

HR 3178

Employee Misclassification Prevention Act

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Labor and Employment

Introduced: Oct 13, 2011

Current Status: Referred to the Subcommittee on Workforce Protections.

Latest Action: Referred to the Subcommittee on Workforce Protections. (Nov 18, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/3178>

Sponsor

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

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

Cosponsors (32 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Oct 13, 2011
Rep. Miller, George [D-CA-7]	D · CA		Oct 13, 2011
Rep. Loebsack, David [D-IA-2]	D · IA		Oct 27, 2011
Rep. Richardson, Laura [D-CA-37]	D · CA		Oct 27, 2011
Rep. Chu, Judy [D-CA-32]	D · CA		Nov 4, 2011
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Nov 16, 2011
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Nov 16, 2011
Rep. Ellison, Keith [D-MN-5]	D · MN		Nov 16, 2011
Rep. Farr, Sam [D-CA-17]	D · CA		Nov 16, 2011
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Nov 16, 2011
Rep. Gutierrez, Luis V. [D-IL-4]	D · IL		Nov 16, 2011
Rep. Lee, Barbara [D-CA-9]	D · CA		Nov 16, 2011
Rep. Lipinski, Daniel [D-IL-3]	D · IL		Nov 16, 2011
Rep. McCollum, Betty [D-MN-4]	D · MN		Nov 16, 2011
Rep. Moran, James P. [D-VA-8]	D · VA		Nov 16, 2011
Rep. Payne, Donald M. [D-NJ-10]	D · NJ		Nov 16, 2011
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Nov 16, 2011
Rep. Stark, Fortney Pete [D-CA-13]	D · CA		Nov 16, 2011
Rep. Bishop, Timothy H. [D-NY-1]	D · NY		Nov 17, 2011
Rep. Holt, Rush [D-NJ-12]	D · NJ		Nov 17, 2011
Rep. Honda, Michael M. [D-CA-15]	D · CA		Nov 17, 2011
Rep. Kucinich, Dennis J. [D-OH-10]	D · OH		Nov 17, 2011
Rep. Scott, Robert C. "Bobby" [D-VA-3]	D · VA		Nov 17, 2011
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Nov 29, 2011
Rep. DeLauro, Rosa L. [D-CT-3]	D · CT		Nov 29, 2011
Rep. Hinchey, Maurice D. [D-NY-22]	D · NY		Nov 29, 2011
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		Dec 1, 2011
Rep. Hahn, Janice [D-CA-36]	D · CA		Dec 1, 2011
Rep. Roybal-Allard, Lucille [D-CA-34]	D · CA		Dec 1, 2011
Rep. Tierney, John F. [D-MA-6]	D · MA		Dec 1, 2011
Rep. Clay, Wm. Lacy [D-MO-1]	D · MO		Jan 31, 2012
Rep. Nadler, Jerrold [D-NY-8]	D · NY		Sep 12, 2012

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Nov 18, 2011
Ways and Means Committee	House	Referred to	Oct 17, 2011

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
112 HR 3638	Related bill	Feb 9, 2012: Referred to the Subcommittee on Insurance, Housing and Community Opportunity.
112 S 770	Related bill	Apr 8, 2011: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Summary (as of Oct 13, 2011)

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

- **Nov 18, 2011:** Referred to the Subcommittee on Workforce Protections.
- **Oct 17, 2011:** Referred for a period ending not later than October 17, 2011, (or for a later time if the Chairman so designates) to the Subcommittee on Human Resources, in each case for consideration of such provisions as fall within the jurisdiction of the subcommittee concerned.
- **Oct 13, 2011:** Introduced in House
- **Oct 13, 2011:** Referred to the Committee on Education and the Workforce, 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.