From: Rodolfo Gisone
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 4:59:33 PM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Rodolfo Gisone
12 wilton way
Sicklerville, NJ 08081
gisone.rodolfo@gmail.com

From: Kathy Dahme
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 4:59:33 PM

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Yours sincerely,
Kathy Dahme
1059 milton ave
West Deptford, NJ 08093
kathdahme@yahoo.com

From: Drew Doria
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 4:59:34 PM

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Yours sincerely,
Drew Doria
23 newton ave
Oaklyn, NJ 08107
drewdoria@yahoo.com

From: Evelyn Starks
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:04:33 PM

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Yours sincerely,
Evelyn Starks
100riverside drive apt
Millville, NJ 08332
starksevelyn87@gmail.com

From: Ricky Ligon
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:13:34 PM

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Yours sincerely,
Ricky Ligon
150 mathistown rd apt 106
Little Egg Harbor Twp, NJ 08087
rickyfl_ligonjr@yahoo.com

From: James Mccourry
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:13:36 PM

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Yours sincerely,
James Mccourry
308 tulip lane
Freehold, NJ 07728
nicw925@gmail.com

From: Sandra Harvey
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:15:36 PM

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Yours sincerely,
Sandra Harvey
64b
Woodbury, NJ 08096
sandrayharvey@gmail.com

From: Katrina Abbott
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:18:33 PM

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Yours sincerely,
Katrina Abbott
2211 zion road
Northfield, NJ 08225
kat.abot23@gmail.com

From: Douglas Curtis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:23:35 PM

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Yours sincerely,
Douglas Curtis
316 mawbey st
Woodbridge, NJ 07095
joydoug2011@outlook.com

From: Denise Vanhorn
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:23:35 PM

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Yours sincerely,
Denise Vanhorn
31 ivanhoe avenue
Somerville, NJ 08876
davanhorn@msn.com

From: Tracy Foster
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:23:37 PM

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Tracy Foster
835 royal lane
Toms River, NJ 08753
tfoster@btboe.org

From: Stephanie Wilson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:24:32 PM

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Yours sincerely,
Stephanie Wilson
69 kent street
Newark, NJ 07108
tooseipop@yahoo.com

From: Timothy Salas
To: Fish, David [DOL]
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Yours sincerely,
Timothy Salas
39 forest ave
Keansburg, NJ 07734
timsalas07@gmail.com

From: April Rockefeller
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:26:33 PM

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Yours sincerely,
April Rockefeller
312 arrowhead park drive
Brick, NJ 08724
aprilrockefeller@yahoo.com

From: Pat Karolchyk
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:26:34 PM

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Yours sincerely,
Pat Karolchyk
7 mount vernon road
Blairstown, NJ 07825
pjkarolchyk@gmail.com

From: Carlon Howell
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:28:36 PM

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Yours sincerely,
Carlon Howell
21 orchard road
Maplewood, NJ 07040
c.12how@yahoo.com

From: Carla Cooper
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:29:33 PM

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[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Carla Cooper
9 langholm ct
Edison, NJ 08817
carlarcooper@yahoo.com

From: Marilyn Mont
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:29:33 PM

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Report Suspicious

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Yours sincerely,
Marilyn Mont
2042 berwick street
Camden, NJ 08105
marilynmont1963@icloud.com

From: Susan Finn
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:31:34 PM

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Yours sincerely,
Susan Finn
5 dorset rd
Berkeley Heights, NJ 07922
susan_finn_realtor@yahoo.com

From: Judith Rodriguez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:32:36 PM

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Yours sincerely,
Judith Rodriguez
1135 kennedy blvd
Bayonne, NJ 07002
jrodriguez07087@gmail.com

From: Ina Blackweii
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:37:33 PM

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Yours sincerely,
Ina Blackweii
248 sawmill rd
Brick, NJ 08724
blackwellina19@gmail.com

From: Carla Williams
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:37:36 PM

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Yours sincerely,
Carla Williams
1769 prospect street
Ewing, NJ 08638
gallmanfamily13@gmail.com

From: Ivonne Webb
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:37:36 PM

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Yours sincerely,
Ivonne Webb
256 south burnett street
East Orange, NJ 07018
webbivonne52@gmail.com

From: Annie Hargrove
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:38:48 PM

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Yours sincerely,
Annie Hargrove
84 n 3rd street
Paterson, NJ 07522
annieh19494@gmail.com

From: Louis Olko
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:43:32 PM

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Yours sincerely,
Louis Olko
442 brick blvd napa
Brick, NJ 08723
66gtocat67@gmail.com

From: Sarah Meyers
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:43:35 PM

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Yours sincerely,
Sarah Meyers
55 arlington avenue
Bloomfield, NJ 07003
supermonkey56789@gmail.com

From: Tammy Cook
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:50:32 PM

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Yours sincerely,
Tammy Cook
55 bridge street
Paterson, NJ 07501
pinknose50@icloud.com

From: Lula Francis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:51:37 PM

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Yours sincerely,
Lula Francis
79 indian trail road
Cape May Court House, NJ 08210
lshajbf64@gmail.com

From: Linda Schmidt
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:52:31 PM

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Yours sincerely,
Linda Schmidt
61 lincoln park rd
Pequannock, NJ 07440
lindakschmidt@optonline.net

From: Minerva Sanchez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:55:37 PM

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Yours sincerely,
Minerva Sanchez
222 main street
New Milford, NJ 07646
minerva_sanchez1@icloud.com

From: Ralph Pasquini
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 5:59:33 PM

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Yours sincerely,
Ralph Pasquini
927 pennline rd
Paulsboro, NJ 08066
rpasq@yahoo.com

From: Tanya Brown
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:09:36 PM

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Yours sincerely,
Tanya Brown
245 clark place
Elizabethport, NJ 07206
tanyakb47@yahoo.com

From: Mary Verni
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:10:35 PM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Mary Verni
56 sandpiper road
Barnegat, NJ 08005
mlverni@icloud.com

From: David Dorsey
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:14:52 PM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

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Yours sincerely,
David Dorsey
120 green grove rd
Neptune, NJ 07753
davidd4905@hotmail.com

From: Evelyn Aguayo
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:16:32 PM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

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Yours sincerely,
Evelyn Aguayo
120 palmer lane
Ewing, NJ 08618
belinaguayo@gmail.com

From: Donald R Fox
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:16:39 PM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

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Yours sincerely,
Donald R Fox
104 willow way
Cherry Hill, NJ 08034
donald_r_fox@comcast.net

From: Verona Wedderburn
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:17:35 PM

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Report Suspicious

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Yours sincerely,
Verona Wedderburn
182 e33 st
Paterson, NJ 07504
veronawedderburn11@gmail.com

From: George Vaneman
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:18:34 PM

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Yours sincerely,
George Vaneman
465 tomlin station road
Mullica Hill, NJ 08062
georgevaneman@icloud.com

From: Mariem Elsobky
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:18:34 PM

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Yours sincerely,
Mariem Elsobky
36 greenville ave
Jersey City, NJ 07305
mariemelsobky8@gmail.com

From: Babacar Diop
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:18:36 PM

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Yours sincerely,
Babacar Diop
103 jabez st newark
Newark, NJ 07105
bossbabs9@gmail.com

From: Gregory A Company
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:19:33 PM

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Yours sincerely,
Gregory A Company
2 normandy place roselle nj
Roselle, NJ 07203
gregorycompany15@gmail.com

From: Alvaro Rodriguez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:23:35 PM

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Report Suspicious

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Yours sincerely,
Alvaro Rodriguez
14 honiss pl
Newark, NJ 07104
alrod973@optonline.net

From: Alex Lynn
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:26:34 PM

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Report Suspicious

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Yours sincerely,
Alex Lynn
148 kenwood dr
Sicklerville, NJ 08081
alexlynnsam21@gmail.com

From: Firstname Donald Thomas
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:30:36 PM

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Report Suspicious

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Yours sincerely,
Firstname Donald Thomas
211 spruce circle
Princeton, NJ 08540
microwave485@gmail.com

From: Antoinette Padilla
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:31:33 PM

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Report Suspicious

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Yours sincerely,
Antoinette Padilla
515 elizabeth ave.
Newark, NJ 07112
nettypadilla1234@gmail.com

From: Margaret Callahan
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:37:34 PM

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Report Suspicious

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Yours sincerely,
Margaret Callahan
356 carr ave
Keansburg, NJ 07734
mamabearmar62174@outlook.com

From: Pedro Padilla
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:40:33 PM

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Report Suspicious

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Yours sincerely,
Pedro Padilla
516 martin ter
Pleasantville, NJ 08232
pppaycom@yahoo.com

From: Kayla Mcintosh
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:41:36 PM

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Yours sincerely,
Kayla Mcintosh
33 church st, paterson, nj 07505
Paterson, NJ 07503
kaylathebaddie1415@gmail.com

From: Sally Kargbo
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:42:33 PM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Sally Kargbo
3 creek ln
Mullica Hill, NJ 08062
kargbosal@hotmail.com

From: Frost Zakiya
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:42:35 PM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

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Yours sincerely,
Frost Zakiya
162 vermont ave
Newark, NJ 07114
zakiya.frost@gmail.com

From: Ginamarie Tucci
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:43:36 PM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

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Yours sincerely,
Ginamarie Tucci
59 cambridge terrace
Hackensack, NJ 07601
msjersey71@gmail.com

From: Marco Perez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:44:32 PM

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Report Suspicious

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Yours sincerely,
Marco Perez
16a roosevelt ave
Boonton, NJ 07005
mikes1169@aol.com

From: Isela Mccrary
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:45:35 PM

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Report Suspicious

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Yours sincerely,
Isela Mccrary
615 darrow ave
Plainfield, NJ 07060
lamexicanaisela@gmail.com

From: Dilip Chowdhury
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:46:32 PM

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Report Suspicious

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Yours sincerely,
Dilip Chowdhury
114 albion street
Passaic, NJ 07055
dilipchowdhury1dilip@aol.com

From: William Taylor
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:48:35 PM

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Report Suspicious

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Yours sincerely,
William Taylor
29 finley rd
Bridgeton, NJ 08302
silvereagle1966@comcast.net

From: Ronald Kalafsky
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:53:35 PM

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Report Suspicious

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Yours sincerely,
Ronald Kalafsky
617 s manetta dr
Point Pleasant Boro, NJ 08742
ronniekalafsky28@icloud.com

From: Kayla Cacciamani
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:54:34 PM

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Yours sincerely,
Kayla Cacciamani
259 gravelly hill rd
Salem, NJ 08079
kayla758@gmail.com

From: Jorge Perez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:56:34 PM

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Yours sincerely,
Jorge Perez
187 union street
Hackensack, NJ 07601
perezgeorge419@gmail.com

From: Brittney Floyd
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 6:58:34 PM

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Report Suspicious

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Yours sincerely,
Brittney Floyd
114 mt. lebanon road
Glen Gardner, NJ 08826
bsherman29@gmail.com

From: Christina Nash
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:01:35 PM

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Report Suspicious

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Yours sincerely,
Christina Nash
1045 grove ave
Edison, NJ 08820
nashc1844@gmail.com

From: Paige Kristensen
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:01:36 PM

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Yours sincerely,
Paige Kristensen
1121 old drift rd
Point Pleasant Boro, NJ 08742
paigeispeachy@gmail.com

From: Sonia Chawla
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:02:34 PM

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Report Suspicious

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Yours sincerely,
Sonia Chawla
312 nightangle sq
Mays Landing, NJ 08330
sonia.chawla04@gmail.com

From: William Dameshek
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:06:37 PM

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Yours sincerely,
William Dameshek
1655 swedesboro avenue
Paulsboro, NJ 08066
williamdameshek@gmail.com

From: Doris Mcclinton
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:07:35 PM

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Yours sincerely,
Doris Mcclinton
208 chalfonte ave
Atlantic City, NJ 08401
mcclintondoris@gmail.com

From: Rician Ruiz
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:08:37 PM

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Yours sincerely,
Rician Ruiz
219 summer avenue
Newark, NJ 07104
ricianmruiz@icloud.com

From: Johnhboyles Johnhboyles
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:16:34 PM

This Message Is From an External Sender
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Report Suspicious

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Yours sincerely,
Johnhboyles Johnhboyles
10 hill
Newark, NJ 07102
boylesisficey@optonline.net

From: Crosby Estil
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:16:35 PM

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Yours sincerely,
Crosby Estil
45 buttonwood
Jersey City, NJ 07305
estilcrosby@yahoo.com

From: James Bates
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:17:35 PM

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Yours sincerely,
James Bates
853 revere ave
Trenton, NJ 08629
bigjim6348@gmail.com

From: Marianne Ryan
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:23:35 PM

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Yours sincerely,
Marianne Ryan
511 quincy drive
Blackwood, NJ 08012
marianneryan810@yahoo.com

From: Erland Chau
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:26:34 PM

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Yours sincerely,
Erland Chau
1001 shore rd
Northfield, NJ 08225
ec0917@comcast.net

From: Pat Lawler
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:27:36 PM

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Yours sincerely,
Pat Lawler
34 primrose lane
Hackettstown, NJ 07840
plawler44@gmail.com

From: Debra Crotty
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:30:38 PM

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Yours sincerely,
Debra Crotty
41 edge hill rd
Blairstown, NJ 07825
ahtaga@hotmail.com

From: Brittany Hocking
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:34:34 PM

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Yours sincerely,
Brittany Hocking
1180 raymond blvd
Newark, NJ 07102
brittanyhocking@gmail.com

From: Jeremy Bragg
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:36:35 PM

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Yours sincerely,
Jeremy Bragg
4 greenbrier court clifton nj
Clifton, NJ 07012
supergucci99@gmail.com

From: Sandra Pike
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:46:36 PM

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Yours sincerely,
Sandra Pike
11 linden st
Bayonne, NJ 07002
pikems@icloud.com

From: Lorena Pons
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:51:33 PM

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Yours sincerely,
Lorena Pons
20sycamore ave
Plainfield, NJ 07060
ponslorena40@gmail.com

From: Tracy Chavez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:56:34 PM

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Yours sincerely,
Tracy Chavez
56 snowberry lane
Delran, NJ 08075
trchav9@aol.com

From: Barbara Jackson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:56:36 PM

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Yours sincerely,
Barbara Jackson
234 gibbsboro rd
Clementon, NJ 08021
barbiegurl7171@yahoo.com

From: Florence Hill
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, July 25, 2025 7:56:50 PM

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Yours sincerely,
Florence Hill
214 plymouth ave.,
West Berlin, NJ 08091
flossie3333@gmail.com

From: William Minervini
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:23:38 AM

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Yours sincerely,
William Minervini
48 lantern ln
Columbus, NJ 08022
william.minervini@gmail.com

From: Sharhonda Townsend
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:27:34 AM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Sharhonda Townsend
612 youngs rd
Phillipsburg, NJ 08865
onthegojackson2@gmail.com

From: Sharon Sullivan
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:28:32 AM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Sharon Sullivan
5 fontainebleau dr
Brick, NJ 08723
ssmds@comcast.net

From: Frank Filipek
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:31:34 AM

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Report Suspicious

Dear David Fish,

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Yours sincerely,
Frank Filipek
217 mercer ave
Bellmawr, NJ 08031
ffilipek@bellmawrredevagency.org

From: Alena Ciccarelli
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:37:36 AM

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Report Suspicious

Dear David Fish,

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Alena Ciccarelli
92 warner ave
Jersey City, NJ 07305
haleesmith03@gmail.com

From: Edwin Malia
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:38:32 AM

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Report Suspicious

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Edwin Malia
32 w laurel dr
Somers Point, NJ 08244
emalia@bellsouth.net

From: Henry Scheyer
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:39:34 AM

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Report Suspicious

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Henry Scheyer
62 riva blvd
Brick, NJ 08723
skipscheyer62@gmail.com

From: Ellen Morabito
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:40:35 AM

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Report Suspicious

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Ellen Morabito
1221 sherwood ave
Cherry Hill, NJ 08002
esmorabito@yahoo.com

From: Patty Lane
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:41:33 AM

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Report Suspicious

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Patty Lane
3 matthew ct
Lebanon, NJ 08833
vreelandringoes60@gmail.com

From: Kim Livingstone
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:43:36 AM

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Report Suspicious

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Yours sincerely,
Kim Livingstone
1134 livingston ave apt2d
North Brunswick, NJ 08902
kimsabinalivingstone@gmail.com

From: Tessy Ninan
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:45:35 AM

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Report Suspicious

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Yours sincerely,
Tessy Ninan
2 heath pkwy
Middletown, NJ 07748
tessyninan@gmail.com

From: Herbert Yarbrough
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 9:47:33 AM

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Report Suspicious

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Yours sincerely,
Herbert Yarbrough
65 jay street
Newark, NJ 07103
herbert486959@gmail.com

From: Lacresha Fields
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:02:36 AM

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Report Suspicious

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Yours sincerely,
Lacresha Fields
76 washington
Belleville, NJ 07018
lacre926@gmail.com

From: Nancy Savianeso
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:02:36 AM

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Yours sincerely,
Nancy Savianeso
290 anderson st #4l
Hackensack, NJ 07601
nsavirn@yahoo.com

From: Kelly Whitehead
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:09:33 AM

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Report Suspicious

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Kelly Whitehead
25 greenwood lake tpke
Ringwood, NJ 07456
bspoonerr@aol.com

From: Michael Alfano
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:11:35 AM

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Report Suspicious

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Yours sincerely,
Michael Alfano
805 harold pl
Piscataway, NJ 08854
michaelalfano314@gmail.com

From: Anissa Downing
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:17:33 AM

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Report Suspicious

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Yours sincerely,
Anissa Downing
659 randolph st
Camden, NJ 08105
afdwal@hotmail.com

From: Louis Rivera
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:21:36 AM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Louis Rivera
125 boroum avenue
Jersey City, NJ 07307
louisrivera221@gmail.com

From: Leticia White
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:23:38 AM

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Report Suspicious

Dear David Fish,

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Yours sincerely,
Leticia White
706 e 24th st
Paterson, NJ 07504
whiteroy44@gmail.com

From: Kathryn Awokoya
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:34:35 AM

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Yours sincerely,
Kathryn Awokoya
16dowling ave us
Audubon, NJ 08106
kbawokoya@gmail.com

From: Lisa Mcdonald
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:42:35 AM

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Yours sincerely,
Lisa Mcdonald
42 prospect st
Bloomfield, NJ 07003
lisa31163@gmail.com

From: Sally James
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:42:36 AM

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Yours sincerely,
Sally James
3 rachel ct
Howell, NJ 07731
sallyjames24@gmail.com

From: John Bardell
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:42:36 AM

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Yours sincerely,
John Bardell
477 shunpike rd
Cape May Court House, NJ 08210
bardejo@aol.com

From: Teriah Hall
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:54:32 AM

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Yours sincerely,
Teriah Hall
79 eaton pl
East Orange, NJ 07017
trhhall@yahoo.com

From: Brenda Adcock
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:55:34 AM

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Yours sincerely,
Brenda Adcock
32 e jimmie leeds road
Galloway, NJ 08205
brenda.adcock@gmail.com

From: Edward Jud
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:57:34 AM

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Yours sincerely,
Edward Jud
120 keer ave
Newark, NJ 07112
edwardjudd011@gmail.com

From: Farah Mitchell
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:57:36 AM

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Yours sincerely,
Farah Mitchell
500 woodbury lake drive
Woodbury, NJ 08096
farahvalme1975@gmail.com

From: Francy Arango
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 10:57:38 AM

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Yours sincerely,
Francy Arango
329 lincoln blvd
Middlesex, NJ 08846
loren.aa.75@hotmail.com

From: Reginald Williams
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 11:07:34 AM

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Yours sincerely,
Reginald Williams
200 east milton ave
Rahway, NJ 07065
ottimoswilliams@gmail.com

From: David Rathof
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 11:07:36 AM

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Yours sincerely,
David Rathof
248 husted station rd
Elmer, NJ 08318
davisrathof@gmail.com

From: Otis Jackson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 11:08:32 AM

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Yours sincerely,
Otis Jackson
72 conduit way
Colonia, NJ 07067
ojmason@gmail.com

From: Michael Buntzen
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 11:17:34 AM

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Yours sincerely,
Michael Buntzen
169 main street
Franklin, NJ 07416
buntzen55@icloud.com

From: Sean Levin
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 11:33:34 AM

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Yours sincerely,
Sean Levin
422 broad st e
Millville, NJ 08332
kannon2255@gmail.com

From: Jannifer Wallace
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 11:44:36 AM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Jannifer Wallace
71 morgan ave
Trenton, NJ 08619
janlwallace91@gmail.com

From: Teresa Austin
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 11:47:35 AM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

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Yours sincerely,
Teresa Austin
305 mercer st
Gloucester City, NJ 08030
austinteresa64@gmail.com

From: Shahinaz Gerais
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 11:57:49 AM

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Report Suspicious

Dear David Fish,

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Yours sincerely,
Shahinaz Gerais
567 broadway
Westwood, NJ 07675
nanisj8@hotmail.com

