

Press Coverage | October 11, 2022

New York Partner Richard Reibstein Quoted on U.S. Labor Department's Proposed Regulation to Define Independent Contractor or Employee Status

Bloomberg, BusinessInsurance and XpertHR

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[Richard Reibstein](#), co-head of Locke Lord's Independent Contractor Misclassification and Compliance Practice, was quoted on a rule proposed by the U.S. Department of Labor that seeks to establish a test for determining if a worker is an independent contractor or employee under the Fair Labor Standards Act. Under the proposed rule, which would override the prior regulation issued on this subject by the Trump Administration, the test would consider the totality of circumstances in determining worker status.

The proposed rule has caused a great deal of concern for businesses, but as Reibstein notes, the proposal is "hardly controversial" and "does little more" than formally rescind a business-friendly test outlined by the Trump administration and restore an approach that considers the totality of circumstances, which has been the approach taken by the federal courts for decades.

Read "[Uber, Lyft Shares Fall on Possible Changes to How Gig Workers Are Classified](#)," "[Uber Notes 'Measured Approach' in DOJ Gig Rule Revamp Proposal](#)," "[HILL TECH & CYBER BRIEFING: Uber Says Biden Gig Rules 'Measured'](#)" (subscription may be required), "[DOL rule change may fuel litigation](#)" and "[DOL Heads Back to the Future on Independent Contractors](#)."

Read Richard's articles on the topic "[The Labor Department's Independent Contractor Rule Has Little if No Legal Impact but is Likely to Cause Anxiety for Many Stakeholders](#)" and "[Locke Lord QuickStudy: Who's an Independent Contractor? Even More Regulatory Ping-Pong That Doesn't Change the Law](#)."

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