you begin the actual assignment. This document should contain the following:

- product overview
- delegation of responsibilities for key personnel
- project assumptions
- job requirements and skills
- training schedule, if necessary
- schedules

definition of terms.

Product overview

This is your introduction to the project from a hardware, software, and documentation point of view. After reading this, you should know the product's purpose and features, how it fits into the "total package," and how the documentation will be restructured and/or incorporated into the information library.

Delegation of responsibilities

Here you are given the names of your primary contacts and their (see *Contracting*, page 7)

Essential (from page 1)

I said, Fine, I'd watch her work until I understood her job. She cracked after a week of ever-smiling me at her elbow.

You also must be able to work alone—to plan, schedule, and complete a project without hard-working colleagues in cubicles all around you. I've found that maintaining client contact—going on-site briefly every second or third day—

keeps me focused during writing-intensive phases. Lunching with other independents helps too: it reminds me that there are plenty of hungry contractors out there!

Does this mean I don't care about flunking those entrepreneur quizzes? Not at all. They help me evaluate my strengths and identify areas for improvement. But the way I see it, strengths and weak-

nesses are the ingredients in an independent's personal recipe for success. Determination to succeed is the flame under the pot. That determination is the energy that converts skills into a successful business venture.

Mary Durlak owns and operates *Erie Consulting Services*, and is a member of the *Niagara Frontier (Western New York) Chapter of the STC*. **IP**

Printed (from page 5)

fronted with any number of production challenges I know nothing about, and before I respond I spend some time reading up on the wisdom in these pages. It's also fun. The sense of tradition which

shaped the publication process is evident; maybe there are some lessons I can take with me into the electronic age.

Mark Beach, Steve Shapiro, and Ken Russon, *Getting It Printed: How to Work with Print-*

ers and Graphic Arts Services to Assure Quality, Stay on Schedule, and Control Costs. 1986: Coast to Coast Books, Portland, OR. ISBN 0-9602664-7-X, soft cover (\$29.50); ISBN 0-9602664-8-8, hard cover. 236 pages. **IP**

Contracting
(from page 6)

**“Information
supplied to you
before a
contract is
reached
is vital”**

responsibilities. Become familiar with these names, for they will help you coordinate your duties during the project's duration.

Project assumptions

This section lists the assumptions that apply to all of the jobs. For example, it gives you information about the other writers assigned to the project, from whom they will take direction, who will supply the necessary equipment needed to complete the assignment, etc.

Job requirements

This should be the largest and most detailed part of your information packet; it outlines the skills and experience required of you. For instance, it should state experience with a certain authoring or desktop publishing tool, host system, operating system, etc. In the writing field, this section will clearly state writing expectations, analytical skills, research skills, experience in working with technical team members, etc. It also provides a description of each writer's general

responsibilities, such as participating in technical meetings and internal reviews, providing deliverables, integrating comments and suggestions, and producing camera-ready copy. Additionally, depending on the project, this section might list related skills and experience that would be beneficial to you, such as PC or host system experience.

Furthermore, this section should correspond to the number of contractors assigned to the project; that is, if four writers are needed, then there should be four separate job requirement sections for each writer. Most importantly, check for audience descriptions, total number of affected documents (these could be modified or newly developed), and the estimated amount of work for each.

Training schedule

In the event that you may not fully meet employer's specifications, some training, paid for by the employer, may be required. This section lists the areas in which training will be provided.

Schedules

This table gives you project schedule dates, with milestones and other important deadlines clearly noted.

Definition of terms

Since each employer works a bit differently, it is helpful for you to understand that industry's terminology. This section provides you with some of the "lingo" used within a particular corporation.

Most of us in the freelancing, contracting business take pride in our work and aim to please employers. After all, it is our livelihood. But to become more accomplished and reliable in what we do, it becomes necessary for employers to provide us with certain crucial information up front, even before we may accept an assignment. If you employ this strategy, you will become better experienced at meeting the needs of those who hire us. And you will, no doubt, become more satisfied with your contracting options.

Patti Dorazio is Director of Technical Communication at SUNY Institute of Technology at Utica/Rome, NY. Her freelance writing company, PATent Alternative, specializes in online information and hypertext design. IP

IP Production Changes Hands

Time required for other commitments has made it necessary for Christopher Juliet,

heretofore production coordinator of the *Independent Perspective*, to step down from direct involvement.

Chris was founding manager of both the C&IC Professional Interest Committee and the *Independent Perspective*. He will be sorely missed, though we can undoubtedly count on hearing from him often in his role as PIC coordinator, and he remains an interested and very

supportive member of our PIC.

Jo Byrd, of Dallas, Texas, has kindly agreed to take on responsibility for printing and mailing, beginning with the next issue.

Farewell, Chris, and welcome aboard, Jo. Our thanks to both of you for your help. **IP**