From: Michael Keleher
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 11:59:37 AM

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Report Suspicious

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Yours sincerely,
Michael Keleher
59 oregon ave
Waretown, NJ 08758
michaelkeleher36@gmail.com

From: Emrys Devita
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:03:34 PM

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Report Suspicious

Dear David Fish,

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Emrys Devita
11 speighstown pl
Toms River, NJ 08757
jondevita79@outlook.com

From: Rhoda Schwartz
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:08:36 PM

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Report Suspicious

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Yours sincerely,
Rhoda Schwartz
2202 latham ourt
Livingston, NJ 07039
rhoda.schwartz@gmail.com

From: Carol Blum
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:12:35 PM

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Report Suspicious

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Yours sincerely,
Carol Blum
303 west hampton ct.
Cape May Court House, NJ 08210
carolblum29@gmail.com

From: Abdel Escobar
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:17:38 PM

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Report Suspicious

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Yours sincerely,
Abdel Escobar
147 b main rd
Montville, NJ 07045
djturco21@hotmail.com

From: Sarah Logan
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:24:35 PM

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Yours sincerely,
Sarah Logan
216 highland ave
River Vale, NJ 07601
dkerlin@gmail.com

From: Ronald Endres
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:26:36 PM

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Yours sincerely,
Ronald Endres
220 lake ave
Williamstown, NJ 08094
ron.endres@gmail.com

From: Aida Davis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:39:36 PM

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Report Suspicious

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Yours sincerely,
Aida Davis
41yorkest
Salem, NJ 08079
muffystarr@yahoo.com

From: Herminia Delrosario
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:48:34 PM

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Report Suspicious

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Yours sincerely,
Herminia Delrosario
591 arlington ave
Phillipsburg, NJ 08865
laughingfire@verizon.net

From: David Pellek
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:49:38 PM

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Report Suspicious

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Yours sincerely,
David Pellek
13 stony brook rd
Stanhope, NJ 07874
hunter1202@aol.com

From: Aida Edmonds
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:49:47 PM

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Yours sincerely,
Aida Edmonds
1041 kenwood ave
Camden, NJ 08103
alex.tuell00@gmail.com

From: Lauren Foster
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 12:51:34 PM

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Report Suspicious

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Yours sincerely,
Lauren Foster
123 elmwood avenue, rahway
Union, NJ 07065
dewitz.dan@gmail.com

From: George Chermark
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, July 26, 2025 1:02:36 PM

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Report Suspicious

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Yours sincerely,
George Chermark
50 out water lane
Garfield, NJ 07026
cherm8@yahoo.com

From: Stephanie Howard
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:07:33 AM

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Report Suspicious

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Stephanie Howard
134 lenox ave
Green Brook, NJ 08812
alany188@msn.com

From: Manny Hernandez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:08:33 AM

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Report Suspicious

Dear David Fish,

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Yours sincerely,
Manny Hernandez
314 preston place ridgewood nj
Ridgewood, NJ 07450
lheto5@yahoo.com

From: Jacqueline Leiva
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:10:33 AM

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Report Suspicious

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Yours sincerely,
Jacqueline Leiva
238 rusling st
Trenton, NJ 08611
jacquelineanneleiva@gmail.com

From: Bob Avella
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:10:36 AM

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Report Suspicious

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Yours sincerely,
Bob Avella
132 hackett pl
Rutherford, NJ 07070
bob396ss@aol.com

From: Elaine Dreyfuss
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:11:34 AM

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Report Suspicious

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Yours sincerely,
Elaine Dreyfuss
661 guilford road
Cherry Hill, NJ 08003
dreyfussspeech@comcast.net

From: Antoinette Brock
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:11:37 AM

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Yours sincerely,
Antoinette Brock
35 manchester ct
Freehold, NJ 07728
abrock1030@gmail.com

From: Derrick Gordon
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:14:32 AM

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Report Suspicious

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Yours sincerely,
Derrick Gordon
376 mt prospect ave
Newark, NJ 07104
brotherdgordon@gmail.com

From: Wanda Briscoe
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:14:34 AM

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Yours sincerely,
Wanda Briscoe
2817 morse
Pennsauken, NJ 08110
wandahunley@yahoo.com

From: Peter Dellindia
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:15:34 AM

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Yours sincerely,
Peter Dellindia
314 broadway
Paterson, NJ 07501
pdellindia1@gmail.com

From: Shaurise Brown
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:21:36 AM

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Yours sincerely,
Shaurise Brown
17 atterbury ave
Trenton, NJ 08618
sbg5606@gmail.com

From: Laura Erickson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:30:35 AM

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Report Suspicious

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Yours sincerely,
Laura Erickson
38 oakwood ave
Bogota, NJ 07603
ericksonloveisit@aol.com

From: Tuvoya Gunn
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:32:35 AM

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Yours sincerely,
Tuvoya Gunn
506 union ave
Irvington, NJ 07111
tgunn19702@gmail.com

From: Dariusb Gibbs
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:32:51 AM

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Yours sincerely,
Dariusb Gibbs
207 delong avenue
Dumont, NJ 07628
dbgibbs7@gmail.com

From: Sarah Layman
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:34:37 AM

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Report Suspicious

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Yours sincerely,
Sarah Layman
4560 tuckahoe road
Franklinville, NJ 08322
sarahlayman1221@gmail.com

From: Wendell Rogers
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:42:32 AM

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Yours sincerely,
Wendell Rogers
1926riverside dr
Trenton, NJ 08618
banklover1962@yahoo.com

From: Peter Chiu
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:47:35 AM

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Yours sincerely,
Peter Chiu
19 san marco st
Princeton Junction, NJ 08550
chiu1950@yahoo.com

From: Michael Cohen
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:48:35 AM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Michael Cohen
233lakesidedrive
Little Egg Harbor Twp, NJ 08087
custer1951@gmail.com

From: Christine Desantis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:53:36 AM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

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Yours sincerely,
Christine Desantis
16 locust avenue
Berlin, NJ 08009
ambysgrammy@aol.com

From: Jessica Ventura
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:55:38 AM

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Report Suspicious

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Yours sincerely,
Jessica Ventura
20 w church
Bergenfield, NJ 07621
jessventura285@gmail.com

From: Lisa Boos
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 8:57:35 AM

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Report Suspicious

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Yours sincerely,
Lisa Boos
551 stanton ave
Franklinville, NJ 08322
lisa05@comcast.net

From: Kathleen Bradley
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:16:33 AM

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Yours sincerely,
Kathleen Bradley
204 e pine st
Audubon, NJ 08106
bkathleen61@yahoo.com

From: Georgy Elmera
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:21:33 AM

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Yours sincerely,
Georgy Elmera
26 jacoby st
Maplewood, NJ 07040
johncutter42@yahoo.com

From: Gayle Fallon
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:22:34 AM

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Yours sincerely,
Gayle Fallon
9324 sunset drive
Stone Harbor, NJ 08247
gayle2415@gmail.com

From: Maria Minaya
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:27:34 AM

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Yours sincerely,
Maria Minaya
66 n. 7th street
Paterson, NJ 07522
thevickster315@aol.com

From: Darshana Amin
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:28:33 AM

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Yours sincerely,
Darshana Amin
40 wellesley way
Freehold, NJ 07728
jejordan@yahoo.com

From: Dwaine Mariano
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:29:33 AM

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Yours sincerely,
Dwaine Mariano
15 midvale
Willingboro, NJ 08046
paulaloveswali@gmail.com

From: Taneen Morris
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:29:33 AM

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Yours sincerely,
Taneen Morris
709 arndt avenue
Riverside, NJ 08075
taneenm1234@gmail.com

From: Annie Carter
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:39:33 AM

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Yours sincerely,
Annie Carter
205 cottage ave
Bridgeton, NJ 08302
carterannie79@gmail.com

From: Rasha Jackson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:42:37 AM

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Yours sincerely,
Rasha Jackson
1306 nottinghill ln
Trenton, NJ 08619
rasha0@me.com

From: Jonathan Session
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:57:35 AM

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Yours sincerely,
Jonathan Session
91 thornhill lane
Willingboro, NJ 08046
s8626@aol.com

From: Jeanette Cepeda
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 9:59:35 AM

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Report Suspicious

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Yours sincerely,
Jeanette Cepeda
427 mechanic street
Perth Amboy, NJ 08861
jcepedar7@gmail.com

From: Doris Perez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:00:36 AM

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Yours sincerely,
Doris Perez
43 bridge street
Paterson, NJ 07501
dorrisperez@gmail.com

From: Marilyn Derasmo
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:04:33 AM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Marilyn Derasmo
131 evergreen ter
Middletown, NJ 07748
robertderasmo@gmail.com

From: Denita Taylor
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:05:35 AM

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Report Suspicious

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Yours sincerely,
Denita Taylor
30 avenue c
Bayonne, NJ 07002
taylor_denita@yahoo.com

From: Cleveland Jefferson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:12:38 AM

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Report Suspicious

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Yours sincerely,
Cleveland Jefferson
22 longworth street
Newark, NJ 07102
malikjefferson64@gmail.com

From: Steven Moskowitz
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:21:35 AM

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Yours sincerely,
Steven Moskowitz
471a chelsea ct
Manchester, NJ 08759
renoman1960@gmail.com

From: Quinton Brown
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:22:33 AM

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Report Suspicious

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Yours sincerely,
Quinton Brown
hana rd. #42
Edison, NJ 08817
qbrown90@gmail.com

From: Raheem Gilchrist
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:45:34 AM

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Report Suspicious

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Yours sincerely,
Raheem Gilchrist
1 shevchenko ave
Somerset, NJ 08873
raheeng@gmail.com

From: Pamela Kaminsky
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:45:36 AM

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Yours sincerely,
Pamela Kaminsky
745 coolidge avenue
Woodbridge, NJ 07095
pburke1083@yahoo.com

From: Amelia Cummings
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:47:34 AM

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Yours sincerely,
Amelia Cummings
914 south 17th st apt 2
Newark, NJ 07102
wheelernaim@yahoo.com

From: Jessica Calcao
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:50:41 AM

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Yours sincerely,
Jessica Calcao
268 elton adelphia rd
Freehold, NJ 07728
jessica.a.calcao@gmail.com

From: Rajagopalan Ramanathan
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:51:33 AM

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Yours sincerely,
Rajagopalan Ramanathan
291 michelle cir
Edison, NJ 08820
rajagopalanengg@gmail.com

From: Pamela Major
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:54:35 AM

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Yours sincerely,
Pamela Major
11 jodhpur ct
Tinton Falls, NJ 07753
pasttyme39@yahoo.com

From: Katherine Stallard
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:54:36 AM

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Yours sincerely,
Katherine Stallard
1498 garden dr
Ocean, NJ 07712
azzuleohhos@gmail.com

From: George Fong
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:54:36 AM

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Yours sincerely,
George Fong
115 kingswood court
Cherry Hill, NJ 08034
g_fong@juno.com

From: Michael Daisey
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 10:54:36 AM

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Yours sincerely,
Michael Daisey
6817 black horse pike
Egg Harbor Township, NJ 08234
mikedaifrmnj@yahoo.com

From: Elise Rogers
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 11:02:34 AM

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Yours sincerely,
Elise Rogers
2210 glenmere ct
Wall Township, NJ 07719
eliseg111357@gmail.com

From: Lina Lozada
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 11:11:33 AM

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Yours sincerely,
Lina Lozada
136 s adelaide ave
Highland Park, NJ 08904
linaloza345@gmail.com

From: Matthew Moles
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 11:17:34 AM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Matthew Moles
137 ebbetts dr
Atco, NJ 08004
themattclean@gmail.com

From: Kristen Vargas
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 11:24:34 AM

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Report Suspicious

Dear David Fish,

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[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

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Yours sincerely,
Kristen Vargas
721 6th street apt
Union City, NJ 07087
kristendvargas@yahoo.com

From: Nilar Lin
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 11:37:33 AM

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Report Suspicious

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Yours sincerely,
Nilar Lin
25 duncan ave unit 210
Jersey City, NJ 07304
nilarlin@gmail.com

From: David Russo
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 11:47:40 AM

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Report Suspicious

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Yours sincerely,
David Russo
8 edgar st
Summit, NJ 07901
davesocr99@gmail.com

From: Caitlin Devries
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Sunday, July 27, 2025 11:51:33 AM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

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[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

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Yours sincerely,
Caitlin Devries
81tuckertonrd
Shamong, NJ 08088
devriescaitlin23@gmail.com

From: Christopher Zardus
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment re: DOL Independent Contractor Proposed Regulation N.J.A.C. 12:11
Date: Sunday, July 27, 2025 4:35:29 PM

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Report Suspicious

Dear David Fish,

I write to you today regarding the Department's Independent Contractor Regulation proposal. Applying this test to my profession as an independent financial advisor with Ameriprise Financial in New Jersey may impact my ability to continue operating independently in New Jersey, providing high quality service to people in my community and the state.

There are more than 150,000 independent financial advisors who have long been an integral part of the securities industry across the country. Independent broker-dealers and their affiliated independent financial advisors provide clients in their communities with personalized and comprehensive financial advice. We help our clients invest, save for retirement, pay for their children's education, and buy insurance to cover unexpected expenses.

Ameriprise offers me the option of being an employee or an independent contractor. Being an independent advisor is my choice and allows me the flexibility to determine how I manage my practice, which includes determining the level of staffing support to provide a high-quality client experience, our technology set, and real estate footprint. As an independent advisor, I set my own schedule, select my clients, and assume typical responsibilities of a small business owner including staff, technology and other costs.

Many financial advisors prefer the flexibility to operate within an independent channel to help serve clients well and help them plan for their future. Please help my clients and my small business continue to thrive in New Jersey by specifically excluding financial advisors and broker dealers from compliance with the ABC Test. This will allow me to continue operating as an independent contractor in New Jersey and serve my clients well now and into the future.

Sincerely,

Christopher Zardus
100 Centre Blvd Ste F, Marlton, NJ
Marlton, NJ 08053-4128

christopher.zardus@ampf.com
856-988-9113

From: Jose Dizon
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 8:30:35 AM

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Report Suspicious

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Jose Dizon
294 woodlawn ave
Jersey City, NJ 07305
demalurance5@yahoo.com

From: Walter Conover
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 8:37:33 AM

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Report Suspicious

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Yours sincerely,
Walter Conover
1107union ave
Union Beach, NJ 07735
walt1107@aol.com

From: Rosalie Mojares
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 8:44:34 AM

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Report Suspicious

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Yours sincerely,
Rosalie Mojares
1303 stallion east circle
Toms River, NJ 08755
rzmojares@gmail.com

From: Emmanuel Etienne
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 8:46:36 AM

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Report Suspicious

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Yours sincerely,
Emmanuel Etienne
822 amsterdam ave
Roselle, NJ 07203
emac12156@yahoo.fr

From: Serafin Rivera
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 8:48:32 AM

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Report Suspicious

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Yours sincerely,
Serafin Rivera
130 pamphylia ave apt 58
Bridgeton, NJ 08302
serafinriverajs@gmail.com

From: Tracy Palmer
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 8:48:34 AM

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Yours sincerely,
Tracy Palmer
814 woodland ave
Westville, NJ 08093
tp507780@gmail.com

From: Rafael Rivera
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 8:53:35 AM

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Yours sincerely,
Rafael Rivera
1223 w cornell st
Vineland, NJ 08360
junimar1@hotmail.com

From: Gary Hunter
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 8:55:35 AM

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Yours sincerely,
Gary Hunter
294 merion ave
Penns Grove, NJ 08069
garytazz@yahoo.com

From: Celia Ray
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:02:34 AM

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Report Suspicious

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Yours sincerely,
Celia Ray
499 oxford st
Bridgeton, NJ 08302
celialray@yahoo.com

From: Mike Riener
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:02:36 AM

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Yours sincerely,
Mike Riener
142
Stone Harbor, NJ 08247
mikeriener1@gmail.com

From: William Witt
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:09:32 AM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
William Witt
135 kansas road
Pennsville, NJ 08070
janellwitt2017@gmail.com

From: Shanna Powers
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:17:33 AM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

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Yours sincerely,
Shanna Powers
11 harvey avenue
Rochelle Park, NJ 07662
shannapowers1111@gmail.com

From: Paradise Goodwin
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:19:35 AM

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Report Suspicious

Dear David Fish,

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Yours sincerely,
Paradise Goodwin
65 oakland ave
Jersey City, NJ 07306
paradisegoodwin550@gmail.com

From: Denise Woolston
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:21:47 AM

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Report Suspicious

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Yours sincerely,
Denise Woolston
33 iorio dr
Trenton, NJ 08620
woolstondenise@yahoo.com

From: Kathleen Casper
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:28:40 AM

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Report Suspicious

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Yours sincerely,
Kathleen Casper
105 sunset rd
Whiting, NJ 08759
cmommadukes@aol.com

From: Millie Doherty
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:32:38 AM

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Report Suspicious

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Yours sincerely,
Millie Doherty
627 ten eyck ave
Lyndhurst, NJ 07071
milliedoherty@yahoo.com

From: Lisa Bocchino
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:33:34 AM

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Report Suspicious

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Yours sincerely,
Lisa Bocchino
38 greylock ave
Belleville, NJ 07109
leebocchino23@gmail.com

From: Heshimu Johnson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:39:45 AM

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Report Suspicious

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Yours sincerely,
Heshimu Johnson
442 rutherford ave
Trenton, NJ 08618
heshimujohnson754@gmail.com

From: Jose Yunga
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:47:31 AM

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Report Suspicious

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Yours sincerely,
Jose Yunga
517 kossuth st
Riverside, NJ 08075
luciyunga1987@gmail.com

From: David Colon
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:54:33 AM

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Report Suspicious

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Yours sincerely,
David Colon
3 danbury lane
Sewell, NJ 08080
davidcolon2929@gmail.com

From: Kurt Nichols
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 9:58:33 AM

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Report Suspicious

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Yours sincerely,
Kurt Nichols
83 montague place 4
Montclair, NJ 07042
trekman1122@gmail.com

From: Mildred Ruiz
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:02:34 AM

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Report Suspicious

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Yours sincerely,
Mildred Ruiz
159hancock rd
Piscataway, NJ 08854
mildredi196127@gmail.com

From: Iris Colon
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:03:33 AM

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Report Suspicious

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Yours sincerely,
Iris Colon
267 ellison st
Paterson, NJ 07501
iriscoloncortes@gmail.com

From: Thomas Spingler
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:05:36 AM

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Report Suspicious

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Yours sincerely,
Thomas Spingler
39 walton ave
Oakland, NJ 07436
velcr0@aol.com

From: Fernando Ferreira
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:08:36 AM

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Report Suspicious

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Yours sincerely,
Fernando Ferreira
747 n 8th st
Newark, NJ 07107
freyta333@gmail.com

From: John Reiner
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 10:10:07 AM

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Report Suspicious

Dear Executive Director Fish,

I am an independent insurance producer licensed in the state of New Jersey, and I am writing to express my strong opposition to the proposed changes to the ABC test in N.J.A.C. 12:11. These changes, while intended to target worker misclassification, would unintentionally disrupt my ability to do business, serve clients, and earn a living as an independent professional.

Like thousands of insurance producers across the state, I am not an employee of any insurance company. I operate independently, representing multiple carriers so I can find the best coverage solutions for my clients. This structure is not only legal—it is essential to consumer choice and competitive insurance markets.

Under the proposed rule:

- The way I comply with legal and regulatory requirements—such as continuing education, licensing, or carrier guidelines—could be misread as employer control (Prong A).
- Because I help sell insurance products, my work might be considered part of the carrier's "usual course of business" (Prong B), even though I don't work for them.
- And under Prong C, my corporate status, insurance coverage, and client base may not be enough to prove I'm truly independent—despite running a legitimate business.

This puts me and others like me in an impossible position. We are not misclassified workers—we are entrepreneurs. If adopted as written, this regulation could devastate New Jersey's independent agency channel and restrict consumers' access to trusted local advisors.

Please reconsider this rule, or at the very least, carve out a clear exemption for licensed insurance producers. We are already regulated professionals and do not belong in the same category as app-based gig workers or temporary laborers.

Thank you for considering my comments.

Sincerely,

Sincerely,

John Reiner
165 Wentworth Dr
Berkeley Heights, NJ 07922
jack@reinerinsurance.com

From: Anthony Bavaro
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 10:10:08 AM

This Message Is From an Untrusted Sender
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Report Suspicious

Dear Executive Director Fish,

I am an independent insurance producer licensed in the state of New Jersey, and I am writing to express my strong opposition to the proposed changes to the ABC test in N.J.A.C. 12:11. These changes, while intended to target worker misclassification, would unintentionally disrupt my ability to do business, serve clients, and earn a living as an independent professional.

Like thousands of insurance producers across the state, I am not an employee of any insurance company. I operate independently, representing multiple carriers so I can find the best coverage solutions for my clients. This structure is not only legal—it is essential to consumer choice and competitive insurance markets.

