Proskauer

Court Provides Further Clarification of CA's New Independent Contractor Test

California Employment Law Update Blog on **October 29, 2018**

On May 1, we reported about the *Dynamex Operations W., Inc. v. Superior Court* opinion in which the California Supreme Court adopted a new standard (the "ABC test") for determining if a worker may properly be classified as an employee or independent contractor. Last Monday, the California Court of Appeal clarified that the "ABC" test applies only to claims arising under the California wage orders and not to other issues such as determining employee status for purposes of workers' compensation, wrongful termination, waiting time penalties, overtime, unfair competition and indemnity claims under the Labor Code. *Garcia v. Border Transportation Group.*

The appellate court held that there was "no reason to apply the ABC test categorically to every working relationship" and that it was "logical" to apply it only to claims arising under the California wage orders. The panel explained that because the wage orders regulate basic working conditions, they warrant the broadest definition of employment to the widest group of workers.

View Original

Related Professionals

- **Anthony J. Oncidi**
  Partner