

Legislative Refresher

August 24, 2017

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| <p>Angela Megasko</p>  <p>Market Viewpoint, LLC, Pres. Chair, Marketing Committee</p> | <p>Paul Ryan</p>  <p>Secret Shopper, Pres. Chair, Legislative Committee</p> |
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Tax Reform
What Could It Mean for Us?

- Lower marginal tax rates
- Scoring methodology

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Two Problematic Pending Bills for Mystery Shopping Companies

1. New Economy Works to Guarantee Independence and Growth Act of 2017, or the NEW GIG Act of 2017

- The bill would create a new safe-harbor provision clarifying the independent-contractor status of covered individuals for purposes of the entire Internal Revenue Code

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Two Problematic Pending Bills for Mystery Shopping Companies

2. Portable Benefits for Independent Workers Pilot Program Act

- The bills are intended to address the portability of benefits for temporary employees, i.e., the ability of a temporary employee to move from employer to employer and continue participating in the same employee benefit plans

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MSPA's involvement with the guidance document for the FLSA (Fair Labor Standards Act)

MSPA was actively engaged in advocacy efforts urging the US Department of Labor ("DOL") to withdraw its Administrative Interpretation No. 2015-1, which contained a broad restatement of the "economic realities" test that courts commonly use to determine whether an individual qualifies as an employee for purposes of the FLSA

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Mitigating the risk of class-action lawsuits through "harmonization"

- A dangerous aspect of the FLSA is that it permits class-action lawsuits to be brought against an employer that is alleged to have violated the FLSA's requirements
- If successful, the risk of independent-contractor mystery shoppers being determined to be "employees" for purposes of the FLSA would be substantially diminished

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MSPA Member Engagement
(How Can We Help?)

- To maximize our industry's effectiveness, we need many MSPA members from many different states to participate, so that our message can be effectively communicated by constituents of as many Members as possible
- Participate in a fly-in later in 2017 and ensure your members of Congress are aware of your interest and position.
- Come to CXE3 to ask questions and learn more

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Any questions ?

Send them to
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