



Attorneys React To DOL Misclassification Guidance

News

7.15.15

David Buchsbaum was quoted in *Law360* on July 15, 2015.

On Wednesday, the U.S. Department of Labor issued guidance on how to determine whether a worker is an independent contractor or an employee under the Fair Labor Standards Act. The misclassification guidance says most workers qualify as “employees” under the FLSA's expansive definitions. In the article “Attorneys React To DOL Misclassification Guidance” attorneys discussed why the guidance is significant.

David said, “DOL's Administrator's Interpretation on independent contractors is significant because it clearly signals the agency's position that 'most workers are employees under the FLSA.' DOL interprets each of the six factors analyzed by courts in a way designed to minimize the prospects for a finding that a worker is an independent contractor. As a result, in the context of an agency investigation, employers are going to be hard-pressed to show that a worker is an independent contractor in all but the most clear-cut situations. Moreover, courts might well embrace DOL's views in FLSA lawsuits.”

To read the full article, please visit [Law360](#).

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