



Rideshare Drivers Push for Employee Status

In the last week, the news has covered efforts by [Uber and Lyft drivers](#) and some [state legislatures](#) to have the drivers recognized as employees instead of independent contractors. What is the difference between employee status and independent contractors?

Often, employers will classify workers as independent contractors to avoid paying overtime and taxes, but labels alone don't define the correct employment status. While a determination of employment status generally cannot be made based on any one fact, the following factors may be used to make a determination.

Factors that may point to a contractor status:

- A written contract covering services to be provided.
- Contractor controls pay rate and schedule.
- Contractor has own website, advertising, business cards.
- Contractor can decline work offered.
- Contractor can work for more than one employer.
- Contractor controls his/her own schedule.
- Contractor owns and manages his/her own tools and equipment.
- Contractor has own uniform or no uniform (i.e., not employer's uniform).
- Subject to both profit and loss from business decisions.

Factors that may point to employee status:

- Employer controls time & attendance.
- Performing efficiently or making business decisions does not affect profit/loss.
- Employer controls pay rate and schedule.
- Penalties or points for refusal of work or missed time.
- No ability to work for multiple employers.
- Employer owns and manages tools and equipment.
- Employer reimburses for expenses.
- Employer uniform is required.
- Employer provides benefits.
- Primary role in company – business depends on the work.

[Wage theft](#) by companies covers a variety of possible scenarios, including [misclassifying employees](#), forcing them to work off-the-clock, illegally misreporting hours, and refusing to pay overtime to nonexempt workers.

Do you believe that you have been the target of misclassification, wage theft or pay discrimination? Or do you need help resolving some other employment issue?

If so, you can turn to the experienced Atlanta employment attorneys at the Law Firm of Barrett & Farahany for aggressive legal advocacy and the highest quality legal services. Call us for your complimentary consultation at 404-487-0922.

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ARE SALARIED EMPLOYEES EXEMPT FROM OVERTIME PAY?



Even some employers are confused about whether or not salaried employees are legally required to be paid overtime. As a rule, small business owners who limit overtime pay to non-salaried employees eventually discover that being on salary is only one of a number of elements that determine whether or not an employee should be paid overtime wages. [Learn more.](#)

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