Under the proposed rule:

- The way I comply with legal and regulatory requirements—such as continuing education, licensing, or carrier guidelines—could be misread as employer control (Prong A).
- Because I help sell insurance products, my work might be considered part of the carrier's "usual course of business" (Prong B), even though I don't work for them.
- And under Prong C, my corporate status, insurance coverage, and client base may not be enough to prove I'm truly independent—despite running a legitimate business.

This puts me and others like me in an impossible position. We are not misclassified workers—we are entrepreneurs. If adopted as written, this regulation could devastate New Jersey's independent agency channel and restrict consumers' access to trusted local advisors.

Please reconsider this rule, or at the very least, carve out a clear exemption for licensed insurance producers. We are already regulated professionals and do not belong in the same category as app-based gig workers or temporary laborers.

Thank you for considering my comments.

Sincerely,

Sincerely,

Anthony Bavaro
158 Hartpence Rd
Milford, NJ 08848
abavaro@lianet.com

From: Roger Butler
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 10:10:08 AM

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Report Suspicious

Dear Executive Director Fish,

This legislation would make us employees of everyone of our carriers.

As an Employee of an independent insurance agency in New Jersey, I am writing to express my deep concern regarding the Department of Labor and Workforce Development's proposed regulation codifying and expanding the ABC test (N.J.A.C. 12:11). While I understand and support the Department's goal of preventing worker misclassification, this proposal threatens to upend the very structure of the independent agency system—a system that has served New Jersey consumers and businesses with integrity and accountability for decades.

Independent agents operate as licensed professionals under the strict regulation of the New Jersey Department of Banking and Insurance. We are not gig workers nor part of the underground economy. We run real businesses, often with storefronts, payrolls, and longstanding carrier relationships. Yet, under this proposal, even a standard agency-carrier relationship—where an agent contracts with multiple insurers to serve clients—could be misinterpreted as an employment relationship under the expanded ABC test.

Specifically:
- Prong A could misconstrue regulatory compliance (e.g., mandatory training, licensing) as control, even though such obligations are imposed by law, not insurers.
- Prong B risks defining agency work as within a carrier's "usual course of business," despite our separate and independent operations.
- Prong C dismisses common markers of legitimate businesses (such as corporate status and business insurance) as insufficient—placing an unreasonable burden on producers.

This interpretation undermines our ability to operate autonomously and threatens the survival of agencies like mine. It would force us to restructure or even dissolve longstanding contractual relationships, harming not just our businesses, but the consumers who rely on personalized, unbiased advice that only independent agents provide.
I respectfully urge the Department to either withdraw this proposal or, at a minimum,

include a safe harbor or clear exemption for individuals and entities licensed by the New Jersey Department of Banking and Insurance.

Independent insurance agents are not the problem this rule seeks to solve. Please do not let us become collateral damage.

Sincerly,

Sincerely,

Roger Butler
309 Amy Way
Cinnaminson, NJ 08077
rbutler@barclayinsurance.com

From: Palma Reardon
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:15:32 AM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

[highlight=transparent]We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish. [/highlight]

[highlight=transparent]Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey. [/highlight]

[highlight=transparent]The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.[/highlight]

[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Palma Reardon
17b cardinal st
Manchester, NJ 08759
reardonnaples@comcast.net

From: Michael Blumenfeld
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 10:20:07 AM

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Report Suspicious

Dear Executive Director Fish,

As the owner of an independent insurance agency in New Jersey, I am writing to express my deep concern regarding the Department of Labor and Workforce Development's proposed regulation codifying and expanding the ABC test (N.J.A.C. 12:11). While I understand and support the Department's goal of preventing worker misclassification, this proposal threatens to upend the very structure of the independent agency system—a system that has served New Jersey consumers and businesses with integrity and accountability for decades.

Independent agents operate as licensed professionals under the strict regulation of the New Jersey Department of Banking and Insurance. We are not gig workers nor part of the underground economy. We run real businesses, often with storefronts, payrolls, and longstanding carrier relationships. Yet, under this proposal, even a standard agency-carrier relationship—where an agent contracts with multiple insurers to serve clients—could be misinterpreted as an employment relationship under the expanded ABC test.

Specifically:

- Prong A could misconstrue regulatory compliance (e.g., mandatory training, licensing) as control, even though such obligations are imposed by law, not insurers.
- Prong B risks defining agency work as within a carrier's "usual course of business," despite our separate and independent operations.
- Prong C dismisses common markers of legitimate businesses (such as corporate status and business insurance) as insufficient—placing an unreasonable burden on producers.

This interpretation undermines our ability to operate autonomously and threatens the survival of agencies like mine. It would force us to restructure or even dissolve longstanding contractual relationships, harming not just our businesses, but the consumers who rely on personalized, unbiased advice that only independent agents provide.

I respectfully urge the Department to either withdraw this proposal or, at a minimum, include a safe harbor or clear exemption for individuals and entities licensed by the New Jersey Department of Banking and Insurance.

Independent insurance agents are not the problem this rule seeks to solve. Please do not let us become collateral damage.

Sincerly,

Sincerely,

Michael Blumenfeld
918 Bloomfield St
Hoboken, NJ 07030
mike@msqia.com

From: Donna Hirsch
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:24:32 AM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

[highlight=transparent]We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish. [/highlight]

[highlight=transparent]Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey. [/highlight]

[highlight=transparent]The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.[/highlight]

[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Donna Hirsch
11 spring valley dr
Hillsborough, NJ 08844
donnahirsch2@gmail.com

From: Taasia Evans
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:24:43 AM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

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[highlight=transparent]The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.[/highlight]

[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Taasia Evans
107 thompson
Burlington, NJ 08016
evanstaasia@yahoo.com

From: Alicia Holmes
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:37:37 AM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Alicia Holmes
51 ridgley st
Mount Holly, NJ 08060
alicia.holmes@gmail.com

From: Anne Gallicchio
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:39:33 AM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Anne Gallicchio
1236 pacific ave
Beachwood, NJ 08722
agall1@hotmail.com

From: Craig Hanlon
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 10:40:09 AM

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Report Suspicious

Dear Executive Director Fish,

As the owner of an independent insurance agency in New Jersey, I am writing to express my deep concern regarding the Department of Labor and Workforce Development's proposed regulation codifying and expanding the ABC test (N.J.A.C. 12:11). While I understand and support the Department's goal of preventing worker misclassification, this proposal threatens to upend the very structure of the independent agency system—a system that has served New Jersey consumers and businesses with integrity and accountability for decades.

Independent agents operate as licensed professionals under the strict regulation of the New Jersey Department of Banking and Insurance. We are not gig workers nor part of the underground economy. We run real businesses, often with storefronts, payrolls, and longstanding carrier relationships. Yet, under this proposal, even a standard agency-carrier relationship—where an agent contracts with multiple insurers to serve clients—could be misinterpreted as an employment relationship under the expanded ABC test.

Specifically:
- Prong A could misconstrue regulatory compliance (e.g., mandatory training, licensing) as control, even though such obligations are imposed by law, not insurers.
- Prong B risks defining agency work as within a carrier's "usual course of business," despite our separate and independent operations.
- Prong C dismisses common markers of legitimate businesses (such as corporate status and business insurance) as insufficient—placing an unreasonable burden on producers.

This interpretation undermines our ability to operate autonomously and threatens the survival of agencies like mine. It would force us to restructure or even dissolve longstanding contractual relationships, harming not just our businesses, but the consumers who rely on personalized, unbiased advice that only independent agents provide.
I respectfully urge the Department to either withdraw this proposal or, at a minimum, include a safe harbor or clear exemption for individuals and entities licensed by the New Jersey Department of Banking and Insurance.

Independent insurance agents are not the problem this rule seeks to solve. Please do not let us become collateral damage.

Sincerely,

Sincerely,

Craig Hanlon
51 Saunders Ln
Hackettstown, NJ 07840
craig@hanlonins.com

From: Richard Grimmer
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:46:33 AM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

[highlight=transparent]We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish. [/highlight]

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[highlight=transparent]The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.[/highlight]

[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Richard Grimmer
201 foster rd
Toms River, NJ 08753
grimmrich@aol.com

From: Alexis Doss
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:46:34 AM

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Report Suspicious

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Yours sincerely,
Alexis Doss
342 s pine st
Bridgeton, NJ 08302
conyers34@gmail.com

From: Cederman Eric
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:59:34 AM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

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Yours sincerely,
Cederman Eric
93 prospect st
Little Falls, NJ 07424
cedermaneric@gmail.com

From: Mia Oblenis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 10:59:35 AM

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Report Suspicious

Dear David Fish,

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Mia Oblenis
116 henry st
Palisades Park, NJ 07650
maodorville11@yahoo.com

From: Nancy Awad
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 11:01:37 AM

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Report Suspicious

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[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Nancy Awad
30 west 50th st
Bayonne, NJ 07002
m.bawadi@gmail.com

From: Steve Killebrew
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment re: DOL Independent Contractor Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 11:21:16 AM

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Report Suspicious

Dear David Fish,

I write to you today regarding the Department's Independent Contractor Regulation proposal. Applying this test to my profession as an independent financial advisor with Ameriprise Financial in New Jersey may impact my ability to continue operating independently in New Jersey, providing high quality service to people in my community and the state.

There are more than 150,000 independent financial advisors who have long been an integral part of the securities industry across the country. Independent broker-dealers and their affiliated independent financial advisors provide clients in their communities with personalized and comprehensive financial advice. We help our clients invest, save for retirement, pay for their children's education, and buy insurance to cover unexpected expenses.

Ameriprise offers me the option of being an employee or an independent contractor. Being an independent advisor is my choice and allows me the flexibility to determine how I manage my practice, which includes determining the level of staffing support to provide a high-quality client experience, our technology set, and real estate footprint. As an independent advisor, I set my own schedule, select my clients, and assume typical responsibilities of a small business owner including staff, technology and other costs.

Many financial advisors prefer the flexibility to operate within an independent channel to help serve clients well and help them plan for their future. Please help my clients and my small business continue to thrive in New Jersey by specifically excluding financial advisors and broker dealers from compliance with the ABC Test. This will allow me to continue operating as an independent contractor in New Jersey and serve my clients well now and into the future.

Sincerely,

Steve Killebrew
Ameriprise Financial 1250 E. Ridgewood Ave, Suites 8 and 9, Ridgewood, NJ
Ridgewood, NJ 07450-3930

steve.k.killebrew@ampf.com
917-460-7863

From: Jessica Palatucci
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment re: DOL Independent Contractor Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 11:49:39 AM

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Report Suspicious

Dear David Fish,

I write to you today regarding the Department's Independent Contractor Regulation proposal. Applying this test to my profession as an independent financial advisor with Ameriprise Financial in New Jersey may impact my ability to continue operating independently in New Jersey, providing high quality service to people in my community and the state.

There are more than 150,000 independent financial advisors who have long been an integral part of the securities industry across the country. Independent broker-dealers and their affiliated independent financial advisors provide clients in their communities with personalized and comprehensive financial advice. We help our clients invest, save for retirement, pay for their children's education, and buy insurance to cover unexpected expenses.

Ameriprise offers me the option of being an employee or an independent contractor. Being an independent advisor is my choice and allows me the flexibility to determine how I manage my practice, which includes determining the level of staffing support to provide a high-quality client experience, our technology set, and real estate footprint. As an independent advisor, I set my own schedule, select my clients, and assume typical responsibilities of a small business owner including staff, technology and other costs.

Many financial advisors prefer the flexibility to operate within an independent channel to help serve clients well and help them plan for their future. Please help my clients and my small business continue to thrive in New Jersey by specifically excluding financial advisors and broker dealers from compliance with the ABC Test. This will allow me to continue operating as an independent contractor in New Jersey and serve my clients well now and into the future.

Sincerely,

Jessica Palatucci
8 Hillside Ave. Suite 301
Montclair, NJ 07042-2129

jessica.e.palatucci@ampf.com
973-744-4500

From: Llnon Slossberg
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment re: DOL Independent Contractor Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 11:51:15 AM

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Dear David Fish,

I write to you today regarding the Department's Independent Contractor Regulation proposal. Applying this test to my profession as an independent financial advisor with Ameriprise Financial in New Jersey may impact my ability to continue operating independently in New Jersey, providing high quality service to people in my community and the state.

There are more than 150,000 independent financial advisors who have long been an integral part of the securities industry across the country. Independent broker-dealers and their affiliated independent financial advisors provide clients in their communities with personalized and comprehensive financial advice. We help our clients invest, save for retirement, pay for their children's education, and buy insurance to cover unexpected expenses.

Ameriprise offers me the option of being an employee or an independent contractor. Being an independent advisor is my choice and allows me the flexibility to determine how I manage my practice, which includes determining the level of staffing support to provide a high-quality client experience, our technology set, and real estate footprint. As an independent advisor, I set my own schedule, select my clients, and assume typical responsibilities of a small business owner including staff, technology and other costs.

Many financial advisors prefer the flexibility to operate within an independent channel to help serve clients well and help them plan for their future. Please help my clients and my small business continue to thrive in New Jersey by specifically excluding financial advisors and broker dealers from compliance with the ABC Test. This will allow me to continue operating as an independent contractor in New Jersey and serve my clients well now and into the future.

Sincerely,

Llnon Slossberg
8 Hillside Ave. Suite 301 Montclair, NJ
Montclair, NJ 07042-2129

llnon.h.slossberg@ampf.com
973-744-4500

From: Wilbert Lozzi
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 12:45:34 PM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

[highlight=transparent]We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish. [/highlight]

[highlight=transparent]Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey. [/highlight]

[highlight=transparent]The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.[/highlight]

[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Wilbert Lozzi
35 w sumner ave #apt 243
Union, NJ 07083
lozzi11@outlook.com

From: Charlene Davis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 12:45:34 PM

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Yours sincerely,
Charlene Davis
2880 hull rd
Camden, NJ 08104
charlenedavis145@gmail.com

From: Linda Truppi
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 12:48:33 PM

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Yours sincerely,
Linda Truppi
1150
Manahawkin, NJ 08050
lintrup3@aol.com

From: Brook Webb
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 12:50:10 PM

This Message Is From an Untrusted Sender
You have not previously corresponded with this sender.

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Dear Executive Director Fish,

We will be limited in what we can do for our customer if you implement the ABC Rule. I was a captured agent prior to opening as an IA and it was extremely difficult to tell a customer, who is not digital savy, they no longer mattered and after 56 years of loyalty, they were being dropped due or non renewed for having a monoline policy because they no longer drove. We as IA's, have a trusting relationship with our customer that goes way beyond 9-5. Our relationships with carriers allows us to work with these customers for solutions that work for what is best for them. We are right there next to them, helping to guide them and make sure they have the protection they need because we care. Imagine asking one of these long time customers to go online and add an endorsement on their own? That would be unfair. We, as a collective representation of the IA community, help more than you realize. I have personally gone to the home of a customer to help. get them logged in and make a change or pay a bill for one of the carriers. We offer a personalized desire and willingness to help!

I am an independent insurance producer licensed in the state of New Jersey, and I am writing to express my strong opposition to the proposed changes to the ABC test in N.J.A.C. 12:11. These changes, while intended to target worker misclassification, would unintentionally disrupt my ability to do business, serve clients, and earn a living as an independent professional.

Like thousands of insurance producers across the state, I am not an employee of any insurance company. I operate independently, representing multiple carriers so I can find the best coverage solutions for my clients. This structure is not only legal—it is essential to consumer choice and competitive insurance markets.

Under the proposed rule:

- The way I comply with legal and regulatory requirements—such as continuing education, licensing, or carrier guidelines—could be misread as employer control (Prong A).
- Because I help sell insurance products, my work might be considered part of the carrier's "usual course of business" (Prong B), even though I don't work for them.
- And under Prong C, my corporate status, insurance coverage, and client base

may not be enough to prove I'm truly independent—despite running a legitimate business.

This puts me and others like me in an impossible position. We are not misclassified workers—we are entrepreneurs. If adopted as written, this regulation could devastate New Jersey's independent agency channel and restrict consumers' access to trusted local advisors.

Please reconsider this rule, or at the very least, carve out a clear exemption for licensed insurance producers. We are already regulated professionals and do not belong in the same category as app-based gig workers or temporary laborers.

Thank you for considering my comments.

Sincerely,

Sincerely,

Brook Webb
1700 State Route 23 Ste 302
Wayne, NJ 07470
brooke.webb@mycornerstoneassurance.com

From: Maryann Orsillo
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 12:50:32 PM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Maryann Orsillo
12 stoneleigh ter
Riverdale, NJ 07457
maryannorsillo@icloud.com

From: Randall Edmonds
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 12:52:34 PM

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Yours sincerely,
Randall Edmonds
53 dubois
Englewood, NJ 07631
rrransom23@gmail.com

From: media
To: Fish, David [DOL]
Subject: [EXTERNAL] Public Comment Submissions PRN 2025-051 – ABC Test: Independent Contractors
Date: Monday, July 28, 2025 12:54:19 PM
Attachments: Public Comments PRN 2025-051 Batch 4.xlsx
Public Comments PRN 2025-051 Batch 4..pdf

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Hi Mr. Fish,

Attached here, please find an additional 146 public comments from concerned New Jerseyans related to PRN 2025-051:ABC Test for Independent Contractors. As in my previous emails, contact information for each commenter is included on each individual letter and in an attached spreadsheet. These letters were also sent to your email directly, but I am sending them here as well.

If you could confirm receipt of these comments, it would be much appreciated.

Thank you again,
Charlyce

created_at	first_name	last_name	email	street_address	street_address2
2025-07-25T15:06:40.841 UT	Hamaun	Persaud	kpersaud@ship	18 Hyatt Ave Newark NJ	
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2025-07-22T12:56:21.038 UT	Joann	B	3jb@comcast.n	48 Little Street Matawan	
2025-07-22T12:46:48.637 UT	Anne	Marchitelli	annemarch123	25 Chestnut Street	
2025-07-22T11:20:32.106 UT	John	Cavaliere	john.cavaliere@	12 Molsbury Lane	
2025-07-22T09:55:22.563 UT	ALAN	ANTONUCCI	alan@allcitylea	38 Old Woods Rd	
2025-07-21T17:55:07.263 UT	Mary	Venezio	marvenezio@c	185 N Hill Road	
2025-07-21T17:16:51.800 UT	Michael	Barker	tktransport@tkt	1703 Albert Street	
2025-07-21T16:27:27.138 UT	Ray	Capote	RCAPOTE@RI	2900 Woodbridge Avenue	
2025-07-21T16:05:21.668 UT	Robert	Hedler	rhedler@rpmw	2900 Woodbridge Ave	
2025-07-21T15:48:07.128 UT	Robert	Forcillo	bob@continent	45 Marcellus Ave.	
2025-07-21T15:43:10.672 UT	Thomas	Connery	tconnery@rpm	2900 Woodbridge Ave	
2025-07-21T15:30:48.612 UT	ALAN	ANTONUCCI	alan@allcitylea	38 Old Woods Rd	
2025-07-21T14:40:58.785 UT	Eric	DeGesero	edegesero@gm	525 Central Ave	
2025-07-18T16:38:47.797 UT	Philip	Sax	Philsax@hotma	433 Chanticleer	
2025-07-18T15:00:43.075 UT	Jessi	King	jessimk1@gma	5 Hayward Street East Orange	
2025-07-18T13:18:34.333 UT	Eden	Sonta	eden.sonta@ya	31 Vom Eigen Drive	
2025-07-18T11:17:07.044 UT	Eric	Dea	edea21@aol.co	3 Atlantis Terrace	
2025-07-17T02:50:13.733 UT	Sirarpi	Armani	Sirarpi67@gma	1375 River Rd	
2025-07-16T03:23:18.692 UT	Destiny	Hartsfield	destinyhartsfiel	137 Lilac St Browns Mills Nj	
2025-07-16T00:02:47.341 UT	Michael	Binkins	mgbinkins@co	1718 Hybrid Place	
2025-07-15T14:26:59.120 UT	Michael	Eldracher	Eldracher@yah	721 Manor Dr, Brick, NJ	

