

## HR 5107

Employee Misclassification Prevention Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Labor and Employment

**Introduced:** Apr 22, 2010

**Current Status:** Referred to the Subcommittee on Income Security and Family Support.

**Latest Action:** Referred to the Subcommittee on Income Security and Family Support. (May 3, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/5107>

### Sponsor

**Name:** Rep. Woolsey, Lynn C. [D-CA-6]

**Party:** Democratic • **State:** CA • **Chamber:** House

### Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Apr 22, 2010
Rep. Miller, George [D-CA-7]	D · CA		Apr 22, 2010
Rep. Richardson, Laura [D-CA-37]	D · CA		May 6, 2010
Rep. Gutierrez, Luis V. [D-IL-4]	D · IL		May 11, 2010
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		May 11, 2010
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		May 18, 2010
Rep. Sutton, Betty [D-OH-13]	D · OH		May 18, 2010
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		May 27, 2010
Rep. McCollum, Betty [D-MN-4]	D · MN		Jul 13, 2010
Rep. Moran, James P. [D-VA-8]	D · VA		Jul 13, 2010
Rep. Sestak, Joe [D-PA-7]	D · PA		Jul 13, 2010
Rep. Ortiz, Solomon P. [D-TX-27]	D · TX		Jul 28, 2010
Rep. Stark, Fortney Pete [D-CA-13]	D · CA		Jul 28, 2010
Rep. Courtney, Joe [D-CT-2]	D · CT		Jul 30, 2010
Rep. Lipinski, Daniel [D-IL-3]	D · IL		Jul 30, 2010
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Jul 30, 2010
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Sep 29, 2010
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Sep 29, 2010
Rep. Farr, Sam [D-CA-17]	D · CA		Sep 29, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred To	Apr 22, 2010
Ways and Means Committee	House	Referred to	May 3, 2010

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
111 S 3254	Identical bill	<b>Jun 17, 2010:</b> Committee on Health, Education, Labor, and Pensions. Hearings held. Hearings printed: S.Hrg. 111-1146.

Summary (as of Apr 22, 2010)

Employee Misclassification Prevention Act - Amends the Fair Labor Standards Act of 1938 (FLSA) to require every person to: (1) keep records of non-employees (contractors) who perform labor or services (except substitute work), including through an entity such as a trust, estate, partnership, association, company, or corporation, for remuneration; and (2) provide certain notice to each new employee and new non-employee, including classification as an employee or non-employee and information concerning their rights under the law.

Makes it unlawful for any person to: (1) discharge or otherwise discriminate against an individual (including an employee) who has opposed any practice, or filed a complaint or instituted any proceeding related to this Act, including with respect to an individual's status as an employee or non-employee; and (2) fail to classify accurately 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: (1) violates such requirements (including recordkeeping requirements) to a civil penalty of up to \$1,100; or (2) repeatedly or willfully violates such requirements to a civil penalty of up to \$5,000 for each violation.

Directs the Secretary of Labor to establish a webpage on the Department of Labor website that summarizes the rights of employees under this Act and other appropriate information.

Amends the Social Security Act to require, 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 a person subject to the FLSA that it discovers to the Department's Wage and Hour Division (WHD). Authorizes the WHD to report such information to the Internal Revenue Service (IRS).

Actions Timeline

- **May 3, 2010:** Referred to the Subcommittee on Income Security and Family Support.
- **Apr 22, 2010:** Introduced in House
- **Apr 22, 2010:** Referred to House Education and Labor
- **Apr 22, 2010:** Referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Apr 22, 2010:** Referred to House Ways and Means