

United States Senate

WASHINGTON, DC 20510

April 28, 2026

The Honorable Keith Sonderling
Acting Secretary
U.S. Department of Labor
200 Constitution Ave NW
Washington DC, 20210

Re: Proposed Rule on Employee or Independent Contractor Status Under the Fair Labor Standards Act, Family and Medical Leave Act, and Migrant and Seasonal Agricultural Worker Protection Act, RIN 1235-AA46

Dear Acting Secretary Sonderling,

We write to strongly oppose the proposed rule that would make it easier to deny workers basic labor standards and protections, including minimum wage and overtime protections, the right to job-protected family and medical leave, and important protections for migrant and seasonal agricultural workers.

Worker misclassification—when employers deliberately classify their workers as “independent contractors” rather than “employees” in order to skirt labor rights and protections—is a rampant and serious issue in the United States. An estimated 10 to 30% of employers misclassify their employees, meaning there are millions of workers across the country who are left without fundamental labor protections.

This has a devastating impact on these workers and their families. For example, according to the Economic Policy Institute, a typical truck driver loses as much as \$23,300 a year in income and benefits as a result of being misclassified. A misclassified construction worker could lose more than \$20,000 a year and a misclassified home health aide could lose more than \$10,000 a year. While 60% of Americans are living paycheck to paycheck, it is unacceptable that the Administration is focused on making it easier to exploit workers, rather than making life more affordable for working families.

By making it easier for employers to misclassify workers, you are giving unscrupulous corporations a free pass to not only avoid paying their workers minimum wage and overtime but also avoid providing job-protected family and medical leave and basic protections to farm workers.

Instead of protecting America’s workers, this proposed rule would be a disaster for workers across the country, especially the workers most vulnerable to exploitation. We urge you to do the right thing, immediately reverse course and withdraw the proposed rule.

Sincerely,



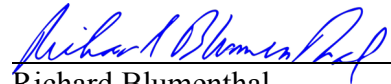
Bernard Sanders
United States Senator
Ranking Member, Committee
on Health, Education, Labor,
and Pensions



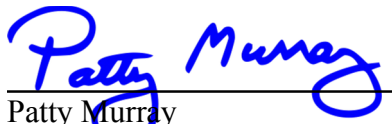
John Hickenlooper
United States Senator



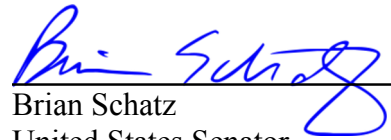
Tammy Baldwin
United States Senator



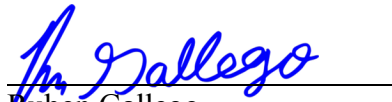
Richard Blumenthal
United States Senator



Patty Murray
United States Senator



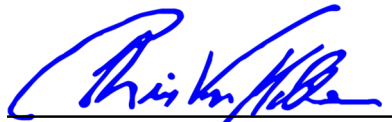
Brian Schatz
United States Senator



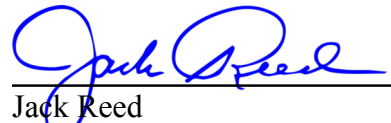
Ruben Gallego
United States Senator



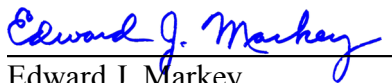
Elizabeth Warren
United States Senator



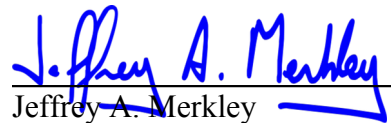
Chris Van Hollen
United States Senator



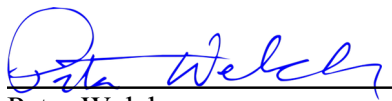
Jack Reed
United States Senator



Edward J. Markey
United States Senator



Jeffrey A. Merkley
United States Senator



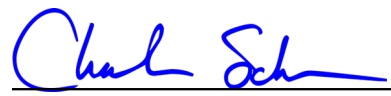
Peter Welch
United States Senator



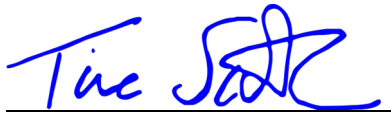
Richard J. Durbin
United States Senator



Mazie K. Hirono
United States Senator



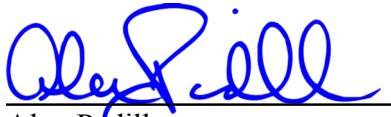
Charles E. Schumer
United States Senator



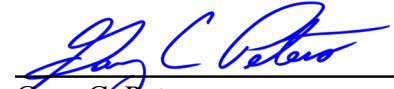
Tina Smith
United States Senator



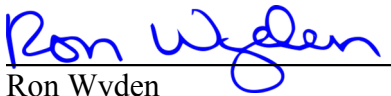
Tammy Duckworth
United States Senator



Alex Padilla
United States Senator



Gary C. Peters
United States Senator



Ron Wyden
United States Senator