2025-07-15T12:01:13.112 UT	CARLA	Ulbrich	carlau@comca	62 Bayberry Drive
2025-07-14T03:36:51.126 UT	Jeffrey	Mehler	FareEatsJeff@	620 South Forklanding Road
2025-07-14T00:12:18.364 UT	Domenic J	Lacava	domlacava@ya	1921 McKee Ave Deptford NJ (
2025-07-12T18:06:59.777 UT	Eileen	Kreiling	eileenk2@veriz	8 Whitman Road
2025-07-12T18:05:41.382 UT	Eileen	Kreiling	eileenk2@veriz	8 Whitman Road
2025-07-12T01:37:10.002 UT	Howard	Shinn	howard.shinn1(	20 E Clayton Ave
2025-07-12T01:13:40.635 UT	Vincent	Canoro	Vinnyjr@esktru	116 sycamore Ave Freehold ne
2025-07-11T22:25:02.709 UT	John	Sonta	john_sonta@ya	31 Vom Eigen Drive
2025-07-11T18:56:48.424 UT	Izmir	Bako	Izmirbako@hot	234 Center Street, New Milford
2025-07-11T17:39:36.541 UT	Kevin	Villalba	kvillalba1221@	20 48th st.
2025-07-11T16:23:19.330 UT	Thomas	Jauch	jauch.tom@gm	53 Longview Ave
2025-07-11T16:06:03.309 UT	Vivian	Rohrsetzer	82siedylmia@g	816 Palisade Ave
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2025-07-11T16:04:10.850 UT	Vivian	Rohrsetzer	82siedylmia@g	816 Palisade Ave
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2025-07-11T15:52:51.771 UT	Kathleen	Morin	kathygmorin@g	10 Meadowlark ln
2025-07-11T15:03:48.349 UT	Zahirah	Miranda Perez	zmirandaperez(	1312 Barbara Ave
2025-07-10T23:16:07.861 UT	Jackie	Trinity	redracer5@con	3728 Symes Drv.
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2025-07-10T21:47:09.400 UT	Devin	Poonai	dp102288@gm	65 Evelyn Avenue
2025-07-10T19:35:04.470 UT	Arthur	Hoffman	awhoffman49@	11 Hancock Pl
2025-07-10T18:00:46.636 UT	Jessica	Connors	jess@tortugacr	703 Oxford Rd
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2025-07-10T17:12:27.011 UT	Jennifer	Kohn	jld0209@gmail.	6 Tracy Lane
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2025-07-10T15:44:44.021 UT	Julie	Capello	julie.capello@y	18 Tall Timber Dr
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2025-07-10T14:49:58.231 UT	Jillian	Goldfeder	jillianforemost@	31 Harness Ln
2025-07-10T14:39:11.043 UT	Andrew	Debkowski	adebkowski@g	77 DEACON DR
2025-07-10T14:19:44.142 UT	Ronnie Ann	De Pasquale	radp1994@yah	Danville Mountain
2025-07-10T14:05:42.492 UT	Diana	Van Hise	dlvanhise@gm	41 Janet Ct
2025-07-10T14:01:20.737 UT	Magdalena	Lewicki	ruda630@yaho	576 New Centre Rd
2025-07-10T13:41:27.646 UT	Holly	Jahn	Hollyrjahn25@g	41 Janet Ct
2025-07-10T13:30:32.564 UT	Eszter	Huebscher	eszterh43@gm	2 Pheasant Run road
2025-07-10T13:26:30.768 UT	Rebekah	Lodato	rebekahm3323	51 Chesterfield Crosswicks Ro
2025-07-10T13:07:59.744 UT	Thomas	Deacon	deacontw74@v	133 Frederick Street
2025-07-10T13:07:01.389 UT	Michael	Oliver	olivermjr@gma	6 Patterson Lane
2025-07-10T13:06:19.239 UT	Mark	Violi	marklvioli@gm	620 Paxson Ave
2025-07-10T13:00:15.710 UT	Michele	Vollmer	michelevollmer	171 Medford Blvd
2025-07-10T12:57:25.895 UT	Anita	Levine	animarinc@yah	336 Hoover ave.
2025-07-10T12:29:52.304 UT	Thomas	Stremme	tstremme1@icl	803 Stagecoach Road, Marmor
2025-07-10T12:22:36.687 UT	Marianne	Zelinack	zelinackfamily@	Somerset
2025-07-10T12:15:57.081 UT	sherry	washington	sherr314@yah	109 AMWELLBURY ROAD
2025-07-10T12:07:51.020 UT	Sandra	Roth	sandyr1103@g	12 King ST
2025-07-10T12:06:48.947 UT	Brian	Sniatkowski	briansnat@gm	30 Northwood Dr
2025-07-10T11:55:35.102 UT	William	J. Ludlum	wjludlum@gma	925 Cranford Ave
2025-07-10T11:50:07.905 UT	Scott	Rademacher	srademacher@	11 Oakwood Dr hazlet
2025-07-10T11:47:09.493 UT	DAVID	DULEBA	SVEeNSKA@V	64 BURNET ST
2025-07-10T11:43:40.212 UT	BRENDA	DELPREORE	bdelpreore@ve	14 Kentwood Rd
2025-07-10T11:41:27.182 UT	Michael	Hoppe	hop222@msn.c	28 Gloucester Court
2025-07-10T11:40:46.934 UT	Kevin	Kurdziel	kevin.kurdziel@	28 Kipling Way, Manalapan Tov
2025-07-10T11:40:20.763 UT	Tim	Crouse	Timmcrouse@g	284 Andersen Road
2025-07-10T11:30:57.957 UT	Andrea	Ginnelly	andrea7948@a	606 Barbara Road
2025-07-10T11:28:39.637 UT	Thomas	Baxter	tbaxter21@gm	145 Lilac Drive
2025-07-10T11:20:54.118 UT	Lisa	Mastanduno	lmastanduno@	15 Fleetwood Road

2025-07-10T11:19:11.165 UT	Helen	Mastanduno	helenpkcheong	47 Clearmont Ave
2025-07-10T11:17:30.560 UT	Michael	Mastanduno	firemike07@ao	47 Clearmont Ave
2025-07-10T02:38:00.912 UT	Kristina	Leszczak	Kristinalesz@g	124 Solar Drive
2025-07-10T02:27:02.159 UT	Kathryn	Ocallahan	Ksocallahan67(	263 Wilson ave
2025-07-10T00:25:04.164 UT	Molly	Hazen	mollysbaskets5	447 Main Street, Box 272, Cros
2025-07-09T22:50:47.875 UT	Lori	Matteo	Lorimerarealtor	33 Oakwood Village, Apt 4, Fla
2025-07-09T22:46:13.540 UT	Lori	Matteo	Lorimerarealtor	33 Oakwood Village, Apt 4, Fla
2025-07-09T19:49:58.485 UT	Elisabeth	Landi	elandicsr@msn	26 McAdoo Avenue
2025-07-09T18:24:12.148 UT	James	Bagley	jebagley4@gm	103 Seaview Court
2025-07-09T17:53:44.784 UT	Erick	Cedano	ericed@duck.c	277 N. Broad St., Elizabeth, NJ
2025-07-09T17:29:28.824 UT	Zachary	Alexander	zackalex10@g	16 Jonathan Ct
2025-07-09T16:14:13.638 UT	Stanley	Costigan	stashcostigan@	31 Cleveland street
2025-07-09T15:56:59.672 UT	Salvatore	Coniglio	Salc25@hotma	267 MerMhants Ave South Plai
2025-07-09T15:50:12.745 UT	Michael	Foley	mickey.foley19	23 Fieldcrest Lane
2025-07-09T15:02:52.551 UT	Michael	Ehrmann	mike_ehrmann	3 Amalfi Court
2025-07-09T14:38:06.302 UT	Lauren	Van Derryt	lhartwyk@yaho	1401 Beverly Road
2025-07-09T14:35:38.208 UT	Steven	Hazen	Mollysbaskets5	447 main st crosswicks nj
2025-07-09T14:07:58.663 UT	Leslie	Parker	ljpnj@yahoo.co	100 Park Blvd
2025-07-09T14:05:57.882 UT	Frances	Donohue	Frandonohue.f	20 Hidden Meadows Dr
2025-07-09T13:57:23.180 UT	Debbie	Woolman	Dwoolman416	26 Prospect Ave. Burlington NJ
2025-07-09T13:54:06.355 UT	Jeannine	Wescoat	jbirch104@aol.	116 Kesler Lane
2025-07-09T13:51:29.050 UT	Abigail	Hazen	abigail.hazen@	447 Main Street Crosswicks NJ
2025-07-09T13:50:31.495 UT	Mary	Oâ€™Shaughn	Maryo206@icl	287 Delaware Dr
2025-07-09T13:47:56.983 UT	Joseph	Affinito	jsjla@yahoo.co	1718 WICKFORD RD
2025-07-09T13:47:08.021 UT	Daniela	Prazeres	daniprazeres@	156 Camden Ave
2025-07-09T13:46:36.959 UT	Connie	Hughes	40harpy.prints	222 Mirage Blvd
2025-07-09T13:45:36.093 UT	Alan	Luxardo	ajluxardo@gm	156 Camden Ave
2025-07-09T13:39:36.513 UT	walter	menna	majortowing@	woodbridge
2025-07-09T13:31:41.528 UT	Mary	Brown	maryecardenas	89 Main Street
2025-07-09T13:31:24.191 UT	Chris	Crowne	chriscrowne33	104 Millbrook Road
2025-07-09T13:31:02.459 UT	Michael	Passeri	mikepasseri@	719 Red Bank Ave
2025-07-09T13:29:25.408 UT	Keith	Stockton	info@kastockt	PO Box 588
2025-07-09T13:29:03.300 UT	Deborah	Karkosky	dkarkosky@ya	207 Gibson Boulevard
2025-07-09T13:27:50.658 UT	Christine	Pagan	cp8992000@y	27 Schoolhouse Rd
2025-07-09T13:27:49.280 UT	brian	frampton	bframpton@m	110 marter ave
2025-07-09T13:25:24.919 UT	Misty	Kennedy	mistykguid@g	10 Jordan way
2025-07-09T10:16:52.969 UT	Brittany	Englert	risherb@gmail.	156 Pine Street
2025-07-05T22:15:07.787 UT	SUSAN	HINKLEY	Bubbasue74@	7-11 Green St
2025-07-05T15:21:02.809 UT	Stewart	Rosenzweig	Stew@Time-Pr	39 Jasmine Way Sewell, NJ
2025-07-03T23:39:43.018 UT	Helen	Lawler	Murfhw@aol.c	69 dorchester
2025-07-03T23:14:51.139 UT	Patti	Soldavini	p.soldavini@co	941 Rockport rd

city	county	state	phone
Newark	Essex County	NJ	8622341813
Cranford	Union County	NJ	9083771267
Cranford	Union County	NJ	9083771267
Saddle River	Bergen County	NJ	2019781900
Washington	Warren County	NJ	9088920191
East Brunswick	Middlesex Cou	NJ	0
Cranford	Union County	NJ	9083771267
Cranford	Union County	NJ	9083771267
Florham Park	Morris County	NJ	9737275698
Edison	Middlesex Cou	NJ	7329856500
Cranford	Union County	NJ	9083771267
Cranford	Union County	NJ	9083771267
Carteret	Middlesex Cou	NJ	7327700524
Roselle	Union County	NJ	3478628140
Hamburg	Sussex County	NJ	0
Vernon	Sussex County	NJ	9735340403
Carteret	Middlesex Cou	NJ	0
Union City	Hudson County	NJ	2016685441
South Amboy	Middlesex Cou	NJ	7187046390
Newark	Essex County	NJ	9735784415
Jersey City	Hudson County	NJ	0
Edison	Middlesex Cou	NJ	9085105526
Old Bridge	Middlesex Cou	NJ	0
Fords	Middlesex Cou	NJ	7324071491
Carteret	Middlesex Cou	NJ	0
Carteret	Middlesex Cou	NJ	3477378996
Elizabeth	Union County	NJ	9085913302
Fords	Middlesex Cou	NJ	7324071491
Cranford	Union County	NJ	9083771267
Carteret	Middlesex Cou	NJ	7322594603
Matawan	Monmouth Cou	NJ	0
Carteret	Middlesex Cou	NJ	7328742312
Millstone Town	Monmouth Cou	NJ	7328044757
Saddle River	Bergen County	NJ	2019781900
Colonia	Middlesex Cou	NJ	0
Hainesport	Burlington Cou	NJ	6098687290
Edison	Middlesex Cou	NJ	2018235211
Edison	Middlesex Cou	NJ	7328740719
Manasquan	Monmouth Cou	NJ	9737151320
Edison	Middlesex Cou	NJ	2018235261
Saddle River	Bergen County	NJ	2019781900
Westfield	Union County	NJ	0
Cherry Hill	Camden Count	NJ	8564291810
East Orange	Essex County	NJ	7327157107
Morristown	Morris County	NJ	9737147931
Freehold	Monmouth Cou	NJ	9085960260
Edgewater	Bergen County	NJ	2019512175
Browns Mills	Burlington Cou	NJ	6093468897
Clementon	Camden Count	NJ	0
Brick	Ocean County	NJ	0

Somerset	Somerset Cour	NJ	9086163482
Maple Shade	Burlington Cou	NJ	8567938428
Woodbury	Gloucester Cou	NJ	8562546438
Trenton	Mercer County	NJ	6097310126
Trenton	Mercer County	NJ	6097310126
Clayton	Gloucester Cou	NJ	8566492276
Freehold	Monmouth Cou	NJ	3477284715
Morristown	Morris County	NJ	9735392011
New Milford	Bergen County	NJ	2014218576
Weehawken	Hudson County	NJ	2016868888
Randolph	Morris County	NJ	9732249528
Union City	Hudson County	NJ	2017457243
Union City	Hudson County	NJ	2017457243
Union City	Hudson County	NJ	2017457243
Lodi	Bergen County	NJ	2013750881
East Brunswick	Middlesex Cou	NJ	7327637688
Union	Union County	NJ	9083130041
Belle Mead	Somerset Cour	NJ	6096701047
Belle Mead	Somerset Cour	NJ	6096701047
Franklin Park	Somerset Cour	NJ	7329913664
Somerset	Somerset Cour	NJ	7327188890
Lanoka Harbor	Ocean County	NJ	7327739159
Freehold	Monmouth Cou	NJ	7326142054
Morris Plains	Morris County	NJ	9172136335
Howell	Monmouth Cou	NJ	9088903040
Califon	Morris County	NJ	9732161481
Seaside Height	Ocean County	NJ	6093330199
Marlboro	Monmouth Cou	NJ	0
Trenton	Mercer County	NJ	6093061798
Great Meadows	Warren County	NJ	9083103333
Milltown	Middlesex Cou	NJ	7327714432
Hillsborough	Somerset Cour	NJ	7326489042
Milltown	Middlesex Cou	NJ	0
Great Meadows	Warren County	NJ	9083997595
Crosswicks	Burlington Cou	NJ	0
Phillipsburg	Warren County	NJ	9084541253
Manalapan	Monmouth Cou	NJ	0
Trenton	Mercer County	NJ	0
Freehold	Monmouth Cou	NJ	7324927214
Bayville	Ocean County	NJ	6097092838
Marmora	Cape May Cou	NJ	6094254884
Somerset	Somerset Cour	NJ	7328730894
Salem	Salem County	NJ	8569861222
Oldwick	Hunterdon Cou	NJ	0
High Bridge	Hunterdon Cou	NJ	9734761745
Westfield	Union County	NJ	9083472554
Hazlet	Monmouth Cou	NJ	7325986073
Maplewood	Essex County	NJ	9737628398
Succasunna	Morris County	NJ	9732198636
Bordentown	Burlington Cou	NJ	2016157444
Manalapan	Monmouth Cou	NJ	0
Milford	Hunterdon Cou	NJ	9086253849
Landing	Morris County	NJ	9736105009
Annandale	Hunterdon Cou	NJ	9085102237
Woodbridge	Middlesex Cou	NJ	9082274726

Denville	Morris County	NJ	2012304339
Denville	Morris County	NJ	7328823447
Brick	Ocean County	NJ	7326644471
Middletown	Monmouth Cou	NJ	3524283641
Trenton	Burlington Cour	NJ	6093240814
Flanders	Morris County	NJ	9085077881
Flanders	Morris County	NJ	9085077881
Trenton	Mercer County	NJ	0
Neptune	Monmouth Cou	NJ	7328655539
Elizabeth	Union County	NJ	9083560789
Red Bank	Monmouth Cou	NJ	7325397280
Caldwell	Essex County	NJ	2014863852
South Plainfield	Middlesex Cour	NJ	7328879144
Brick	Ocean County	NJ	8484480414
Robbinsville	Mercer County	NJ	6093718420
Burlington	Burlington Cour	NJ	8622357000
Trenton	Burlington Cour	NJ	6099491421
Cherry Hill	Camden Count	NJ	6099415176
Asbury Park	Monmouth Cou	NJ	9145882788
Burlington	Burlington Cour	NJ	6099698515
Absecon	Atlantic County	NJ	6094328450
Trenton	Burlington Cour	NJ	0
Brick	Ocean County	NJ	7329484032
South Plainfield	Middlesex Cour	NJ	9084052210
South Plainfield	Middlesex Cour	NJ	0
Barnegat	Ocean County	NJ	6097095364
South Plainfield	Middlesex Cour	NJ	0
Woodbridge	Middlesex Cour	NJ	0
Glen Gardner	Hunterdon Cou	NJ	9085280290
Washington	Warren County	NJ	9086252535
Ocean Gate	Ocean County	NJ	7326045893
Broadway	Warren County	NJ	9086899660
Clark	Union County	NJ	9089431399
Neptune	Monmouth Cou	NJ	7325205234
Moorestown	Burlington Cour	NJ	8562347788
Monmouth Jun	Middlesex Cour	NJ	9082399044
Ramsey	Bergen County	NJ	0
Metuchen	Middlesex Cour	NJ	9082203694
Sewell	Gloucester Cou	NJ	6094713878
Basking Ridge	Somerset Cour	NJ	0
Hackettstown	Warren County	NJ	9086197012

From: Hamaun Persaud (kpersaud@shipACE.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish.

Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey.

The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Sincerely,
Hamaun Persaud
18 Hyatt Ave Newark NJ
Newark, NJ 7105
8622341813

From: Sanford osofsky (sando16@verizon.net)

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Sanford osofsky
16 Mendell Avenue, Cranford, NJ, USA
Cranford, NJ 7016
9083771267

From: ALAN ANTONUCCI (alan@allcityleasing.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
ALAN ANTONUCCI
38 Old Woods Rd
Saddle River, NJ 7458
2019781900

From: Bernadette Leiby (ben44ny@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Bernadette Leiby
97 Washburn Ave
Washington, NJ 7882
9088920191

From: Lynn Palladino (lynnpalladino@comcast.net)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Lynn Palladino
18 BRANTON DR
East Brunswick, NJ 8816
0

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From: Jerry Butler (jerrybutler@teleplexus.com)

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Sincerely,
Jerry Butler
9 Murphy Circle
Florham Park, NJ 7932
9737275698

From: Chris Conant (finance@cambrias.com)

To: David Fish

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116 Talmadge Rd
Edison, NJ 8817
7329856500

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Sincerely,
Sanford osofsky
16 Mendell Avenue, Cranford, NJ, USA
Cranford, NJ 7016
9083771267

From: Sanford osofsky (sando16@verizon.net)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

Dear Mr. Fish,

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From: Laura Peticca (LPETIC@AOL.COM)

To: David Fish

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Sincerely,
Laura Peticca
149 East Cherry Street
Carteret, NJ 7008
7327700524

From: Ramdy Mella (Rgmpotente@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Ramdy Mella
1124 Warren st
Roselle, NJ 7203
3478628140

From: Adam Gonzalez (Gonzalezfam12@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Adam Gonzalez
12 heritage ln Hamburg nj
Hamburg, NJ 7419
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From: Victor Gonzalez (Vicgonz711@yahoo.com)

To: David Fish

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Sincerely,
Victor Gonzalez
11 Wilson Ave
Vernon, NJ 7462
9735340403

From: Barbara Bauer (bbkb10@comcast.net)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Barbara Bauer
18 Larch st
Carteret, NJ 7008
0

From: chalin romero (chalin0819@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
chalin romero
3347 park ave, union city nj
Union City, NJ 7087
2016685441

From: Konrad Kudyba (Kudyba31@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Konrad Kudyba
166 Manor st
South Amboy, NJ 8879
7187046390

From: Philip Gigante (p.gigante@bbtlogistics.com)

To: David Fish

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Sincerely,
Philip Gigante
329 Doremus ave
Newark, NJ 7105
9735784415

From: Sheron Raghu (MikeRaghu1973@gmail.com)

To: David Fish

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Sincerely,
Sheron Raghu
363 Armstrong Ave
Jersey City, NJ 7305
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From: Florence Yusko (flossieyusko@yahoo.com)

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Sincerely,
Florence Yusko
22 Judith Place,
Edison, NJ 8837
9085105526

From: Elizabeth Bellanca (booper336@yahoo.com)

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Sincerely,
Elizabeth Bellanca
336 Madison Gardens
Old Bridge, NJ 8857
0

From: Luis Bolanos (luisbolanos27@yahoo.com)

To: David Fish

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Sincerely,
Luis Bolanos
109 Fairfield Ave
Fords, NJ 8863
7324071491

From: Kathy Aurelio (kathyaurelio@gmail.com)

To: David Fish

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Sincerely,
Kathy Aurelio
1 Kubala Ave Carteret NJ
Carteret, NJ 7008
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From: Isaac Marmolejos (Fcomarmolejo21@gmail.com)

To: David Fish

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Sincerely,
Isaac Marmolejos
25 emerson st carteret nj
Carteret, NJ 7008
3477378996

From: Maria Rodriguez (cristina_19_19@msn.com)

To: David Fish

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Sincerely,
Maria Rodriguez
734 Jackson ave
Elizabeth, NJ 7201
9085913302

From: Luis Bolanos (luisbolanos27@yahoo.com)

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109 Fairfield Ave
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Sanford osofsky
16 Mendell Avenue, Cranford, NJ, USA
Cranford, NJ 7016
9083771267

