

Navigating Contractor vs. Employee Classification

May 13, 2025

By Russell B. Berger and Sarah M. Sawyer

In this episode of OK at Work, Sarah Sawyer and Russell Berger from Offit Kurman delve into the intricate and often confusing topic of independent contractor classification. They discuss the various tests and criteria used at both federal and state levels, including IRS, unemployment, workers' compensation, and FLSA wage laws. The episode highlights recent updates from the Trump administration, which have reverted back to previous Department of Labor guidelines, contrasting with the changes made during the Biden administration. The hosts emphasize the importance of a thorough and thoughtful analysis when classifying individuals as independent contractors to ensure compliance with the law. Tune in to understand the complexities and avoid the pitfalls of misclassification.