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Trump's Independent Contractor Rule Revived, Minimal Difference From Earlier Version

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Richard Reibstein

Richard Reibstein, a partner in Troutman Pepper Locke's Labor + Employment Practice Group, was quoted in the February 26, 2026 *Freight Waves* article, "Trump's Independent Contractor Rule Revived, Minimal Difference From Earlier Version."

> Richard Reibstein, a partner with the law firm of Troutman Locke who specializes in IC law, has long argued in his blog that the Wage & Hour division's IC rule receives an outsized amount of attention. His argument has been that it is federal and state courts and their decisions on IC-related litigation that has far more impact in creating legal precedents used to settle classification disputes.
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> Reibstein said the new rule would be "much ado about nothing."
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> He said except for minor differences, "a review of the proposed regulation…has no meaningful differences from the wording of the 2021 rule on IC status issued by the first Trump administration."
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> With "control" being one of the two "core factors" in the new/revived rule, Reibstein said the Trump rule does not view a worker as being under "control"–and therefore more likely an employee than an IC–if that worker needs to do such things as "satisfy health and safety standards; comply with specific legal obligations; satisfy health and safety standards," and several other points.
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> Reibstein said the new rule, when formally adopted, is likely to face lawsuits.
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> But returning to his theme that the Labor Department IC rule is less significant in the history of IC legal precedents than public debate would otherwise signal, Reibstein wrote that "because no court has relied upon either of those (Trump/Biden) rules in determining the IC status of workers, such litigation has limited practical meaning."

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