From: Wayne Pynckels (farismodawar@msn.com)

To: David Fish

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Sincerely,
Wayne Pynckels
3 Washington Ave
Carteret, NJ 7008
7322594603

From: Joann B (3jb@comcast.net)

To: David Fish

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Joann B
48 Little Street Matawan
Matawan, NJ 7747
0

From: Anne Marchitelli (annemarch123@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

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The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Sincerely,
Anne Marchitelli
25 Chestnut Street
Carteret, NJ 7008
7328742312

From: John Cavaliere (john.cavaliere@gmail.com)

To: David Fish

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Sincerely,
John Cavaliere
12 Molsbury Lane
Millstone Township, NJ 8510
7328044757

From: ALAN ANTONUCCI (alan@allcityleasing.com)

To: David Fish

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Sincerely,
ALAN ANTONUCCI
38 Old Woods Rd
Saddle River, NJ 7458
2019781900

From: Mary Venezio (marvenezio@comcast.net)

To: David Fish

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Sincerely,
Mary Venezio
185 N Hill Road
Colonia, NJ 7067
0

From: Michael Barker (tktransport@tktransportinc.com)

To: David Fish

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Sincerely,
Michael Barker
1703 Albert Street
Hainesport, NJ 8036
6098687290

From: Ray Capote (RCAPOTE@RPMWAREHOUSE.COM)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Ray Capote
2900 Woodbridge Avenue
Edison, NJ 8837
2018235211

From: Robert Hedler (rhedler@rpmwarehouse.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Robert Hedler
2900 Woodbridge Ave
Edison, NJ 8837
7328740719

From: Robert Forcillo (bob@continentalterminals.com)

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Sincerely,
Robert Forcillo
45 Marcellus Ave.
Manasquan, NJ 8736
9737151320

From: Thomas Connery (tconnery@rpmwarehouse.com)

To: David Fish

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Sincerely,
Thomas Connery
2900 Woodbridge Ave
Edison, NJ 8837
2018235261

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38 Old Woods Rd
Saddle River, NJ 7458
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From: Eric DeGesero (edegesero@gmail.com)

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Sincerely,
Eric DeGesero
525 Central Ave
Westfield, NJ 7090
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From: Philip Sax (Philsax@hotmail.com)

To: David Fish

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Sincerely,
Philip Sax
433 Chanticleer
Cherry Hill, NJ 8003
8564291810

From: Jessi King (jessimk1@gmail.com)

To: David Fish

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Sincerely,
Jessi King
5 Hayward Street East Orange NJ
East Orange, NJ 7017
7327157107

From: Eden Sonta (eden.sonta@yahoo.com)

To: David Fish

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Sincerely,
Eden Sonta
31 Vom Eigen Drive
Morristown, NJ 7960
9737147931

From: Eric Dea (edea21@aol.com)

To: David Fish

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Sincerely,
Eric Dea
3 Atlantis Terrace
Freehold, NJ 7728
9085960260

From: Sirarpi Armani (Sirarpi67@gmail.com)

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Sincerely,
Sirarpi Armani
1375 River Rd
Edgewater, NJ 7020
2019512175

From: Destiny Hartsfield (destinyhartsfield@aol.com)

To: David Fish

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Sincerely,
Destiny Hartsfield
137 Lilac St Browns Mills Nj
Browns Mills, NJ 8015
6093468897

From: Michael Binkins (mgbinkins@comcast.net)

To: David Fish

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Sincerely,
Michael Binkins
1718 Hybrid Place
Clementon, NJ 8021
0

From: Michael Eldracher (Eldracher@yahoo.com)

To: David Fish

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Sincerely,
Michael Eldracher
721 Manor Dr, Brick, NJ
Brick, NJ 8723
0

From: CARLA Ulbrich (carlau@comcast.net)

To: David Fish

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Sincerely,
CARLA Ulbrich
62 Bayberry Drive
Somerset, NJ 8873
9086163482

From: Jeffrey Mehler (FareEatsJeff@gmail.com)

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Sincerely,
Jeffrey Mehler
620 South Forklanding Road
Maple Shade, NJ 8052
8567938428

From: Domenic J Lacava (domlacava@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Domenic J Lacava
1921 McKee Ave Deptford NJ 08096
Woodbury, NJ 8096
8562546438

From: Eileen Kreiling (eileenk2@verizon.net)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Eileen Kreiling
8 Whitman Road
Trenton, NJ 8619
6097310126

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Trenton, NJ 8619
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From: Howard Shinn (howard.shinn1@gmail.com)

To: David Fish

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Sincerely,
Howard Shinn
20 E Clayton Ave
Clayton, NJ 8312
8566492276

From: Vincent Canoro (Vinnyjr@esktrucking.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Vincent Canoro
116 sycamore Ave Freehold new jersey
Freehold, NJ 7728
3477284715

From: John Sonta (john_sonta@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
John Sonta
31 Vom Eigen Drive
Morristown, NJ 7960
9735392011

From: Izmir Bako (Izmirbako@hotmail.com)

To: David Fish

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Sincerely,
Izmir Bako
234 Center Street, New Milford , NJ,
New Milford, NJ 7646
2014218576

From: Kevin Villalba (kvillalba1221@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Kevin Villalba
20 48th st.
Weehawken, NJ 7086
2016868888

From: Thomas Jauch (jauch.tom@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Thomas Jauch
53 Longview Ave
Randolph, NJ 7869
9732249528

From: Vivian Rohrsetzer (82siedylmia@gmail.com)

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816 Palisade Ave
Union City, NJ 7087
2017457243

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From: Pradipkumar Sharma (pradipkumarsharma@outlook.com)

To: David Fish

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Sincerely,
Pradipkumar Sharma
27Summer St Unit A, Lodi NJ
Lodi, NJ 7466
2013750881

From: Kathleen Morin (kathygmorin@gmail.com)

To: David Fish

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Sincerely,
Kathleen Morin
10 Meadowlark ln
East Brunswick, NJ 8816
7327637688

From: Zahirah Miranda Perez (zmirandaperez@gmail.com)

To: David Fish

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Sincerely,
Zahirah Miranda Perez
1312 Barbara Ave
Union, NJ 7083
9083130041

From: Jackie Trinity (redracer5@comcast.net)

To: David Fish

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Sincerely,
Jackie Trinity
3728 Symes Drv.
Belle Mead, NJ 8502
6096701047

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Jackie Trinity
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From: Devin Poonai (dp102288@gmail.com)

To: David Fish

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Sincerely,
Devin Poonai
65 Evelyn Avenue
Franklin Park, NJ 8823
7329913664

From: Arthur Hoffman (awhoffman49@comcast.net)

To: David Fish

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Sincerely,
Arthur Hoffman
11 Hancock Pl
Somerset, NJ 8873
7327188890

From: Jessica Connors (jess@tortugacreative.com)

To: David Fish

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Sincerely,
Jessica Connors
703 Oxford Rd
Lanoka Harbor, NJ 8734
7327739159

From: Caitlyn Vollmer (Caitlyn.vollmer@me.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Caitlyn Vollmer
171 Medford blvd
Freehold, NJ 7728
7326142054

From: Jennifer Kohn (jld0209@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Jennifer Kohn
6 Tracy Lane
Morris Plains, NJ 7950
9172136335

From: Joseph Barracato (Baracataevents@gmail.com)

To: David Fish

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Sincerely,
Joseph Barracato
7 Cherry Bend Dr
Howell, NJ 7731
9088903040

From: Julie Capello (julie.capello@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Julie Capello
18 Tall Timber Dr
Califon, NJ 7830
9732161481

From: Barbara Lysenko (Barbara.Lysenko@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Barbara Lysenko
246B Coolidge Avenue
Seaside Heights, NJ 8751
6093330199

From: Jillian Goldfeder (jillianforemost@aol.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Jillian Goldfeder
31 Harness Ln
Marlboro, NJ 7746
0

From: Andrew Debkowski (adebkowski@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Andrew Debkowski
77 DEACON DR
Trenton, NJ 8619
6093061798

From: Ronnie Ann De Pasquale (radp1994@yahoo.com)

To: David Fish

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Sincerely,
Ronnie Ann De Pasquale
Danville Mountain
Great Meadows, NJ 7838
9083103333

From: Diana Van Hise (dlvanhise@gmail.com)

To: David Fish

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Sincerely,
Diana Van Hise
41 Janet Ct
Milltown, NJ 8850
7327714432

From: Magdalena Lewicki (ruda630@yahoo.com)

To: David Fish

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Sincerely,
Magdalena Lewicki
576 New Centre Rd
Hillsborough, NJ 8844
7326489042

From: Holly Jahn (Hollyrjahn25@gmail.com)

To: David Fish

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Sincerely,
Holly Jahn
41 Janet Ct
Milltown, NJ 8850
0

From: Eszter Huebscher (eszterh43@gmil.com)

To: David Fish

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Sincerely,
Eszter Huebscher
2 Pheasant Run road
Great Meadows, NJ 7838
9083997595

From: Rebekah Lodato (rebekahm3323@gmail.com)

To: David Fish

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Sincerely,
Rebekah Lodato
51 Chesterfield Crosswicks Road
Crosswicks, NJ 8515
0

From: Thomas Deacon (deacontw74@verizon.net)

To: David Fish

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Sincerely,
Thomas Deacon
133 Frederick Street
Phillipsburg, NJ 8865
9084541253

From: Michael Oliver (olivermjr@gmail.com)

To: David Fish

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Sincerely,
Michael Oliver
6 Patterson Lane
Manalapan, NJ 7726
0

From: Mark Violi (marklvioli@gmail.com)

To: David Fish

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Sincerely,
Mark Violi
620 Paxson Ave
Trenton, NJ 8619
0

From: Michele Vollmer (michelevollmer@mac.com)

To: David Fish

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Sincerely,
Michele Vollmer
171 Medford Blvd
Freehold, NJ 7728
7324927214

From: Anita Levine (animarinc@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Anita Levine
336 Hoover ave.
Bayville, NJ 8721
6097092838

From: Thomas Stremme (tstremme1@icloud.com)

To: David Fish

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Sincerely,
Thomas Stremme
803 Stagecoach Road, Marmora
Marmora, NJ 8223
6094254884

From: Marianne Zelinack (zelinackfamily@aol.com)

To: David Fish

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Sincerely,
Marianne Zelinack
Somerset
Somerset, NJ 8873
7328730894

From: sherry washington (sherr314@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

Dear Mr. Fish,

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Sincerely,
sherry washington
109 AMWELLBURY ROAD
Salem, NJ 8079
8569861222

From: Sandra Roth (sandyr1103@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Sandra Roth
12 King ST
Oldwick, NJ 8858
0

From: Brian Sniatkowski (briansnat@gmail.com)

To: David Fish

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Sincerely,
Brian Sniatkowski
30 Northwood Dr
High Bridge, NJ 8829
9734761745

From: William J. Ludlum (wjludlum@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
William J. Ludlum
925 Cranford Ave
Westfield, NJ 7090
9083472554

From: Scott Rademacher (srademacher@verizon.net)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Scott Rademacher
11 Oakwood Dr hazlet
Hazlet, NJ 7730
7325986073

From: DAVID DULEBA (SVEeNSKA@VERIZON.NET)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
DAVID DULEBA
64 BURNET ST
Maplewood, NJ 7040
9737628398

From: BRENDA DELPREORE (bdelpreore@verizon.net)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
BRENDA DELPREORE
14 Kentwood Rd
Succasunna, NJ 7876
9732198636

From: Michael Hoppe (hop222@msn.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Michael Hoppe
28 Gloucester Court
Bordentown, NJ 8505
2016157444

From: Kevin Kurdziel (kevin.kurdziel@verizon.net)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Kevin Kurdziel
28 Kipling Way, Manalapan Township, NJ, USA
Manalapan, NJ 7726
0

From: Tim Crouse (Timmcrouse@gmail.com)

To: David Fish

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Sincerely,
Tim Crouse
284 Andersen Road
Milford, NJ 8848
9086253849

From: Andrea Ginnelly (andrea7948@aol.com)

To: David Fish

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Sincerely,
Andrea Ginnelly
606 Barbara Road
Landing, NJ 7850
9736105009

From: Thomas Baxter (tbaxter21@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Thomas Baxter
145 Lilac Drive
Annandale, NJ 8801
9085102237

From: Lisa Mastanduno (lmastanduno@aol.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Lisa Mastanduno
15 Fleetwood Road
Woodbridge, NJ 7095
9082274726

From: Helen Mastanduno (helenpkcheong@gmail.com)

To: David Fish

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Sincerely,
Helen Mastanduno
47 Clearmont Ave
Denville, NJ 7834
2012304339

From: Michael Mastanduno (firemike07@aol.com)

To: David Fish

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Sincerely,
Michael Mastanduno
47 Clearmont Ave
Denville, NJ 7834
7328823447

From: Kristina Leszczak (Kristinalesz@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Kristina Leszczak
124 Solar Drive
Brick, NJ 8724
7326644471

From: Kathryn Ocallahan (Ksocallahan67@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Kathryn Ocallahan
263 Wilson ave
Middletown, NJ 7748
3524283641

From: Molly Hazen (mollysbaskets5@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Molly Hazen
447 Main Street, Box 272, Crosswicks,NJ
Trenton, NJ 8515
6093240814

From: Lori Matteo (Lorimerarealtor@msn.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Lori Matteo
33 Oakwood Village, Apt 4, Flanders, NJ
Flanders, NJ 7836
9085077881

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Sincerely,
Lori Matteo
33 Oakwood Village, Apt 4, Flanders, NJ
Flanders, NJ 7836
9085077881

From: Elisabeth Landi (elandicsr@msn.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

Dear Mr. Fish,

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Sincerely,
Elisabeth Landi
26 McAdoo Avenue
Trenton, NJ 8619
0

From: James Bagley (jebagley4@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
James Bagley
103 Seaview Court
Neptune, NJ 7753
7328655539

From: Erick Cedano (ericed@duck.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Erick Cedano
277 N. Broad St., Elizabeth, NJ
Elizabeth, NJ 7208
9083560789

From: Zachary Alexander (zackalex10@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Zachary Alexander
16 Jonathan Ct
Red Bank, NJ 7701
7325397280

From: Stanley Costigan (stashcostigan@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Stanley Costigan
31 Cleveland street
Caldwell, NJ 7006
2014863852

From: Salvatore Coniglio (Salc25@hotmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Salvatore Coniglio
267 MerMhants Ave South Plainfield NJ
South Plainfield, NJ 90700
7328879144

From: Michael Foley (mickey.foley1987@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Michael Foley
23 Fieldcrest Lane
Brick, NJ 8724
8484480414

From: Michael Ehrmann (mike_ehrmann@icloud.com)

To: David Fish

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Sincerely,
Michael Ehrmann
3 Amalfi Court
Robbinsville, NJ 8691
6093718420

From: Lauren Van Derryt (lhartwyk@yahoo.com)

To: David Fish

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Sincerely,
Lauren Van Derryt
1401 Beverly Road
Burlington, NJ 8016
8622357000

From: Steven Hazen (Mollysbaskets5@gmail.com)

To: David Fish

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Sincerely,
Steven Hazen
447 main st crosswicks nj
Trenton, NJ 8515
6099491421

From: Leslie Parker (ljpnj@yahoo.com)

To: David Fish

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Sincerely,
Leslie Parker
100 Park Blvd
Cherry Hill, NJ 8034
6099415176

From: Frances Donohue (Frandonohue.fd@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Frances Donohue
20 Hidden Meadows Dr
Asbury Park, NJ 7712
9145882788

From: Debbie Woolman (Dwoolman416@yahoo.com)

To: David Fish

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Sincerely,
Debbie Woolman
26 Prospect Ave. Burlington NJ
Burlington, NJ 8016
6099698515

From: Jeannine Wescoat (jbirch104@aol.com)

To: David Fish

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Sincerely,
Jeannine Wescoat
116 Kesler Lane
Absecon, NJ 8201
6094328450

From: Abigail Hazen (abigail.hazen@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Abigail Hazen
447 Main Street Crosswicks NJ
Trenton, NJ 8515
0

From: Mary Oâ€™Shaughnesdy (Maryo206@icloud.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Mary Oâ€™Shaughnesdy
287 Delaware Dr
Brick, NJ 8723
7329484032

From: Joseph Affinito (jsjla@yahoo.com)

To: David Fish

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Sincerely,
Joseph Affinito
1718 WICKFORD RD
South Plainfield, NJ 7080
9084052210

From: Daniela Prazeres (daniprazeres@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Daniela Prazeres
156 Camden Ave
South Plainfield, NJ 7080
0

From: Connie Hughes (40harpy.prints@icloud.com)

To: David Fish

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Sincerely,
Connie Hughes
222 Mirage Blvd
Barnegat, NJ 8005
6097095364

From: Alan Luxardo (ajluxardo@gmail.com)

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Sincerely,
Alan Luxardo
156 Camden Ave
South Plainfield, NJ 7080
0

From: walter menna (majortowing@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

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Sincerely,
walter menna
woodbridge
Woodbridge, NJ 7095
0

From: Mary Brown (maryecardenas@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Mary Brown
89 Main Street
Glen Gardner, NJ 8826
9085280290

From: Chris Crowne (chriscrowne33@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Chris Crowne
104 Millbrook Road
Washington, NJ 7882
9086252535

From: Michael Passeri (mikepasseri@duck.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Michael Passeri
719 Red Bank Ave
Ocean Gate, NJ 8740
7326045893

From: Keith Stockton (info@kastockton.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Keith Stockton
PO Box 588
Broadway, NJ 8808
9086899660

From: Deborah Karkosky (dkarkosky@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Deborah Karkosky
207 Gibson Boulevard
Clark, NJ 7066
9089431399

From: Christine Pagan (cp8992000@yahoo.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Christine Pagan
27 Schoolhouse Rd
Neptune, NJ 7753
7325205234

From: brian frampton (bframpton@mazzuccocpa.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
brian frampton
110 marter ave
Moorestown, NJ 8057
8562347788

From: Misty Kennedy (mistykguid@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Misty Kennedy
10 Jordan way
Monmouth Junction, NJ 8852
9082399044

From: Brittany Englert (risherb@gmail.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Brittany Englert
156 Pine Street
Ramsey, NJ 7446
0

From: SUSAN HINKLEY (Bubbasue74@aol.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
SUSAN HINKLEY
7-11 Green St
Metuchen, NJ 8840
9082203694

From: Stewart Rosenzweig (Stew@Time-Productions-DJs.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Stewart Rosenzweig
39 Jasmine Way Sewell, NJ
Sewell, NJ 8080
6094713878

From: Helen Lawler (Murfhw@aol.com)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Helen Lawler
69 dorchester
Basking Ridge, NJ 7920
0

From: Patti Soldavini (p.soldavini@comcast.net)

To: David Fish

Subject: Public comment on PRN 2025-051: Please reject the proposed rule

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Sincerely,
Patti Soldavini
941 Rockport rd
Hackettstown, NJ 7840
9086197012

From: Nancy Hennessey
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 12:58:33 PM

This Message Is From an External Sender
This message came from outside your organization.

Report Suspicious

Dear David Fish,

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Yours sincerely,
Nancy Hennessey
61 irving place
Belford, NJ 07718
lavallette724@gmail.com

From: Erica Long
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:03:33 PM

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Yours sincerely,
Erica Long
233d buckingham court
Lakewood, NJ 08701
airre905@yahoo.com

From: Delia Canals
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:08:32 PM

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Yours sincerely,
Delia Canals
106 newton ave apt b1
Oaklyn, NJ 08107
deeeight11@gmail.com

From: Serena Nelson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:11:31 PM

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Yours sincerely,
Serena Nelson
181 b mercer street
Phillipsburg, NJ 08865
elisabeth.roselle@gmail.com

From: Gerardo Valverde
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:11:33 PM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Gerardo Valverde
8611
Trenton, NJ 08611
muerteoriginal@yahoo.com

From: Ali Jafri
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:13:34 PM

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Report Suspicious

Dear David Fish,

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Yours sincerely,
Ali Jafri
12 brewster cir
Old Bridge, NJ 08857
alimjafri1@gmail.com

From: Rita Meeker
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:18:33 PM

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Report Suspicious

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Yours sincerely,
Rita Meeker
1200 wayside rd apt 114
Asbury Park, NJ 07712
godskid91@gmail.com

From: Evangeline Cagas
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:24:37 PM

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Report Suspicious

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Yours sincerely,
Evangeline Cagas
84 newark avenue
Belleville, NJ 07109
cagas_evangeline@yahoo.com

From: Katie Navarra
To: Fish, David [DOL]
Subject: [EXTERNAL] Withdraw N.J.A.C. 12:11, ABC Test; Independent Contractors in full
Date: Monday, July 28, 2025 1:24:42 PM

This Message Is From an Untrusted Sender
You have not previously corresponded with this sender.

Report Suspicious

Dear Mr. Fish,

I am writing in opposition to Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors. I urge the Department to withdraw this proposal in full.

