

Press Coverage | December 15, 2021

Law360 Quotes Richard Reibstein on Ruling of Contractor Test to Determine Joint Employment Status in Massachusetts

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Richard Reibstein, a New York Partner in Locke Lord's Labor and Employment Practice Group and co-head of the Firm's Independent Contractor Misclassification and Compliance Practice, was quoted by Law360 on a Massachusetts Supreme Judicial Court case addressing the question of whether to apply the three-part so-called ABC independent contractor test in the state's Wage Act to determine joint employer status of salespersons classified as independent contractors.

Reibstein noted the Supreme Judicial Court's ruling makes it clear that federal court rulings that deal with the FLSA will serve as governing precedent for joint employer status under the state's wage law and not the state's independent contractor test.

"The decision is a firm rebuke to those who would tinker with prevailing law of joint employment in the U.S.," he added. "Those who tried to use the ABC independent contractor test in Massachusetts for joint employer purposes were told by the state's highest court that they missed the boat."

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