

S 3648

Employee Misclassification Prevention Act

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Labor and Employment

Introduced: Sep 29, 2008

Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Sep 29, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/3648>

Sponsor

Name: Sen. Kennedy, Edward M. [D-MA]

Party: Democratic • State: MA • Chamber: Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Kerry, John F. [D-MA]	D · MA		Sep 29, 2008
Sen. Obama, Barack [D-IL]	D · IL		Sep 29, 2008

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Sep 29, 2008

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
110 HR 6111	Related bill	Jun 2, 2008: Referred to the Subcommittee on Income Security and Family Support.

Employee Misclassification Prevention Act - Amends the Fair Labor Standards Act of 1938 to require every employer to: (1) keep records of non-employees (contractors) who perform labor or services (except substitute work) for remuneration; and (2) provide certain notice to each employee and non-employee, including their classification as an employee or non-employee and information concerning their rights under the law.

Makes it unlawful for any person to fail to accurately classify an employee or non-employee.

Doubles the amount of liquidated damages for maximum hours, minimum wage, and notice of classification violations by an employer. Subjects a person who repeatedly or willfully violates such notice requirements to a civil penalty not to exceed \$10,000 for each violation.

Directs the Secretary of Labor to establish a web page on the Department of Labor website that summarizes the rights of employees under the Fair Labor Standards Act and other federal laws.

Requires, as a condition for a federal grant for the administration of state unemployment compensation, for the state's unemployment compensation law to include a provision for: (1) auditing programs that identify employers that have not registered under the state law or that are paying unreported compensation where the effect is to exclude employees from unemployment compensation coverage; and (2) establishing administrative penalties for misclassifying employees or paying unreported unemployment compensation to employees.

Requires any office, administration, or division of the Department of Labor to report any misclassification of an employee by an employer that it discovers to the Department's Employment Standards Administration (ESA). Authorizes the ESA to report such information to the Internal Revenue Service (IRS).

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## **Actions Timeline**

- **Sep 29, 2008:** Introduced in Senate
- **Sep 29, 2008:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.