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May 6, 2021

To: Clients and Friends

From: David F. Dulock

Subject: Withdrawal of the Final Rule Titled Independent Contractor Status under the Fair Labor Standards Act

In the May 6, 2021 issue of the *Federal Register* ([86 FR 24303](#)), the U.S. Department of Labor (DOL) through its Wage and Hour Division published a final rule (withdrawal rule) withdrawing its final rule titled “Independent Contractor Status under the Fair Labor Standards Act” (Independent Contractor Rule) published in the January 7, 2021 issue of the *Federal Register* ([86 FR 1168](#)). This withdrawal rule states that as of May 6, 2021, the Independent Contractor Rule is withdrawn.

Prior to publishing this withdrawal rule, the DOL published the following rules regarding the Independent Contractor Rule:

- On February 5, 2021, the DOL published a proposed rule to delay the Independent Contractor Rule’s March 8, 2021 effective date until May 7, 2021 (*see* 86 FR 8326).
- On March 4, 2021, the DOL published a final rule delaying the effective date of the Independent Contractor Rule as proposed (*see* 86 FR 12535).
- On March 12, 2021, the Department published a notice of proposed rulemaking (NPRM) proposing to withdraw the Independent Contractor Rule (*see* 86 FR 14027).

For your information, the Independent Contractor Rule is also the subject of the firm’s memoranda located on the Resources page of our website: [January 25, 2021 memorandum](#); [March 15, 2021 memorandum](#).

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