Wheeler Trigg O'Donnell

Law360's Employment Authority Features Jessica Scott in Department of Labor Look-Ahead

News
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Denver - Wheeler Trigg O'Donnell ("WTO") partner **Jessica Scott** is quoted in a recently published article spotlighting expected U.S. Department of Labor ("DOL") activity in the second half of 2023.

WTO Partner Jessica Scott

Employment Authority, Law360's comprehensive source for a myriad of topics regarding labor and employment law, gives an overview of the status of DOL nominees, expected rule changes, litigation cases and enforcement action for the second half of the year.

Scott, whose practice focuses on high-risk consumer class actions, misclassification cases (both independent contractor and joint employment), and wage and hour cases, was asked

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Jessica Goneau Scott
Partner, Diversity & Inclusion Co-Chair

for insight on an October 2022 DOL proposal that addresses whether workers are independent contractors instead of employees under the FLSA.

"Those issues can now be considered as elements of control exerted by the putative employer, even though they're actually being exerted by the respective government," she told the publication.

The proposal contains a non-exhaustive, six-step economic realities test to help determine a worker's status. It also proposes to rescind a Trump-era rule containing a different classification framework. Scott points out that "[For] any employer that has government regulation ... it will be harder to prove independent contractor status, because now all of those elements of government control are being attributed to you as the putative employer."

The article is available to Law360 subscribers **here**.

Wheeler Trigg O'Donnell lawyers have taken more than 1,100 trials and arbitrations to verdict or award and hundreds of appeals to opinion all across the nation, with exceptional results for our clients.

Established in 1998, WTO today numbers approximately 100 trial lawyers and litigators. The firm represents sophisticated clients in high-stakes civil trials, appeals, and related litigation ranging from complex commercial to class actions to catastrophic torts.

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