I am a solopreneur who operates a content creation company that specializes in writing a variety of content pieces for associations, small businesses, nonprofits and organizations. I also maintain a small roster of contract-based journalism projects.

I first became an independent contractor in 2003 as a college student. Writing for magazines while in college allowed me to fund critical things like room, food and textbooks to limit loans to the college courses taken.

From the beginning, my goal was always to work for myself in a business I created. While working early full time roles, I continued to take on small projects outside of work hours.

Working as an independent contractor allowed me to repay all of my student loans ahead of time, build up enough savings to buy a house and create the safety net to achieve my dream of achieving owning my own business. None of this would have been possible on a salary alone.

Now that I operate my own business it has afforded me the ability to be available as a caretaker during my father-in-law's prolonged battle with cancer without short changing our income and to support my family financially when my husband was out of work for 7 months due to an injury sustained as a volunteer firefighter that subsequently required surgery. My business is what allowed us to remain current on all of our bills and not default on any payments.

The proposed rule threatens my ability to be an independent contractor. An attorney from Troutman Pepper Locke wrote that your proposal “almost entirely eviscerates any chance for most ICs and companies using their services from establishing the workers’ IC status.” Attorneys at Ogletree Deakins wrote that your proposal “could make it very difficult for businesses to demonstrate that workers are independent contractors.” Attorneys at Littler wrote that your proposal would not consider a person to have independent-contractor status even if we have multiple clients, are licensed in our occupation, own a registered business, and even maintain liability insurance or workers’ compensation.

At the June 23, 2025, public hearing about your proposal, witnesses from the Chamber of Commerce testified that it would “create substantial challenges for legitimate independent contractors,” and that “virtually no work could be independent.” The New Jersey Business and Industry Association’s witness testified that the result of your proposal “won’t be more jobs, it will be fewer jobs” – and your own proposal states that it will not create any jobs.

Testimony at the public hearing also pointed out that New Jersey’s Legislature rejected a similar proposal in 2019-20 after it was met with “staunch opposition.” Testimony at the recent public hearing was similar, with witnesses being 3-to-1 against your proposal.

Numerous Democratic Party and Republican Party legislators in Trenton have also written letters to the Department, stating that your proposal is likely to harm independent contractors.

Your proposal threatens my ability to be an independent contractor. I urge you to withdraw this proposed rule immediately and in full.
Katie

--
Katie Navarra Bradley
Let's talk! Use this link to book time on my calendar.
Like working together? The best compliment you can give is a referral.
www.katienavarra.com

"If your actions create a legacy that inspires others to dream more, learn more, do more and become more, then, you are an excellent leader." Dolly Parton

From: Erin Brown
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:31:33 PM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Erin Brown
220 hope court
Mount Laurel, NJ 08054
ecbrown0708@gmail.com

From: Barbara Elliott
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:43:35 PM

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Report Suspicious

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Yours sincerely,
Barbara Elliott
65b cambridge cir
Manchester, NJ 08759
barbe821@gmail.com

From: Zigurds Jakovics
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:49:49 PM

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Report Suspicious

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Yours sincerely,
Zigurds Jakovics
20 summit street
West Orange, NJ 07052
ziggyjakovics@gmail.com

From: Milagros Rojas
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:50:34 PM

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Yours sincerely,
Milagros Rojas
216 lembeck ave
Jersey City, NJ 07305
milagrosrojas2@gmail.com

From: Alicia Pimentel
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:52:32 PM

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Report Suspicious

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Yours sincerely,
Alicia Pimentel
612 jersey street
Harrison, NJ 07029
aliciapimentel83@gmail.com

From: Charles Kitsimbou
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 1:54:35 PM

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Report Suspicious

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Yours sincerely,
Charles Kitsimbou
51 clifton ave
Newark, NJ 07104
charleskitsimbou@yahoo.fr

From: Nancy Sagendorf
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:00:36 PM

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Yours sincerely,
Nancy Sagendorf
90 butler ave
Bayville, NJ 08721
nsagendorf@gmail.com

From: Randy Wurzbach
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:03:32 PM

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Yours sincerely,
Randy Wurzbach
40 branchville lawson rd
Newton, NJ 07860
tmwurzbach@gmail.com

From: Gail Johnson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:03:36 PM

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Yours sincerely,
Gail Johnson
816 arlington ave
Lindenwold, NJ 08021
gaileve1@hotmail.com

From: Abraham Bodlander
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:23:33 PM

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Report Suspicious

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Yours sincerely,
Abraham Bodlander
134 n 10th ave
Highland Park, NJ 08904
adinabee@gmail.com

From: Diane Dowd
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:25:34 PM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Diane Dowd
44 pennant ln
Willingboro, NJ 08046
dianeydowd@aol.com

From: Jeff Shamah
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:29:32 PM

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Report Suspicious

Dear David Fish,

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Yours sincerely,
Jeff Shamah
6 lawley ct 6 lawley ct
West Long Branch, NJ 07764
jeff@blueoceanpartnersltd.com

From: Bob Wilson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:36:34 PM

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Yours sincerely,
Bob Wilson
201 schubert ave
Runnemede, NJ 08078
jrwp787@yahoo.com

From: Joel Henriquez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:37:33 PM

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Yours sincerely,
Joel Henriquez
380 inslee street
Perth Amboy, NJ 08861
joelhenriquez89@gmail.com

From: Jane Smith
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:42:33 PM

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Yours sincerely,
Jane Smith
15 jensen street
Fords, NJ 08863
msjane328@verizon.com

From: Clayton Rice
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:48:33 PM

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Yours sincerely,
Clayton Rice
50 oakridge road
Verona, NJ 07044
clayandjan@verizon.net

From: Dante Rolli
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:53:32 PM

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Yours sincerely,
Dante Rolli
311 north dr.
Blackwood, NJ 08012
danterolli@comcast.net

From: Fred Zahn
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 2:56:34 PM

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Yours sincerely,
Fred Zahn
9 river rd
Hackettstown, NJ 07840
fzahn1972@gmail.com

From: Marthina Sanchez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 3:00:34 PM

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Yours sincerely,
Marthina Sanchez
137 handy st
New Brunswick, NJ 08901
marajy0305@gmail.com

From: Kylie Holly
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 3:30:12 PM

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Report Suspicious

Dear Executive Director Fish,

A large part of what we do as individual contractor agents is serve the best needs of our clients, rather than serving the insurance carriers. When you are an individual, non-captured agent, you are able to work with multiple carriers to find the best fit for your client, rather than only representing one carrier. Our ability to give our efforts to the client, putting their needs first, can only be achieved by staying independent contractors, contracted with multiple carriers. We are meant to work WITH carriers, not FOR them. Also, if you make us employees of carriers, then you will only increase their costs, which will be passed onto the consumer/client, which isn't good for anyone. If you change the laws to essentially make everyone a captured agent, the consumer/client will suffer. We will no longer be able to create long-lasting, client-focused relationship, which is essential for the client: they always need to know that we don't work for anyone else but them!

As the owner of an independent insurance agency in New Jersey, I am writing to express my deep concern regarding the Department of Labor and Workforce Development's proposed regulation codifying and expanding the ABC test (N.J.A.C. 12:11). While I understand and support the Department's goal of preventing worker misclassification, this proposal threatens to upend the very structure of the independent agency system—a system that has served New Jersey consumers and businesses with integrity and accountability for decades.

Independent agents operate as licensed professionals under the strict regulation of the New Jersey Department of Banking and Insurance. We are not gig workers nor part of the underground economy. We run real businesses, often with storefronts, payrolls, and longstanding carrier relationships. Yet, under this proposal, even a standard agency-carrier relationship—where an agent contracts with multiple insurers to serve clients—could be misinterpreted as an employment relationship under the expanded ABC test.

Specifically:

- Prong A could misconstrue regulatory compliance (e.g., mandatory training, licensing) as control, even though such obligations are imposed by law, not insurers.
- Prong B risks defining agency work as within a carrier's "usual course of

business," despite our separate and independent operations.

- Prong C dismisses common markers of legitimate businesses (such as corporate status and business insurance) as insufficient—placing an unreasonable burden on producers.

This interpretation undermines our ability to operate autonomously and threatens the survival of agencies like mine. It would force us to restructure or even dissolve longstanding contractual relationships, harming not just our businesses, but the consumers who rely on personalized, unbiased advice that only independent agents provide.

I respectfully urge the Department to either withdraw this proposal or, at a minimum, include a safe harbor or clear exemption for individuals and entities licensed by the New Jersey Department of Banking and Insurance.

Independent insurance agents are not the problem this rule seeks to solve. Please do not let us become collateral damage.

Sincerly,

Sincerely,

Kylie Holly
254 Pleasant Grove Rd
Long Valley, NJ 07853
kylieo@hollyfinancialgroup.com

From: Karon Warren
To: Fish, David [DOL]
Subject: [EXTERNAL] opposition to Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors
Date: Monday, July 28, 2025 3:39:15 PM

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Report Suspicious

To: David Fish, New Jersey Department of Labor & Workforce Development

Submitted via email to: david.fish@dol.nj.gov on July 28, 2025

Dear Mr. Fish,

I am writing in opposition to Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors. I urge the Department to withdraw this proposal in full.

I am a freelance writer who works as an independent contractor for numerous clients–sometimes more than 30 per year. I write articles for newspapers, magazines and online outlets. I also write blog posts and web copy for clients' websites. In addition, I manage, write and post content on social network accounts for clients.

For the last 25 years, I have crafted a career on my own terms that works for me and my family. That means I decide who I work with, when I work, where I work and what type of work I take on. I AM the boss of my own LLC, and I provide for my own benefits, including PTO, retirement and other benefits.

Intangible benefits include being at home to raise my two children, to craft my schedule to their needs without having to beg for time off, as well as having more time because I'm not commuting to and from a job. That is especially important given I live in a small town and would have to commute to larger cities to find a job that meets my needs.

The proposed rule threatens my ability to be an independent contractor. An attorney from Troutman Pepper Locke wrote that your proposal "almost entirely eviscerates any chance for most ICs and companies using their services from establishing the workers' IC status." Attorneys at Ogletree Deakins wrote that your proposal "could make it very difficult for businesses to demonstrate that workers are independent contractors." Attorneys at Littler wrote that your proposal would not consider a person to have independent-contractor status even if we have multiple clients, are licensed in our occupation, own a registered business, and even maintain liability insurance or workers' compensation.

At the June 23, 2025, public hearing about your proposal, witnesses from the Chamber of Commerce testified that it would "create substantial challenges for legitimate independent contractors," and that "virtually no work could be independent." The New Jersey Business and Industry Association's witness testified that the result of your proposal "won't be more jobs, it will be fewer jobs" – and your own proposal states that it will not create any jobs.

Testimony at the public hearing also pointed out that New Jersey's Legislature rejected a similar

proposal in 2019-20 after it was met with “staunch opposition.” Testimony at the recent public hearing was similar, with witnesses being 3-to-1 against your proposal.

Numerous Democratic Party and Republican Party legislators in Trenton have also written letters to the Department, stating that your proposal is likely to harm independent contractors.

Your proposal threatens my ability to be an independent contractor. I urge you to withdraw this proposed rule immediately and in full.

Karon Warren

From: Debra Case
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:01:35 PM

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Yours sincerely,
Debra Case
903 state route 10
Whippany, NJ 07981
dcase0717@aol.com

From: Susan Manganaro
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:02:33 PM

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Yours sincerely,
Susan Manganaro
19 martin terrace 6-b
Woodbridge, NJ 07095
mango72113@gmail.com

From: Angela Peters
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:03:34 PM

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Yours sincerely,
Angela Peters
135 11th ave
Hawthorne, NJ 07506
akp135@optonline.net

From: Veronica Pace
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:05:37 PM

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Yours sincerely,
Veronica Pace
377 midland ave
Garfield, NJ 07026
pacev1865@gmail.com

From: Adela M Munsod
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:06:33 PM

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Yours sincerely,
Adela M Munsod
107jasper ave
Teaneck, NJ 07666
ammunsod@yahoo.com

From: Linda Doughty
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:07:45 PM

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Report Suspicious

Dear David Fish,

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Yours sincerely,
Linda Doughty
1106 bayshore ave
Brigantine, NJ 08203
ldoughty4@me.com

From: Angela Green
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:09:33 PM

This Message Is From an External Sender
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Report Suspicious

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Yours sincerely,
Angela Green
214 hampshire drive
Woodbury, NJ 08096
agreen1110@yahoo.com

From: Jennifer Morgan
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:09:33 PM

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Yours sincerely,
Jennifer Morgan
620 dolphin avenue
Northfield, NJ 08225
jennifermorgan42.jm@gmail.com

From: Marcy Lubitz
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:14:34 PM

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Yours sincerely,
Marcy Lubitz
500 center ave
Westwood, NJ 07675
mlubitz02@yahoo.com

From: Kathleen Michel
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:22:32 PM

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Report Suspicious

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Yours sincerely,
Kathleen Michel
17 ember lane
Willingboro, NJ 08046
katpim2011@comcast.net

From: Maryann Merendino
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:24:33 PM

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Yours sincerely,
Maryann Merendino
300a flanders rd
Monroe Township, NJ 08831
maryannmerendino@icloud.com

From: Al Molaf
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:25:32 PM

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Report Suspicious

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Yours sincerely,
Al Molaf
52 voorhees pl
Ridgefield Park, NJ 07660
nkbigal@aol.com

From: Renee Frame
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:25:35 PM

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Yours sincerely,
Renee Frame
612 singley ave
Runnemede, NJ 08078
catslinky@aol.com

From: Walter Priestley
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:25:35 PM

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Yours sincerely,
Walter Priestley
194 carlisle place rd
Leesburg, NJ 08316
wpriestley61@gmail.com

From: Peggy Jankowski
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:29:32 PM

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Yours sincerely,
Peggy Jankowski
220 west sylvania ave trailer 29
Neptune, NJ 07753
majankowski60@gmail.com

From: Andrew Harris
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 4:30:08 PM

This Message Is From an Untrusted Sender
You have not previously corresponded with this sender.

Report Suspicious

Dear Executive Director Fish,

This legislation has the entire insurance industry in the state in a panic. An industry that relies on as much stability where controllable is essential, given the unpredictability of losses and weather events. I'm in a position where I have wide-ranging relationships with virtually every aspect of it, and I can relay that sentiment is echoed across the board.

As the owner of an independent insurance agency in New Jersey, I am writing to express my deep concern regarding the Department of Labor and Workforce Development's proposed regulation codifying and expanding the ABC test (N.J.A.C. 12:11). While I understand and support the Department's goal of preventing worker misclassification, this proposal threatens to upend the very structure of the independent agency system—a system that has served New Jersey consumers and businesses with integrity and accountability for decades.

Independent agents operate as licensed professionals under the strict regulation of the New Jersey Department of Banking and Insurance. We are not gig workers nor part of the underground economy. We run real businesses, often with storefronts, payrolls, and longstanding carrier relationships. Yet, under this proposal, even a standard agency-carrier relationship—where an agent contracts with multiple insurers to serve clients—could be misinterpreted as an employment relationship under the expanded ABC test.

Specifically:
- Prong A could misconstrue regulatory compliance (e.g., mandatory training, licensing) as control, even though such obligations are imposed by law, not insurers.
- Prong B risks defining agency work as within a carrier's "usual course of business," despite our separate and independent operations.
- Prong C dismisses common markers of legitimate businesses (such as corporate status and business insurance) as insufficient—placing an unreasonable burden on producers.

This interpretation undermines our ability to operate autonomously and threatens the survival of agencies like mine. It would force us to restructure or even dissolve

longstanding contractual relationships, harming not just our businesses, but the consumers who rely on personalized, unbiased advice that only independent agents provide.
I respectfully urge the Department to either withdraw this proposal or, at a minimum, include a safe harbor or clear exemption for individuals and entities licensed by the New Jersey Department of Banking and Insurance.

Independent insurance agents are not the problem this rule seeks to solve. Please do not let us become collateral damage.

Sincerly,

Sincerely,

Andrew Harris
3 Walnut Grv
Colts Neck, NJ 07722
andrewharris@lianet.com

From: John Latimer
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Monday, July 28, 2025 4:30:08 PM

This Message Is From an External Sender
This message came from outside your organization.

Report Suspicious

Dear Executive Director Fish,

I am an independent insurance producer licensed in the state of New Jersey, and I am writing to express my strong opposition to the proposed changes to the ABC test in N.J.A.C. 12:11. These changes, while intended to target worker misclassification, would unintentionally disrupt my ability to do business, serve clients, and earn a living as an independent professional.

Like thousands of insurance producers across the state, I am not an employee of any insurance company. I operate independently, representing multiple carriers so I can find the best coverage solutions for my clients. This structure is not only legal—it is essential to consumer choice and competitive insurance markets.

Under the proposed rule:

- The way I comply with legal and regulatory requirements—such as continuing education, licensing, or carrier guidelines—could be misread as employer control (Prong A).
- Because I help sell insurance products, my work might be considered part of the carrier's "usual course of business" (Prong B), even though I don't work for them.
- And under Prong C, my corporate status, insurance coverage, and client base may not be enough to prove I'm truly independent—despite running a legitimate business.

This puts me and others like me in an impossible position. We are not misclassified workers—we are entrepreneurs. If adopted as written, this regulation could devastate New Jersey's independent agency channel and restrict consumers' access to trusted local advisors.

Please reconsider this rule, or at the very least, carve out a clear exemption for licensed insurance producers. We are already regulated professionals and do not belong in the same category as app-based gig workers or temporary laborers.

Thank you for considering my comments.

Sincerely,

Sincerely,

John Latimer
601 Bank Ave
Riverton, NJ 08077
jalatimer@barclayinsurance.com

From: Theresa Mulero
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:30:37 PM

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Report Suspicious

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Yours sincerely,
Theresa Mulero
1751 south broad st apt d
Trenton, NJ 08610
theresamulero32@gmail.com

From: Raymond Michaelsen
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:33:32 PM

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Report Suspicious

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Yours sincerely,
Raymond Michaelsen
1235 hwy 33 box 103 14e 2nd ave
Farmingdale, NJ 07727
michaelsenray55@gmail.com

From: Adolfo Parra
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:33:34 PM

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Yours sincerely,
Adolfo Parra
73 woodmere rd
Upper Saddle River, NJ 07458
clamar04@yahoo.com

From: George Stampolis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:34:34 PM

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Report Suspicious

Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

[highlight=transparent]Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.[/highlight]

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
George Stampolis
48rosewoodterrace
East Rutherford, NJ 07073
gtheg007@gmail.com

From: Hickey Tanya
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:34:38 PM

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Report Suspicious

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Yours sincerely,
Hickey Tanya
93 prospect avenue
Edison, NJ 08817
norment33@yahoo.com

From: David Dougherty
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:35:31 PM

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Yours sincerely,
David Dougherty
22 frederiksted street
Toms River, NJ 08757
ddoc1960@aol.com

From: Diane Wallen
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:37:31 PM

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Yours sincerely,
Diane Wallen
240 e street
Penns Grove, NJ 08069
ladydi47@verizon.net

From: Alex Philip
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:38:33 PM

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Yours sincerely,
Alex Philip
10 turnburry rd
Washington, NJ 07882
alexphilip007@hotmail.com

From: James Jacobs
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:39:36 PM

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Yours sincerely,
James Jacobs
20 palmwood ave
Cherry Hill, NJ 08003
jwmojacobs@gmail.com

From: Karen Heinrich
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:41:33 PM

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Yours sincerely,
Karen Heinrich
525 fisher ave.
Phillipsburg, NJ 08865
kheinrich0@gmail.com

From: Mark Levine
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:41:34 PM

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Yours sincerely,
Mark Levine
22-2 remington drive
Freehold, NJ 07728
mlevine639@gmail.com

From: Joe Reardon
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:41:37 PM

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Yours sincerely,
Joe Reardon
84 laurelwood court
Rockaway, NJ 07866
sgm.jar@gmail.com

From: Deborah Williams
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:43:36 PM

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Yours sincerely,
Deborah Williams
126 c
Paulsboro, NJ 08066
debbierone946@gmail.com

From: Idalia Arias
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:45:32 PM

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Yours sincerely,
Idalia Arias
416 thimas street
Perth Amboy, NJ 08861
idaliaarias58@gmail.com

From: Constance Edwards
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:47:34 PM

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Yours sincerely,
Constance Edwards
1057 bond st elizabeth nj 07201
Elizabeth, NJ 07201
conniewillis77@aol.com

From: Cynthia Pyzik
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:48:35 PM

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Yours sincerely,
Cynthia Pyzik
2500 state route 33
Neptune, NJ 07753
custwintrt@aol.com

From: Krystalgeese Maneri
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:55:33 PM

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Yours sincerely,
Krystalgeese Maneri
323 clarkstown road
Mays Landing, NJ 08330
lover45k@hotmail.com

From: Diana Talerico
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:55:35 PM

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Yours sincerely,
Diana Talerico
1406 liron la
Farmingdale, NJ 07727
talerico.diana@gmail.com

From: Maggie Barker
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:56:33 PM

