



the ever-expanding *dynamex* decision

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The day after the Ninth Circuit Court of Appeals ruled that the California Supreme Court's decision in *Dynamex Operations West, Inc. v. Superior Court* applies retroactively ([see here](#)), California's Division of Labor Standards Enforcement (DLSE) released an opinion letter concluding that *Dynamex's* ABC test applies to both IWC Wage Order claims *and* certain Labor Code provisions that enforce Wage Order requirements. The California Court of Appeals has ruled that *Dynamex* applies only to claims brought under the IWC Wage Orders ([see here](#)) and the DLSE's recent opinion letter seems to expand what that means.

While California state and federal courts are not bound by DLSE opinion letters (meaning they could reach a different conclusion as to exactly which California Labor Code claims fall under *Dynamex*), the DLSE's opinion letter reflects the way that agency will be interpreting *Dynamex* moving forward. This will impact employers who face DLSE wage claims where employees contend they were improperly classified as independent contractors...

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