

115TH CONGRESS
1ST SESSION

H. R. 3825

To amend the Fair Labor Standards Act of 1938 to harmonize the definitions of employee with the common law.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2017

Mrs. BLACK (for herself and Ms. STEFANIK) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to harmonize the definitions of employee with the common law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Harmonization of Cov-
5 erage Act of 2017”.

6 **SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS**

7 **ACT OF 1938 TO HARMONIZE THE DEFINITION**
8 **OF EMPLOYEE.**

9 (a) DEFINITION OF EMPLOYEE.—Section 3(e)(1) of
10 the Fair Labor Standards Act of 1938 (29 U.S.C.

1 203(e)(1)) is amended by inserting before the period the
2 following: “, as determined under the usual common law
3 rules (as applied for purposes of section 3121(d) of the
4 Internal Revenue Code of 1986)”.

5 (b) DEFINITION OF EMPLOY.—Section 3(g) of the
6 Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)) is
7 amended by inserting “an employee” after “permit”.

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