

DOL Announces Proposed Rule on Independent Contractor Classification

The Department of Labor (DOL) recently published a [Notice of Proposed Rulemaking](#) which would change how employers and workers determine whether a worker is an employee or an independent contractor under the Fair Labor Standards Act (FLSA). According to the DOL, the proposed rule would provide guidance on classifying workers and seeks to combat employee misclassification.

Specifically, the proposed rule would do the following:

- Align the department's approach with courts' FLSA interpretation and the economic reality test.
- Restore the multifactor, totality-of-the-circumstances analysis to determine whether a worker is an employee or an independent contractor under the FLSA.
- Ensure that all factors are analyzed without assigning a predetermined weight to a particular factor or set of factors.
- Revert to the longstanding interpretation of the economic reality factors. These factors include the investment, control and opportunity for profit or loss factors. The integral factor, which considers whether the work is integral to the employer's business, is also included.
- Assist with the proper classification of employees and independent contractors under the FLSA.
- Rescind the 2021 Independent Contractor Rule issued under the Trump Administration.

Public comments on the proposed rule are due by Nov. 28, 2022. NDA is currently reviewing the proposed rule and will be prepared to respond to the Department of Labor on behalf of the demolition industry.

White House Announces Action Plan to Accelerate Infrastructure

This week, the White House announced an [Action Plan](#) to accelerate the rebuilding of the nation's infrastructure. The plan complements the [Permitting Action Plan](#) released in May 2022 by focusing on new approaches and expanding efforts to accelerate project planning, design, procurement and construction. Key actions include:

- Launching the Department of Transportation (DOT) Project Delivery Center of Excellence to support and educate transportation infrastructure project managers from state, Tribal, local, and territorial governments in successful project planning and implementation.
- Expanding the Federal Highway Administration's highly successful Every Day Counts Program, a federal-state collaborative partnership which identifies and deploys new ways to accelerate the delivery of highway infrastructure, including innovations applicable to transit and rail projects.
- Launching a new "Dig Once" initiative for broadband, transportation and electrification projects to coordinate efforts, lower project costs and minimize disruptions.