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Law360 Quotes Richard Reibstein on Texas Federal Judge's Ruling Reinstating Trump Administration's Independent Contractor Rule and Its Potential Impact on Companies

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New York's **Richard Reibstein**, co-head of Locke Lord's Independent Contractor Misclassification and Compliance Practice, was quoted by Law360 on a Texas federal judge's ruling reinstating the Trump Administration's independent contractor regulation, noting the court's decision is unlikely to have a major impact because there was little reason for companies to rely on the former Administration's regulation in the first place.

"As a practical matter, any guidance or regulation issued by the U.S. Department of Labor on independent contractor status has marginal legal relevance," Reibstein said. "The Labor Department has no final say on who is and who is not an independent contractor because only the courts determine worker status under the federal Fair Labor Standards Act."

He also notes companies that want to avoid independent contractor misclassification exposure should focus on the standards that the judiciary applies, rather than give unwarranted attention to the DOL's interpretation from either the Trump or Biden Administration.

"The only thing that companies should do is to enhance their compliance with applicable court decisions, restructuring, re-documenting, and re-implementing their independent contractor relationships to minimize exposure to misclassification liability," Reibstein said.

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