

February 25, 2025

Kevin Kiley
U.S. Representative
2445 Rayburn House Office Building
Washington, D.C. 20515

Tim Walberg
Chair
House Committee on Education & Workforce
2176 Rayburn House Office Building
Washington, D.C. 20515

RE: HR Policy Association Support for the Modern Worker Empowerment Act and the Modern Worker Security Act

Dear Representative Kiley,

HR Policy Association (“HRPA” or “Association”) writes to applaud your leadership and express our support for the Modern Worker Empowerment Act and the Modern Worker Security Act. The Association has long advocated for greater clarification of the law on worker classification, the importance of independent contractors to the American economy, and the need for greater social security for contractors without losing the flexibility of the contractor classification. As detailed below, the Association believes that these bills further these objectives and accordingly strongly advocates for their passage.

HR Policy Association is a public policy advocacy organization that represents the chief human resource officers of more than 350 of the largest corporations doing business in the United States and globally. Collectively, their companies employ more than 10 million employees in the United States, nearly nine percent of the private sector workforce. Since its founding, one of HRPA's principal missions has been to ensure that laws and policies affecting human resources are sound, practical, and responsive to labor and employment issues arising in the workplace.

The legal standard governing worker classification at the federal level has changed with every Presidential Administration since 2008, creating significant uncertainty for companies and workers alike. Differing state laws and overly strict regimes (such as California’s AB5 law) have further complicated the classification issue at best and unnecessarily restricted innovation and flexibility at worst.

The need for a new, straightforward standard that ends regulatory oscillation, provides legal clarity, and reflects modern work arrangements is therefore abundantly clear. The Modern Worker Empowerment Act meets each of these needs. The bill provides a clear and predictable two-factor test that reflects the modern employer-employee work relationship and is based on well-established legal principles of worker classification.

As the gig economy continues to grow and more and more workers rely primarily on app-based work for income, there is undoubtedly a need for contractors to be able to access the social safety net generally reserved for full-time employees. Unfortunately, most current laws governing worker classification – including at the federal level – prevent employers or other entities from providing these types of benefits to contractors without losing the desired flexibility that gig work provides or creating a full employer-employee relationship sought by neither party.

To ensure contractors have access to needed benefits while preserving desired flexibility, [HR Policy has long advocated for a legislative solution](#) that would establish a safe harbor for employers to provide contractors benefits such as health insurance, workers' compensation, skills training, and paid leave while retaining the contractor classification. Because the Modern Worker Security Act would create such a safe harbor, HR Policy supports its passage.

The Modern Worker Empowerment Act and the Modern Worker Security Act bring much needed updates to worker classification law that promote legal clarity and continued workplace flexibility and innovation. HR Policy Association looks forward to supporting these bills through the legislative process to secure passage.

Sincerely,



Gregory Hoff
Assistant General Counsel
Director, Labor and
Employment Law and Policy
HR Policy Association

CC: Members of the U.S. House Committee on Education & Workforce