

Law360: Jessica Scott, Frederick Yarger Examine Potential Changes to Contractor Rule

News

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In an [article](#) for Law360, WTO partners Jessica Scott and Frederick Yarger offer mission-critical insight for companies that depend on independent contractors. The Biden administration is currently developing a proposed rule from the U.S. Department of Labor (DOL) that will redefine the boundary between employees and independent contractors. The new rule could have major implications for wage and hour litigation.

Scott and Yarger write, "By understanding the rule advanced by the Trump administration and contrasting potential shifts that the Biden administration is already signaling, employers can begin to prepare for the next phase of employee classification disputes that could be coming to the American workforce."

As for what to expect, the Biden administration's rule is predicted to favor workers more than the Trump administration's rule, which was considered relatively friendly to companies. Scott and Yarger also note "observers fear that the DOL will attempt to implement the ABC test, which would represent a drastic change in federal law."

In any case, litigation will inevitably follow after the DOL's new rule is finalized, and the Supreme Court's increasingly skeptical view of agency policymaking could play a role in the outcomes of those challenges.

To learn more about the proposed rule and the potential implications for future wage and hour disputes, subscribers can read Scott and Yarger's full article [here](#).

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