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Yours sincerely,
Maggie Barker
143 ridge road
West Milford, NJ 07480
maggib@optonline.net

From: Angela Campbell
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:58:33 PM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Angela Campbell
21 alexander court
Voorhees, NJ 08043
angelgemi62@gmail.com

From: Joanne Elder
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 4:58:34 PM

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Report Suspicious

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Yours sincerely,
Joanne Elder
1 cedar court
Mays Landing, NJ 08330
jkelder386@aol.com

From: Germaine Messineo
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:00:34 PM

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Yours sincerely,
Germaine Messineo
2005 rt 22 west apt 304
Bound Brook, NJ 08807
gerricslh@yahoo.com

From: Theresa Dirocco
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:04:34 PM

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Yours sincerely,
Theresa Dirocco
56 forest street
Kearny, NJ 07032
honestshare@hotmail.com

From: Neelavathy Pushparaj
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:04:34 PM

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Yours sincerely,
Neelavathy Pushparaj
22 cherry lane
Mendham, NJ 07945
pushparajneela@gmail.com

From: Lisandra Aliaga
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:04:34 PM

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Yours sincerely,
Lisandra Aliaga
1228 scribner rd
Fair Lawn, NJ 07410
lisaaliaga@aol.com

From: Roy Fennimore
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:05:36 PM

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Yours sincerely,
Roy Fennimore
101shute ave
Williamstown, NJ 08094
rkfennimore@verizon.net

From: Rena Lewis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:05:37 PM

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Yours sincerely,
Rena Lewis
1122 hussa st
Linden, NJ 07036
lewisrna@gmail.com

From: Rosemary Hall
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:07:34 PM

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Yours sincerely,
Rosemary Hall
22 malaga drive
Ewing, NJ 08638
rmmdhall@gmail.com

From: John Bomma
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:08:34 PM

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Yours sincerely,
John Bomma
2 davos dr
Vernon, NJ 07462
johnbomma@yahoo.com

From: Abdulaleem Muhammad
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:09:33 PM

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Yours sincerely,
Abdulaleem Muhammad
78 conforti ave
West Orange, NJ 07052
aleem614@aol.com

From: Jacqueline Bess
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:13:31 PM

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Yours sincerely,
Jacqueline Bess
8 garden ter
Jersey City, NJ 07305
jtbess@aol.com

From: Judith Lee
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:15:37 PM

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Yours sincerely,
Judith Lee
34 goodwin lane
Willingboro, NJ 08046
leejud66@gmail.com

From: Rita Nulman
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:16:33 PM

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Yours sincerely,
Rita Nulman
2077 center ave
Fort Lee, NJ 07024
ritan61@yahoo.com

From: Lauren Chien
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:21:35 PM

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Yours sincerely,
Lauren Chien
320 harmon cove tower
Secaucus, NJ 07094
yuffiebunny@gmail.com

From: Nancy Van Es
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:23:33 PM

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Yours sincerely,
Nancy Van Es
215 franklin st
Secaucus, NJ 07094
nvanes@aol.com

From: Judith Selkow
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:25:35 PM

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[highlight=transparent]Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.[/highlight]

Yours sincerely,
Judith Selkow
1 edgefield ct
Swedesboro, NJ 08085
judidonna@yahoo.com

From: Rose Marie Jasper
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:30:35 PM

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Report Suspicious

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Yours sincerely,
Rose Marie Jasper
141 sandalwood ave
Trenton, NJ 08619
brt2meplz@aol.com

From: Johnny Harris
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:30:39 PM

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Yours sincerely,
Johnny Harris
31 van vechten street
Newark, NJ 07114
johnnyharris523@gmail.com

From: Victoria Maddox
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:33:36 PM

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Yours sincerely,
Victoria Maddox
2880 hull rd
Camden, NJ 08104
vicky59@gmail.com

From: Hugh Harris
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:36:35 PM

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Yours sincerely,
Hugh Harris
1289 old white horse pk apt a
Waterford Works, NJ 08089
kingfish98716@gmail.com

From: Joann Ripley
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:39:32 PM

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Yours sincerely,
Joann Ripley
105 starboard st
Forked River, NJ 08731
jripley315@gmail.com

From: Tamara Collazo
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:47:32 PM

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Yours sincerely,
Tamara Collazo
261 schley street
Newark, NJ 07112
tamara.collazo@outlook.com

From: Sue Henel
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:53:34 PM

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Yours sincerely,
Sue Henel
83meadowbrook road
Brick, NJ 08723
suehenel@gmail.com

From: Salomon Ramirez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:55:35 PM

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Yours sincerely,
Salomon Ramirez
293 ward st
New Brunswick, NJ 08901
arespana515@gmail.com

From: Courtney Kuhl
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:56:34 PM

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Yours sincerely,
Courtney Kuhl
60 homestead road
Toms River, NJ 08753
cmkuhl16@gmail.com

From: Nancy Gentlesk
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:57:31 PM

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Yours sincerely,
Nancy Gentlesk
503 winding way nj
Westville, NJ 08093
ngentlesk124@gmail.com

From: Rodney Donaldson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:58:34 PM

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Yours sincerely,
Rodney Donaldson
24 jesse rd
Howell, NJ 07731
rdonaldson619@gmail.com

From: Joseph Lopresti
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 5:58:36 PM

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Yours sincerely,
Joseph Lopresti
84a throckmorton ave
Red Bank, NJ 07701
jllawnsetc@gmail.com

From: Labri Hudson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:02:33 PM

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Yours sincerely,
Labri Hudson
1506 greenwood ave
Camden, NJ 08103
hudsonlabri@gmail.com

From: Natia Fauntleroy
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:11:33 PM

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Yours sincerely,
Natia Fauntleroy
131 water st
Swedesboro, NJ 08085
natsha99@hotmail.com

From: Cheryl Depasquale
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:12:46 PM

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Yours sincerely,
Cheryl Depasquale
2 patrick st
Carteret, NJ 07008
cheryld@studioray.com

From: Debbie Turner
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:20:34 PM

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Yours sincerely,
Debbie Turner
470 flock road
Trenton, NJ 08619
debbber717@yahoo.com

From: Gregory Richburg
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:20:54 PM

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Dear David Fish,

[highlight=transparent]I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors. [/highlight]

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Yours sincerely,
Gregory Richburg
9 marshall rd
Ocean, NJ 07712
queyberg@hotmail.com

From: William Hendricks
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:23:40 PM

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Yours sincerely,
William Hendricks
10 creek lane
Mullica Hill, NJ 08062
billyh856@aol.com

From: Madeline Kogut
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:25:42 PM

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Yours sincerely,
Madeline Kogut
615 south broadway
Pitman, NJ 08071
madelinekogut@gmail.com

From: Jackie Scott
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:44:36 PM

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Yours sincerely,
Jackie Scott
515 market st.
Gloucester City, NJ 08030
smommyj@gmail.com

From: Donna Mattera
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:48:36 PM

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Yours sincerely,
Donna Mattera
906 5th st
Millville, NJ 08332
thetwistedsoul23@gmail.com

From: Misael Castro
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:50:33 PM

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Report Suspicious

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Yours sincerely,
Misael Castro
38 coeyman st
Newark, NJ 07104
yitoesyito@gmail.com

From: Jeffreye Williamsjr
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 6:54:32 PM

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Yours sincerely,
Jeffreye Williamsjr
149myrtleave.
Jersey City, NJ 07305
ljwriter0007@yahoo.com

From: Giscard Assaad
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 7:00:38 PM

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Report Suspicious

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Yours sincerely,
Giscard Assaad
85 bessida st
Bloomfield, NJ 07003
crisloot@gmail.com

From: Patricia Shane
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Monday, July 28, 2025 7:03:37 PM

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Report Suspicious

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Yours sincerely,
Patricia Shane
297 w blackwell street
Dover, NJ 07801
plshane@yahoo.com

From: Lisa Harrah
To: Fish, David [DOL]
Subject: [EXTERNAL] RE: Opposition to PRN 2025-051 – ABC Test for Independent Contractors
Date: Tuesday, July 29, 2025 8:05:44 AM
Attachments: image002.png
image003.png

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Dear Mr. Fish:
As Executive Vice President and Managing Partner of Harrah & Associates Insurance Brokerage in Central New Jersey, I am writing to express my concerns about the Department's proposed ABC test regulations. While I understand the Department's intent to protect workers, these rules would have significant, negative unintended consequences for insurance agents and other licensed financial services professionals, as well as the clients we serve throughout New Jersey. For this reason, the proposal should be withdrawn, and if re-proposed in the future, significantly modified.
The state of New Jersey has done extensive research into the issue of misclassification. It has identified industries where workers are at risk. A report from the Governor suggests misclassification is prevalent in "construction, janitorial services, home care, transportation, trucking and delivery services, and other labor-intensive, low-wage sectors." If that is truly the case, I suggest the department focus help on those industries and ensure policies do not disrupt industries like mine.
The proposal is far too broad. Instead of focusing on helping workers who might need it, it treats every independent contractor the same. Rather than recognizing the difference between a Main Street small business and an exploited worker, it says both must become employees. That makes no sense for small business owners in the industries where I work.
New Jersey laws and rules should encourage small businesses and entrepreneurship, not discourage them. Licensed insurance professionals like me have chosen to structure our practices as independent businesses for a variety of reasons. We have completed extensive education, testing, and continuing education requirements. We hold professional designations such as CIC (Certified Insurance Counselor) and AAI (Accredited Adviser in Insurance) that require years of study and experience. We are already subject to comprehensive regulatory oversight from the Department of Banking and Insurance. Notably, surveys show we are nearly unanimous in opposing rules or laws that would take away our independence.
California's experience with similar regulations offers important lessons for New Jersey, yet those lessons are not reflected in this proposal. California exempted insurance and financial services from the start. New Jersey's proposal contains no such exemptions.
The California experience also raises questions about whether this is the right policy for New Jersey. When California implemented its strict ABC test, the results were disappointing. Rather than creating more employee positions, the regulations led to reduced opportunities for independent contractors. The state has since had to enact numerous exemptions to address unintended consequences.
New Jersey has the opportunity to learn from California's experience and develop a more thoughtful approach to this public policy problem that addresses legitimate misclassification concerns without

disrupting small businesses that are already well-regulated and functioning effectively.
I hope that the Department will withdraw this proposal and give more consideration to how to target help where it is needed. If the Department proceeds with revising this proposal, I would encourage adding exemptions for licensed insurance professionals, financial services, and other industries exempted in California.
Thank you for considering these comments.
Sincerely,
Lisa Harrah, CIC, AAI
Executive Vice President and Managing Partner
Harrah & Associates Insurance Brokerage

Lisa Harrah, CIC, AAI
Vice President | Harrah & Associates
Insurance Solutions Since 1955
p: 609-587-8030 x14 | **f:** 609-587-6588
e: lisah@harrah-assoc.com | **w:** www.harrah-assoc.com
a: 2426 Nottingham Way, Mercerville NJ 08619

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If you'd prefer not to hear from me by email, please reply back and let me know and I'll update my records accordingly.

From: Peter Stephanatos
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment re: DOL Independent Contractor Proposed Regulation N.J.A.C. 12:11
Date: Tuesday, July 29, 2025 12:47:20 PM

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Dear David Fish,

I write to you today regarding the Department's Independent Contractor Regulation proposal. Applying this test to my profession as an independent financial advisor with Ameriprise Financial in New Jersey may impact my ability to continue operating independently in New Jersey, providing high quality service to people in my community and the state.

There are more than 150,000 independent financial advisors who have long been an integral part of the securities industry across the country. Independent broker-dealers and their affiliated independent financial advisors provide clients in their communities with personalized and comprehensive financial advice. We help our clients invest, save for retirement, pay for their children's education, and buy insurance to cover unexpected expenses.

Ameriprise offers me the option of being an employee or an independent contractor. Being an independent advisor is my choice and allows me the flexibility to determine how I manage my practice, which includes determining the level of staffing support to provide a high-quality client experience, our technology set, and real estate footprint. As an independent advisor, I set my own schedule, select my clients, and assume typical responsibilities of a small business owner including staff, technology and other costs.

Many financial advisors prefer the flexibility to operate within an independent channel to help serve clients well and help them plan for their future. Please help my clients and my small business continue to thrive in New Jersey by specifically excluding financial advisors and broker dealers from compliance with the ABC Test. This will allow me to continue operating as an independent contractor in New Jersey and serve my clients well now and into the future.

Sincerely,

Peter Stephanatos
201 West Passaic St. Suite 103, Rochelle Park
Rochelle Park, NJ 07662-3126

peter.g.stephanatos@ampf.com
201-845-9111

From: Vincent Jr. Canoro
To: Fish, David [DOL]
Subject: [EXTERNAL] Letter of Strong opposition to Proposed New Rules: N.J.A.C. 12:11
Date: Tuesday, July 29, 2025 1:04:24 PM
Attachments: 20250729130010635.pdf

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Good Afternoon,

As a drayage Motor carrier here in the state of NJ I attached a letter with strong opposition to Proposed New Rules: N.J.A.C. 12:11
This would be a disaster for the state of NJ.

Vincent Canoro Jr.
ESK TRUCKING
300 CRAIG ROAD
MANALAPAN NJ 07726
BUILDING 300 SUITE 209
732-738-4600

7/29/2025

Dear Mr. Fish,

I am submitting the following comments in strong opposition to Proposed New Rules N.J.A.C. 12:11, Proposal Number PRN 2025-051. I urge the New Jersey Department of Labor to take these comments into consideration and reconsider the rule changes proposed.

As a Drayage Motor Carrier this proposal would have a negative impact on me and all residents in the State of New Jersey. My objections are as follows:

- The ABC test is a job-killer that hurts *all* workers.
- The proposal will not protect Independent Contractors—it will *eliminate* them.
- The proposal will cause irrevocable harm to the Supply Chain, eliminating up to 77% of our driver workforce.
- The NJDOL proposal will *not* create jobs, it will destroy them and negatively impact New Jersey's economy, just as similar policies did in California.
- The NJDOL proposal is dangerous and unreasonable.
- The proposal is based on old data and misinterpreted research.
- The DOL's approach lacks clarity and will increase confusion.
- More time and input are needed to address this complex issue.
- The NJDOL proposal ignores Federal policy changes and pending Federal legislation.
- Rules that restrict Independent Contractor work hurt women, seniors, and minorities
- The NJDOL proposal goes too far and will hurt the workers and business owners alike.

For all of the reasons state above, I urge the New Jersey Department of Labor to reconsider the rule proposal currently set forth.

Thank you.

Vincent Canoro

From:	Joseph Okaly
To:	Fish, David [DOL]
Subject:	[EXTERNAL] RE: NJAC RULE 12:11 - ABC TEST for FINANCIAL PROFESSIONALS
Date:	Tuesday, July 29, 2025 1:20:08 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png

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Hey David,

Sorry – that is my email system trying to be overly secure.

As a lifelong New Jersey resident and an independent financial professional, I am writing to express opposition to the New Jersey Department of Labor's proposed regulation on worker classification, N.J.A.C. 12:11. While I support efforts to curb worker misclassification in cases of abuse, I believe this proposal would have far-reaching and unintended consequences for legitimate independent professionals across the state.

This rule, as currently written, would disrupt the livelihoods of thousands of individuals who have deliberately chosen independent work to build their careers, support their families, and serve clients effectively. By broadly applying the ABC test, the proposal risks forcing many of us into employment models that are incompatible with the nature of our work—and our clients' needs. Independence in the financial profession is a conscious choice.

The expected impacts of this rule for independent financial professionals include:

- **Loss of Opportunity and Flexibility**: Many professionals will be stripped of the autonomy that drew them to independent work in the first place.
- **Harm to Clients**: In fields like financial services, this could mean fewer advisors available to serve New Jersey families—particularly those in middle- and lower-income brackets.
- **Local Economic Consequences**: Independent professionals contribute meaningfully to local economies through job creation, office space, and business investment. Forcing these businesses to shut down or relocate would hurt communities statewide.

New Jersey has long been a champion of innovation and small business ownership. This regulation, however well intended, threatens to stifle those very values by discouraging independent enterprise and punishing those who operate within the law.

I respectfully urge you to oppose the rule in its current form and advocate for a more balanced approach—one that targets bad actors without undermining legitimate professionals. A tailored exemption for industries with licensed professionals, such as financial services, would be an important step in the right direction, and is what happened, to my understanding, already in other states already such as California.

Thanks,

Joseph P. Okaly, CFP®, CFS®
New Horizons Wealth Management
240 Cedar Knolls Road, Suite 306 Cedar Knolls, NJ 07927
(973)540-1066 | (973)540-1775 (fax) | josephokaly@nhwmllc.com | nhwmllc.com
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Notice: All email and instant messages (including attachments) sent to or from our personnel may be retained, monitored and/or reviewed by NHWM LLC and/or World Investments, Inc. and their agents, or authorized law enforcement personnel, without further notice or consent.

Please contact us at (973)540-1066 if there is any change in your financial situation, needs, goals or objectives, or if you wish to initiate any restrictions on the management of the account or modify existing restrictions. Additionally, we recommend you compare any account reports from NHWM LLC with the account statements from your Custodian. Please notify us if you do not receive statements from your Custodian on at least a quarterly basis. Our current disclosure brochures, Form ADV Part 2 and Form ADV Part 3, are available for your review upon request, and on our website, www.nhwmllc.com.

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From: Fish, David [DOL] <David.Fish@dol.nj.gov>
Sent: Tuesday, July 29, 2025 12:47 PM
To: Joseph Okaly <josephokaly@nhwmllc.com>
Subject: RE: NJAC RULE 12:11 - ABC TEST for FINANCIAL PROFESSIONALS

Mr. Okaly, you sent me your comments as an encrypted message. Could you please simply send the comments in the body of an email or as an attached pdf? Any comment submitted in response to the rule proposal is a matter of public record, so there should be no reason to encrypt. If there is anything in the comments that you believe is confidential, requiring encryption, I would recommend that you remove the confidential material before submitting your comments.

From:	John Benton
To:	Fish, David [DOL]
Cc:	John Benton
Subject:	[EXTERNAL] : Proposed New Rules: N.J.A.C. 12:11
Date:	Tuesday, July 29, 2025 2:30:42 PM
Attachments:	image002.png 2025 NJ Rule Advisor Letter to DOLWD.docx

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Dear Mr. Fish –

Please see the attached letter (also typed below) in opposition to the above mentioned Proposed Rule.

Thank you –
John

July 29, 2025

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Delivered Via Email: David.fish@dol.nj.gov
Re: Proposed New Rules: N.J.A.C. 12:11
ABC Test; Independent Contractors

Dear Mr. Fish,
I am writing you today to express my deep concerns over the proposed rule (N.J.A.C. 12:11) that could reclassify independent contractors like me as employees.

As an agent in New Jersey, I am subject to significant licensing, continuing education, and regulatory oversight that do not apply to many other industries. We are not the type of workers this rule is intended to protect—and yet, under its current framing, many of us could be forced into employment structures that don't fit the nature of our work. It would be highly disruptive to our industry and would limit the availability of important financial products we provide to families across New Jersey.

Licensed insurance and financial professionals have an established, successful history of appropriate classification as independent contractors and are not involved in the worker classification problems found in other industries. The majority of industry agents work as independent contractors and wish to continue doing so.

Most importantly, failure to exempt independent insurance producers and financial advisors from the DOLWD proposal severely limits the scope of insurance products consumers can access, thereby limiting their ability to protect themselves and their loved ones.

I strongly urge you to reconsider moving forward with the proposed rule, as it's incompatible with the distinct characteristics of our industry and jeopardizes the financial security we offer to our clients. Its implementation would not only adversely affect the livelihood of financial professionals like myself, but it would also limit consumer access in New Jersey.

Thank you for your consideration on this matter.

John R. Benton, Jr.
Gillette, NJ 07933

CHARTERED FINANCIAL SERVICES®
John R. Benton, Jr. | ChFC®, CLTC®
Financial Planner | CA Insurance License #0198510
30 Technology Drive | Suite 1Q | Warren, NJ 07059
Tel: 800-549-6007 | Fax: 732-549-6646 | cfs-nj.com
john.benton@prudential.com

John Benton is a Financial Planner with, and offers securities and investment advisory services through LPL Enterprise (LPLE), a Registered Investment Advisor, Member FINRA/SIPC, and an affiliate of LPL Financial.
LPLE and LPL Financial are not affiliated with Chartered Financial Services.

Crafting Custom Strategies for Your Financial Future

July 29, 2025

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Delivered Via Email: David.fish@dol.nj.gov

Re: Proposed New Rules: N.J.A.C. 12:11
ABC Test; Independent Contractors

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Thank you for your consideration on this matter.

John R. Benton, Jr.

Gillette, NJ 07933

From: DeLoreto, Michael D.
To: Fish, David [DOL]
Subject: [EXTERNAL] Comments to PRN 2025-051
Date: Tuesday, July 29, 2025 3:14:10 PM
Attachments: NJFC Comment to PRN 2025-051.pdf

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David:

On behalf of this firm's client, the New Jersey Food Council, please find attached comments concerning PRN 2025-051 which proposes new N.J.A.C. 12:11. A copy has been sent by via certified mail.

