

## SEMINAR

# Independent Contractor v. Employee

*Understanding and assessing worker classification issues and tactics in the USDOL, the MA Attorney General's Office and private litigation*

Massachusetts' independent contractor regulations are among the toughest in the nation and significantly restrict the use of independent contractors. As a consequence, the state has seen significant wage and hour class action litigation focused on alleged misclassification of independent contractors. Meanwhile, state and federal agencies continue to prioritize eliminating improper classification of workers as independent contractors, both in Massachusetts and around the country. This has included concerted action to recoup unpaid wages and other benefits as a result of alleged misclassification. Multiple, sometimes conflicting, Massachusetts and federal statutes continue to pose complex problems in applying independent contractor rules. Practitioners must be up-to-date on the latest developments in an area that continues to present compliance difficulties and significant legal liability for employers.

This comprehensive, fast-moving program explores a range of common independent contractor issues—and strategic tactics for dealing with them—in a highly focused setting. The seminar is led by experienced employment class action litigation counsel and a key regulatory official. Join us online to learn how to better handle the next independent contractor issue your client faces—from initial investigation through verdict or settlement.

## Agenda

- Overview of Massachusetts Wage and Hour and Related Laws Affecting Independent Contractors
- Latest Court Decisions Interpreting Massachusetts General Laws, Chapter 149, Section 148B—the Statute That Presents the Greatest Legal Hurdle for Most Businesses Utilizing Independent Contractors
- The Developing Federal Law on Worker Classification
- Intersection of Independent Contractor and Joint Employment Doctrines
- Strategic Tactics from Initial Investigation to Litigation, and Verdict or Settlement
- “Ask the Experts” Q&A Session

## Faculty

Andrea Evans Zoia, Esq., *Morgan, Brown & Joy LLP, Boston*, Chair

James Glickman, Esq., *U.S. Department of Labor, Boston*

Eric R. LeBlanc, Esq., *Bennett & Belfort, PC, Cambridge*

Alex Sugerman-Brozan, Esq., *Office of the Attorney General, Commonwealth of Massachusetts*

## Dates & Location

### LIVE WEBCAST

Wednesday, October 27, 2021  
2:00 pm–5:00 pm

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220009WBC

### REBROADCAST

Friday, November 12, 2021  
9:00 am–12:00 noon

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220009RBC

### REBROADCAST

Monday, November 22, 2021  
2:00 pm–5:00 pm

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220009RB1

### ON DEMAND WEBCAST

View after Monday, November 22, 2021

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220009WBA

## Tuition *(includes written materials)*

- \$245
- \$220.50 MCLE Sponsor Members
- \$183.75 New Lawyers admitted to law practice after 2018, Pending Admittees, Law Students, and Paralegals

To apply for a need-based scholarship, email [scholarships@mcle.org](mailto:scholarships@mcle.org).

## Materials

The materials for this program include MCLE's practice reference, *Massachusetts Wage and Hours Handbook*, which, along with any other materials, can be downloaded via the link emailed to you upon registration.

Also, there is no need to take extensive notes. Two weeks after the live webcast, all registrants receive a link to a verbatim transcript of this program.

## CLE Credits

Earn up to 3 CLE credits



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## About MCLE

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MCLE is a self-supporting, independent, not-for-profit educational institution. We depend solely upon sponsor membership dues, program registration fees, publications sales, online subscriptions, and charitable contributions to finance our instructional activities and to sustain growth and innovation in our programs, publications, and online products and services.

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# Policies and Information

## Register early!

For course agendas, hours, fees, and discounts, please refer to the respective seminar pages. The fee includes program instruction and all electronic written materials unless otherwise noted.

To gain early access to online materials, please register in advance of the program.


Upon registration, MCLE will e-mail a confirmation.

Day-of-the-program registrations are welcome, with the exception of limited enrollment programs, or as otherwise noted.

We accept cash, checks, MasterCard, Visa, American Express, and Discover.

## Need special assistance?

If you are a person with a disability or special needs, please let us know in advance so that we can make your experience as convenient and comfortable as possible. Call Customer Service at 800-966-6253 to make arrangements.

For your convenience, MCLE also offers closed captioning  and verbatim transcripts of all recorded webcast programs, available to you online two weeks after the original program date.

## Mandatory CLE credits

Individual attorneys are responsible for checking with their particular state CLE accreditation authority about whether and how much credit will be granted. Although MCLE does not pursue state-based credit, MCLE programs are regularly approved in many jurisdictions. It is the responsibility of the individual attorney to submit the information and certifications required under the respective state rule to the appropriate authorities in the jurisdictions in which they seek credit.

Depending on the jurisdiction, lawyers can satisfy their mandatory CLE requirements online with MCLE's webcasts, which feature periodic attendance prompts, electronic written materials, and the opportunity to receive a certificate of attendance.

## If your plans change

If you're unable to participate in a program on the date for which you registered, you will receive an email about how to access the program on demand via webcast and/or downloadable mp3 file, including the written materials in electronic form, in full satisfaction of the tuition paid. If you prefer a refund, let us know by the end of the business day prior to the program and we'll refund your tuition after deducting a \$35 processing fee. Note that limited enrollment programs are an exception, cancellation of which require two weeks notice and are subject to a \$55 processing fee.

## New lawyer discounts—always the lowest price

For the first three years of practice, MCLE offers new lawyers a 25% discount on all of its products, including programs, books, audio CDs and mp3 recordings. If you were admitted to the bar after 2018, take advantage of the new lawyer prices listed throughout the catalog.

Pending admittees, law students and paralegals are also eligible for a 25% discount on most MCLE programs.

## Attorney scholarships

Attorneys with financial need who certify that they are unable to attend a program without financial aid may request a partial tuition scholarship in confidence by writing or emailing [scholarships@mcle.org](mailto:scholarships@mcle.org) at least two weeks in advance of the program.

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MCLE Sponsorship runs for 12 months beginning September 1. The fee for firm,

corporate law department, or agency membership is calculated based on the number of Massachusetts admittees within the organization. Benefits of membership extend to all lawyers and non-lawyer professionals associated with the organization.

- Solo Practitioners ..... \$95
- Firms by number of Massachusetts attorneys:
  - 2-5 .... \$ 150
  - 6-10 .... 250
  - 11-25... 500
  - 26-75... 1,000
  - 76-150 ... \$ 2,500
  - 151-250 .. 3,500
  - 251+ ..... 4,500

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REFERENCE # 22-020

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