



DOL Proposes New Joint Employment Rule **Rule Would Apply Four-Factor Test**

This month, the U.S. Department of Labor ([DOL](#)) [announced](#) a [proposed rule](#) to revise and clarify the responsibilities of employers and joint employers to employees in joint employer arrangements. The Fair Labor Standards Act ([FLSA](#)) generally requires employers to pay their employees at least the federal minimum wage for all hours worked and overtime for hours worked over 40 in a workweek. Under the FLSA, an employee may have, in addition to his or her employer, one or more joint employers. The FLSA also states that, if determined to be a joint employer, that joint employer is jointly and severally liable for an employee's wages.

The Department's proposed rule uses a clear, four-factor test, based on well-established precedent, that would consider whether the potential joint employer actually exercises the power to:

- hire or fire the employee;
- supervise and control the employee's work schedules or conditions of employment;
- determine the employee's rate and method of payment; and
- maintain the employee's employment records.

Once the proposed regulation is published in the [Federal Register](#), the public will have 60 days to submit comments. Please [contact](#) our office with any questions about how this new rule may impact your agency and its business relationships.

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