

LEGAL UPDATES

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Service

Labor & Employment

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DOL Withdraws Guidance on Independent Contractors, Joint Employment

On June 7, 2017, the U.S. Department of Labor (DOL) announced the withdrawal of two guidance letters dealing with the classification of workers as independent contractors and the standards for determining joint employment.

The first withdrawn Administrator's Interpretation, issued in 2015, sought to guide employers in determining whether workers qualified as employees under the Fair Labor Standards Act (FLSA), which would entitle them to workplace protections such as minimum wage, overtime pay, unemployment insurance and workers' compensation. (Read our previous alert.)

The second withdrawn guidance letter, released in 2016, sought to broaden the definition of a joint employer-employee relationship under the FLSA and the Migrant and Seasonal Agricultural Worker Protection Act, which would potentially increase exposure for employers. (Read our previous alert.)

What This Means to You

Withdrawal of the guidance letters does not change the legal responsibilities of employers. In its announcement, the DOL stated it "will continue to fully and fairly enforce all laws within its jurisdiction, including the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act."

Contact Us

For more information on what this development may mean for your business, please contact a member of Husch Blackwell's Labor & Employment group.