



Matt Scully Featured in *Law 360* Article on DOL Misclassification Guidance

Firm News
07.15.2015

RELATED PROFESSIONALS

Matthew T. Scully

In an article published July 15, 2015 by Law360, Matt Scully provides perspective on the U.S. Department of Labor's recent guidance on determining whether a worker is an independent contractor or employee under the Fair Labor Standards Act. "The opening in the Department of Labor's 'interpretative' rule says it all: 'Most workers are employees under the FLSA,'" said Scully. "While the DOL has repackaged various 'independent contractor' factors, the real takeaway is that workers are now more likely to be classified as 'employees.' The rule does not have the 'force and effect of law,' but it is the agency's position and courts are generally deferential. Employers that ignore the rule do so at their own peril. What should an employer do? Audit independent contractor positions. Misclassification actions can be costly and time consuming."