

DOL Issues New Independent Contractor Guidance

The U.S. Department of Labor (DOL) has issued a field assistance bulletin providing guidance on how to determine employee or independent contractor status when enforcing the Fair Labor Standards Act. While the department reviews the 2024 final rule, Employee or Independent Contractor Classification Under the Fair Labor Standards Act – which is also being challenged in federal court – agency investigators are directed not to apply the 2024 rule’s analysis in current enforcement matters. Instead, the division will rely on longstanding principles outlined in [Fact Sheet #13](#) and further informed by the reinstated [Opinion Letter FLSA2019-6](#).

There are several pending lawsuits challenging the Biden administration’s 2024 final independent contractor rule. The Trump administration has requested that these cases be temporarily paused while it reconsiders the 2024 rule, including whether to rescind the Biden-era rule. NDA will keep members updated should the Trump administration decide to rescind the rule completely.

Legislation to Overturn Tariffs Fails in Senate

On Wednesday, the Senate voted down legislation that would have terminated the national emergency that President Trump has used to implement global tariffs on U.S. imports. The legislation was sponsored by Senator Rand Paul (R-KY) and failed by a 49-49 tie vote. The legislation received support from two other Republicans and every Democrat. All other Republicans voted against the measure. NDA will continue to monitor trade actions out of Washington, D.C.