

S 3018

A bill to amend the Fair Labor Standards Act of 1938 and the National Labor Relations Act to clarify the standard for determining whether an individual is an employee, and for other purposes.

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Labor and Employment

Introduced: Oct 4, 2023

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. (Oct 4, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/3018>

Sponsor

Name: Sen. Scott, Tim [R-SC]

Party: Republican • **State:** SC • **Chamber:** Senate

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blackburn, Marsha [R-TN]	R · TN		Oct 4, 2023
Sen. Braun, Mike [R-IN]	R · IN		Oct 4, 2023
Sen. Cramer, Kevin [R-ND]	R · ND		Oct 4, 2023
Sen. Hyde-Smith, Cindy [R-MS]	R · MS		Oct 4, 2023
Sen. Thune, John [R-SD]	R · SD		Oct 4, 2023
Sen. Wicker, Roger F. [R-MS]	R · MS		Oct 4, 2023
Sen. Paul, Rand [R-KY]	R · KY		Oct 18, 2023

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Oct 4, 2023

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
118 HR 5513	Identical bill	Sep 14, 2023: Referred to the House Committee on Education and the Workforce.

Summary (as of Oct 4, 2023)

This bill specifies a legal standard for determining whether an individual is considered an *independent contractor* rather than an *employee* for the purposes of federal labor laws that address issues such as the federal minimum wage, overtime compensation, and collective bargaining. The rights and protections provided by these laws exclusively apply to employees.

Under the bill, an individual is considered an independent contractor if (1) another individual or entity does not exercise significant control over the details of how the individual's work is performed, without regard to any control the other individual or entity may exercise over the final result of the work performed; and (2) while performing such work, the individual has opportunities and risks inherent with entrepreneurship (for example, the discretion to exercise professional judgment).

The bill also sets forth factors that may not be used to determine whether an individual is an employee. Specifically, factors such as whether another individual or entity requires the individual to meet certain legal, health and safety, insurance, or performance requirements may not be used to make such a determination.

Actions Timeline

- **Oct 4, 2023:** Introduced in Senate
- **Oct 4, 2023:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.