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## dynamex goes back in time

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MSK Client Alert

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### **Why This Matters**

On Thursday, May 2, in *Vazquez v. Jan-Pro Franchising International, Inc.*, a three-judge panel of the Ninth Circuit Court of Appeals held that the California Supreme Court's ruling in *Dynamex Operations West, Inc. v. Superior Court* applies retroactively. In *Dynamex*, the Supreme Court adopted a new standard for determining whether a California worker is an employee or independent contractor under the California Industrial Welfare Commission's ("IWC") wage orders. As we have previously discussed (*see here, here, and here*), *Dynamex's* reach continues to grow and the Ninth Circuit's ruling in *Vazquez* should be of particular concern to employers, who now face potential liability for their past decisions to classify workers as independent contractors rather than employees under a standard that did not exist at the time...

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