



## Harmful Joint Employer Regulation Nixed by Federal Court

The US Department of Labor created a regulation that made it even easier for contractors to use crooked subcontractors and labor brokers and escape accountability for violating the Fair Labor Standards Act (FLSA). The regulation was challenged by a group of state attorneys general. The office of **New York Attorney General Letitia James** spearheaded the litigation.

The District Court of the Southern District of New York [found](#) that the rule was arbitrary and capricious and contrary to the FLSA and US Supreme Court precedent.

“Today’s ruling is a critical win for the many American workers who would experience wage theft or a decrease in income due to this reckless rule,” said AG James.

## Missouri Governor Signs Enforcement EO

**Missouri Governor Michael Parson** signed an [executive order](#) in September creating the Interagency Task Force on Worker Classification. **The St. Louis-Kansas City Carpenters Regional Council** introduced the idea of a task force to the governor’s office.

The task force is comprised of representatives of the labor department, revenue department, the attorney general’s office, employment security and commerce and insurance department. A worker and business representative will also be appointed to the group. All industries in the state are within its purview. The task force is charged with coordinating investigations and communications between departments, educating the public and developing recommendations for legislation.

Gov. Parsons said, “Misclassifying workers creates an unnecessary cost to Missouri taxpayers and puts Missouri businesses at an unfair disadvantage.”

## Michigan AG Fights for Workers

**Michigan Attorney General Dana Nessel** was [recognized](#) by the Economic Policy Institute as being a leading advocate for working men and women. During the UBC’s 2019 Days of Action against Tax Fraud she announced the formation of a fraud investigation unit. In one case, the unit issued 13 felony charges. Nessel also joined in the lawsuit against the US Department of Labor’s joint-employer rule.

The **Michigan Regional Council of Carpenters** supported Nessel’s candidacy for attorney general.

Other worker protection [units](#) have been put into place by attorneys general in the District of Columbia, California, Massachusetts, New York, Illinois, Minnesota, New Jersey and Pennsylvania.

## Election & Consequences

The **US Department of Labor** issued its proposed [regulation](#) making it easier for employers to misclassify workers as independent contractors to deny them minimum wages and overtime. Motivated by the impending election with the possibility of a Biden presidency, the Trump administration is rushing the rule through the process with an unusually short comment period. The UBC and councils will be filing comments opposing the rule.

Meanwhile, the **National Labor Relations Board** continues its quest to make voting for union representation more difficult. They have their own proposed [rule](#) that will deny unions cell phone numbers and email addresses of voters in union representation elections. Employers would continue to be allowed to use that information to wage their anti-union campaigns. The UBC has also filed comments opposing the rule.

## Epic Fight Brewing in California

Uber, Lyft and other gig barons are up in arms about the California state law that would make them pay their drivers overtime, pay unemployment and workers compensation instead of treating them as independent contractors. They’re challenging the law in the Proposition 22 ballot [initiative](#). If successful, they would get a boost in challenging similar laws that have existed for decades in half the states. It is worthy to note that while Uber and Lyft drivers have been receiving special covid unemployment benefits, the gig barons have not paid a cent in unemployment taxes.

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