



Modern Worker Security Act

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[H.R. 1320](#)

Sponsored by Representative Kevin Kiley (R-CA)

The *Modern Worker Security Act* would provide a safe harbor to companies that provide portable benefits to workers, including independent contractors—ensuring these companies would not be classified as an employer simply because they offer these benefits.

The independent contractor model has become a contentious public policy and legal issue in recent years. Most recently, the Biden administration issued an overly-restrictive regulation under the *Fair Labor Standards Act* (FLSA) that would reclassify many independent contractors as employers—despite many workers preferring to maintain the flexibility of an independent contractor relationship. While the Biden rule remains the law of the land, it has been challenged in several federal court cases.

Rep. Kiley's legislation would ensure that the offer of portable benefits by companies would not be a factor in any calculation regarding the classification of a worker under "any federal law"—including the FLSA. The legislation defines portable benefits as a work-related benefit that stays with the worker regardless of whether they continue to perform work for that individual. Such work-related benefits can include "workers' compensation, skills training, professional development, paid leave, disability coverage, health insurance coverage, retirement savings, income security, and short-term saving" or financial contributions toward such coverage—or a combination thereof.

The legislation's sponsor, Rep. Kiley previously [said](#), "Portable benefits are the solution. By attaching benefits to the worker, portable benefits will build the bridge from traditional employment to the modern workforce without putting families at risk."

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