Thank you.

MICHAEL D. DELORETO | Director
Government & Regulatory Affairs Group
t: 609-858-2447 | **c:** 973-902-9746 | **f:** 973-639-8376
mdeloreto@gibbonslaw.com | bio

Gibbons P.C. | 50 West State Street | Suite 1104 | Trenton, NJ 08608-1220
m: 609-394-5300 | **f:** 609-394-5301 | office | map

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Michael D. DeLoreto
Director

Gibbons P.C.
50 West State Street
Suite 1104
Trenton, NJ 08608-1220
Direct: 609-858-2447 Fax: +1 973-639-8376
mdeloreto@gibbonslaw.com

July 25, 2025

VIA CERTIFIED AND ELECTRONIC MAIL
David Fish
Executive Director, Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Re: Written Comments to PRN 2025-051

Dear Mr. Fish:

This firm represents the New Jersey Food Council ("NJFC"), which is the trade association representing food retailers, supermarkets, independent grocers, convenience stores, and their supplier partners. We appreciate the opportunity to convey the NJFC's significant concerns with PRN 2025-051 (the "Rule Proposal"), whereby the New Jersey Department of Labor and Workforce Development (the "NJDOL") proposed new section N.J.A.C. 12:11 regarding the interpretation of N.J.S.A. 43:21-19(i)(6)(A), (B), and (C), commonly referred to as the "ABC test."

The NJFC shares the NJDOL's goal that workers be properly classified. The Rule Proposal, however, creates a *de facto* ban on independent contractors. It will be essentially impossible for legitimate independent contractors to continue to operate in New Jersey, resulting in negative consequences for businesses and consumers. The NJDOL should therefore not adopt the Rule Proposal.

I. NJDOL's Interpretation of Prong A Exceeds the Scope of Cases Relied Upon

The Rule Proposal's interpretation of Prong A, which pertains to the exercise of control over the individual's work, includes a significant number of factors and sub-factors which go beyond the scope of the cases that it purports to follow. The NJDOL readily admits in the Rule Proposal that such factors and sub-factors are "gleaned" from unpublished, non-precedential cases. See e.g., reliance on Pennsauken Diagnostics Ctr., LLC (PDC) v. N.J. Dep't of Labor & Workforce Dev., 2024 N.J. Super. Unpub. LEXIS 1232 (App. Div. June 17, 2024) (justification for factors 5 and 6 at proposed new N.J.A.C. 12:11-1.3 concerning fix pay rate and call, standby or availability to perform services). But the NJDOL appears to have relied upon only those unpublished cases which support its position of a restrictive ABC test and ignored those where the courts may have found the individual to be an independent contractor. See Feinsot v. Bd. of Review, Dep't of Labor, 2007 N.J. Super. Unpub. LEXIS 2922 (App. Div. Feb. 26, 2007)

One of the published cases that the NJDOL states it relies upon is Trauma Nurses, Inc. v. Board of Review, 242 N.J. Super 135 (App. Div. 1990). The court there reversed the NJDOL's decision to classify the individuals as employees and upheld the initial independent contractor

classification. It appears that the NJDOL is actually attempting to reverse the holding of the court in Trauma Nurses by adopting certain the factors listed in the Rule Proposal. For example, the court in Trauma Nurses noted the impropriety of considering what the Rule Proposal includes as factor 4, whether the putative employer negotiates for and acquires the work performed by the individual. The NJDOL's view in Trauma Nurses was that the nurses were employees because they were required to perform certain services to remain employed, and would receive payments from the contractor. Trauma Nurses, 242 N.J. Super at 143. The court rejected that view and stated that

> These circumstances are not supportive of the Board's ultimate conclusion that [the nurse] was an employee of [the contractor]. The fact that [the nurse] was required to perform services is common to both an employment and independent contractor status. In order to receive payment, an independent contractor is obliged to perform services. ***If we were to accept the conclusion that the performance of services creates an employment relationship, the "A" prong of the statutory tripartite test could never be satisfied, and the status of independent contractor would cease to exist under the statute.*** Simply stated, the performance of services does not differentiate an employment relationship from an independent contractor relationship. A contrary interpretation of subsection A would essentially render nugatory the statutory scheme.
>
> [Id. at 143-44 (emphasis added).]

That, however, seems to be precisely what the NJDOL is counting on by proposing factor 4 and the other factors. By having a litany of criteria at its disposal, the NJDOL can conclude under any circumstance that an individual is an employee and not an independent contractor. Further evidence of the NJDOL's motive exists in the Rule Proposal at new sections N.J.A.C. 12:11-1.3(d) and -1.3(e). These provisions plainly state that the aforementioned factors and sub-factors "are not exhaustive," "that additional factors may be considered," and that a conclusion as to whether Prong A is satisfied "should not be based upon whether a majority of the factors listed at subsection (c) have been met." Rule Proposal at new N.J.A.C. 12:11-1.3(d); N.J.A.C. 12:11-1.3(e). Reading the entirety of the proposed N.J.A.C. 12:11-1.3(c) through (e) together, the NJDOL is giving itself the chance to utilize factors already rejected by the courts and consider other unknown factors not identified in the regulatory scheme, in order to make satisfaction of Prong A impossible.

Proposed N.J.A.C. 12:11-1.3(f) further stacks the deck against the "putative employer" and in favor of the NJDOL. This section of the Rule Proposal states that

> When evaluating, pursuant to Prong A of the ABC test, whether an individual has been, and will continue to be, free from control or direction over the performance of services, any control or direction that the putative employer has exercised, or has reserved the right to

> exercise, ***in order to be in compliance with a law or rule shall be considered***; that is, it shall be given equal weight to what would be given any other control or direction that the putative employer has exercised or has reserved the right to exercise.
>
> [57 N.J.R. 898 (emphasis added).]

Independent contractor agreements typically have a requirement that contractors comply with laws and regulations as standard and appropriate practice. Vendor contracts will often include these types of stipulations as it is expected that any services provided will be conducted in compliance with all local, state, and federal laws and regulations. Indeed, as explained in the Trauma Nurses decision, the nurses there were required to provide "proof of malpractice insurance, health and disability insurance coverage, a valid CPR certification and a nursing license" and could have their contract terminated if they did not "maintain appropriate insurance and professional certification and licenses." Trauma Nurses, 242 N.J. Super. at 138-39. While the court did not find this to be an indicia of control, the NJDOL through the Rule Proposal is attempting to do so.

As applicable to the NJFC's members, they may contract with various services that impact food safety and security, such as distribution and third-party delivery services. It is critical that these contractors follow all applicable laws, not for control but to promote a safer environment for everyone. This culture of safety is embedded in our state's regulatory framework and in no way is a baseline indicator of employer-employee control. Accordingly, adoption of this section of the Rule Proposal creates the risk of companies and contractors in the food sector having to choose between complying with the regulatory rules designed to protect consumers and losing their independent contractor status.

For these reasons, the NJDOL's interpretation of Prong A is inappropriate and increases the risk of harm to New Jersey's consumers. The Rule Proposal at N.J.A.C. 12:11-1.3 should therefore not be adopted.

II. The Interpretation of Prong B Overly Expands the Definition of "Place of Business"

NJDOL relies on the New Jersey Supreme Court opinions in Carpet Remnant Warehouse, Inc. v. New Jersey Department of Labor, 125 N.J. 567 (1991) and East Bay Drywall, LLC v. Dep't of Labor and Workforce Development, 251 N.J. 477 (2022) to inform its interpretation of Prong B of the ABC Test. Proposed rule N.J.A.C. 12:11-1.5 states:

> (a) In order to meet its burden pursuant to Prong B of the ABC test, the putative employer must establish either that an individual's services are outside of the putative employer's usual course of business or that such services are performed outside of all of the putative employer's places of business.

> (b) The putative employer's usual course of business may include activities that the putative employer regularly engages in to generate revenue or develop, produce, sell, market, or provide goods or services. An entity may have more than one usual course of business.
>
> …
>
> (e) When evaluating whether services are performed outside of all the places of business of the enterprise for which such service was performed, the phrase "places of business" refers to locations where the enterprise has a physical plant or conducts an integral part of its business.
>
> (f) The locations where the putative employer has a physical plant include, but are not limited to, a physical office, store, or factory where a substantial amount of the putative employer's work is performed.
>
> (g) The locations where the putative employer conducts an "integral part of its business," include, but are not limited to, locations outside of the putative employer's physical plant, where the services performed by the individual are an essential component of, rather than ancillary to, the putative employer's business. This includes the residence or place of business of the putative employer's client or customer, when the services performed by the individual at such location are an essential component of, rather than ancillary to, the putative employer's business.

While the definition of "places of business" in subsection (e) is taken directly from the opinion in Carpet Remnant, the expansion of that definition at subsections (f) and (g), as well as the accompanying examples, are unfounded. Expanding the interpretation of a company's "places of business" to effectively include any location where the individual performs services fails to account for common business practice.

The external locations where contractors perform services must be recognized as ***outside*** of the putative employer's place of business. For example, if a grocery store chain contracts with a trucking company for delivery of goods to one of its individual stores, that contractor would be performing its duties on the roads of New Jersey. But, under the NJDOL interpretation of N.J.A.C. 12:11-1.4(b), the delivery of goods could be interpreted as falling within the definition of activities the employer "regularly engages in to generate revenue or develop, produce, sell, market, or provide goods or services." This interpretation could be used to preclude independent contractor

truck operators in New Jersey, resulting in many entities electing to move out of New Jersey, and negatively impact the state economy.

The NJFC therefore recommends deleting N.J.A.C. 12:11-1.4 from the Rule Proposal.

III. The Interpretation of Prong C Mirrors the Concerns with Prong A's Construction

Prong C of the ABC test concerns whether the individual is customarily engaged in an independently established trade, occupation, profession, or business. Similar to the analysis of Prong A, the proposed N.J.A.C. 12:11-1.5(b), (c), and (d) enumerate factors to be considered which "are not exhaustive," opens the door to the NJDOL considering cryptic "additional factors," and again declare that "there is no set number of factors that will, in every instance, result in a finding that the putative employer either has or has not met its burden pursuant to Prong C of the ABC test."

This type of uncertainty is extremely problematic for businesses seeking to comply with the ABC test, which is already a fact-sensitive undertaking. Further complicating the required analysis is the Rule Proposal's demand at new section N.J.A.C. 12:11-1.5(e) that the individual "receive remuneration for the performance of such services from others during the relevant period." This means that a person who may meet all of the factors for being an independent contractor will be disqualified if they only perform services for one entity. There is no case law which makes this a factor for consideration, and it actually contradicts the very statement the NJDOL relies upon from Gilchrist v. Division of Employment Security, 48 N.J. Super. 147, 158 (App Div. 1957), that what matters is whether the enterprise is "stable and lasting—one that will survive the termination of the relationship." It is a regular occurrence that a person or entity chooses to be an independent contractor and contracts with only one entity because of the value of those services or personal preference. Should those services conclude, the person or entity will then seek to contract with a different entity to perform similar services. To reach the conclusion that an independent contractor can only exist with remuneration from multiple sources is incredulous.

One of the unpublished cases not referenced in the Rule Proposal is Feinsot, which specifically turned on the analysis of Prong C. In that case, the NJDOL decided that the putative employer failed Prong C and that the individual "did not have an independently established business because she did not have: business stationery; advertisements; billing statements; trade names, a business telephone; or office space." Feinsot, 2007 N.J. Super. Unpub. LEXIS 2922, at *9 (App. Div. Feb. 26, 2007). The court rejected that argument finding that those choices were made by the claimant and not requirements set by the alleged employer: "Claimant could have advertised, had business stationary and telephone and still functioned in the assignment . . . . Claimant cannot change the relationship . . . from independent contractor to employee, by her unilateral decision to forego some of the trappings of her profession." Ibid.

Adopting the Rule Proposal appears to be an attempt to ensure a decision like Feinsot will not happen again. The NJDOL should therefore not adopt N.J.A.C. 12:11-1.5 concerning the interpretation of Prong C.

Conclusion

The NJFC appreciates that the NJDOL is seeking to safeguard the rights of employees who have been wrongly classified as independent contractors through the Rule Proposal. But what the NJDOL is proposing tips the scales too far in the other direction by creating insurmountable regulatory hurdles for employers. The NJFC requests that the Rule Proposal at N.J.A.C. 12:11-1.3, -1.4, and 1-5 not be adopted. Since these specific provisions are the crux of the Rule Proposal, the NJDOL should therefore not adopt PRN 2025-051 in its entirety. We welcome the opportunity to discuss our opposition to the rules with the NJDOL further.

Respectfully submitted,

Michael D. DeLoreto
Director

Western & Southern
Financial Group

400 Broadway
Cincinnati, OH 45202-3341
Tel: 513-361-6675
Fax: 513-629-1044

July 21, 2025

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

RE: Proposed New Rules: N.J.A.C. 12:11 (ABC Test and Independent Contractors)

Dear Mr. Fish:

On behalf of its six life insurance company subsidiaries licensed to do business in New Jersey—The Western and Southern Life Insurance Company, Western-Southern Life Assurance Company, Integrity Life Insurance Company, Columbus Life Insurance Company, The Lafayette Life Insurance Company and Gerber Life Insurance Company—Western & Southern Financial Group, Inc. ("Western & Southern") writes to express its deep concerns about the Department of Labor and Workforce Development's proposed new rules at N.J.A.C. 12:11 (the "Proposed Rules"). Our six life insurers work with **6,733** independent life insurance and annuity agents appointed with one or more of Western & Southern's affiliated insurers across New Jersey. Applying the Proposed Rules to independent insurance agents would result in significant uncertainty and unforeseen consequences for New Jersey's citizens, independent agents and insurance markets, and will undoubtedly lead to less coverage and higher costs for its consumers. The independent contractor model for insurance has worked exceptionally well for decades and upending it in New Jersey would be an ill-advised mistake. Western & Southern strongly urges you to carve independent insurance agents out of the Proposed Rule.

Thank you for your consideration; please let me know if you have any questions.

Sincerely,

Kevin L. Howard
Vice President, Deputy General Counsel
& Head of Government Affairs

cc: Jonathan D. Niemeyer
Senior Vice President, Chief Administrative
Officer and General Counsel

From: Thomas Fox
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Tuesday, July 29, 2025 8:30:08 PM

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Dear Executive Director Fish,

As a New Jersey resident, independent financial professional, and small business owner, I'm writing to express concern about the proposed rules under N.J.A.C. 12:11, which would codify the ABC test for determining independent contractor status.

While I support protecting workers from misclassification, these rules could unintentionally harm legitimate, independently owned businesses like mine. As a financial professional affiliated with LPL Financial, I serve clients across the state and am part of a network of nearly 1,500 advisors managing over $66 billion in assets. As part of my relationship with LPL, I have the ability to become an employee of the firm; however, I have made the informed decision to keep my independent contractor status to better serve my clients.

Our independent status allows us to:

- Tailor services to client needs.
- Operate efficiently as small business owners.
- Maintain flexibility and high-quality service.

Reclassifying us as employees would disrupt our business model and reduce access to financial guidance for New Jersey residents.

I respectfully urge the Department of Labor & Workforce Development to consider an exemption for financial professionals. This would preserve our independence while maintaining our ability to provide personalized financial guidance to our clients.

Thank you for your attention to this important issue.

Sincerely,

Thomas Fox
51 JOHN F KENNEDY PKWY FL 1 PMB WEST
SHORT HILLS, NJ 07078
tom.fox@lpl.com

From: James Dodd
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 7:56:34 AM

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Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish.

Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey.

The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
James Dodd
305 Grant St
Boonton, NJ 07005
hjdodd304@gmail.com

From: Cecilia Kovach
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 7:57:32 AM

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Report Suspicious

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Cecilia Kovach
506 County Rd 519, Apt. 3
Frenchtown, NJ 08825
kovachcecilia@yahoo.com

From: Lesley Bellanca
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 7:57:37 AM

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Report Suspicious

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Lesley Bellanca
297 5th Street
South Amboy, NJ 08879
lesleyb07@gmail.com

From: Kevin McGowan
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 7:57:38 AM

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Report Suspicious

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Kevin McGowan
280 Compass Road
Manahawkin, NJ 08050
Kevslive95@hotmail.com

From: John Rudman
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 7:59:33 AM

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Report Suspicious

Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

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Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey.

The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
John Rudman
30 Continental Lane
Marlton, NJ 08053
rudmanj@aol.com

From: Roma Krauth
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 7:59:33 AM

This Message Is From an External Sender
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Report Suspicious

Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

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Yours sincerely,
Roma Krauth
99 Warren St
Keyport, NJ 07735
romakrauth@gmail.com

From: Michael Mastanduno
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 7:59:33 AM

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Yours sincerely,
Michael Mastanduno
418 School St.
Woodbridge, NJ 07095
mastanduno.m@wfdnj01.org

From: Amanda Lipira
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 7:59:34 AM

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Report Suspicious

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Yours sincerely,
Amanda Lipira
156 hilltop
Brick, NJ 08724
Kanga3703@aol.com

From: Ross Romanoo
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:00:33 AM

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Report Suspicious

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Yours sincerely,
Ross Romano
130 Firth Street
South Plainfield, NJ 07080
rrsr2@comcast.net

From: James Borgese
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:00:35 AM

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Report Suspicious

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Yours sincerely,
James Borgese
263 Pearl Place
South Plainfield, NJ 07080
jaecor78@gmail.com

From: Roma Krauth
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:00:41 AM

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Report Suspicious

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Yours sincerely,
Roma Krauth
99 Warren St
Keyport, NJ 07735
romakrauth@gmail.com

From: Elizabeth Canning
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:02:36 AM

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Report Suspicious

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Yours sincerely,
Elizabeth Canning
25 Evans Place
Pompton Plains, NJ 07444
ecanning@thecanninggroup.org

From: Nestor Pla
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:03:35 AM

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Report Suspicious

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Yours sincerely,
Nestor Pla
18 Stagecoach way Hillsborough Nj
Hillsborough, NJ 08844
Nespla@aol.com

From: Susan Johnson
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:07:58 AM

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Report Suspicious

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Yours sincerely,
Susan Johnson
2205 Rogers Rd
Point Pleasant Boro, NJ 08742
susie.j120@fmgmail.com

From: Roman Dolinsky
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:10:33 AM

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Report Suspicious

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Yours sincerely,
Roman Dolinsky
38 Lakeview Dr Helmetta Nj
Helmetta, NJ 82808
roman_dino@yahoo.com

From: Dvigesh Patel
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:14:34 AM

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Report Suspicious

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Yours sincerely,
Dvigesh Patel
76 Topaz Dr
Franklin Park, NJ 08823
dvigesh@gmail.com

From: Steven Cohen
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:16:33 AM

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Yours sincerely,
Steven Cohen
116 George Russell Way
Clifton, NJ 07013
scohen1665@gmail.com

From: Ross Romano
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:19:31 AM

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Yours sincerely,
Ross Romano
130 Firth Street
South Plainfield, NJ 07080
Rrsr1@comcast.net

From: Adriane Balliet
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:20:32 AM

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Yours sincerely,
Adriane Balliet
1807 Binnacle Road
Forked River, NJ 08731
adrianeballiet@aol.com

From: Denise Abney
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:22:33 AM

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Yours sincerely,
Denise Abney
8 William Street
Succasunna, NJ 07876
deasmailnj@yahoo.com

From: Elaine Mann
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:33:38 AM

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Yours sincerely,
Elaine Mann
587 Rt. 34 North, P. O . Box 486
Colts Neck, NJ 07722
elainemann28@gmail.com

From: Kristin Kulick
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:49:36 AM

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The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement. I work periodically for.thr board of elections. How are you going tomrin elections wothout per diem workers??

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Kristin Kulick
50 Stone Hill Rd, Freehold, nj
Freehold, NJ 07728
Kulickkristin@gmail.com

From: Jim Cernansky
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:50:32 AM

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We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish.

Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey.

The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Jim Cernansky
6 Jon Drive
Barnegat, NJ 08005
Jcernans@comcast.net

From: Lisa Ryan
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 9:04:38 AM

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Report Suspicious

Dear Mr. Fish,

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Yours sincerely,
Lisa Ryan
797 Pine Shore Rd
Toms River, NJ 08753
lisar423@aol.com

From: JOHN SCHILP
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 9:20:34 AM

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Report Suspicious

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Yours sincerely,
JOHN SCHILP
3 Green Hill Rd
Chester, NJ 07930
john@schilpco.com

From: Loretta Casselli
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 9:50:36 AM

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Report Suspicious

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Yours sincerely,
Loretta Casselli
33 Rosalind Rd
Brick, NJ 08724
lcasselli2001@yahoo.com

From: Monika Komosinski
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 9:51:33 AM

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Report Suspicious

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Yours sincerely,
Monika Komosinski
89 N Lakeside Ave, Lake Hopatcong
Lake Hopatcong, NJ 07849
monikakomosinski@gmail.com

From: Stephen Dodimead
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 9:59:34 AM

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Report Suspicious

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Yours sincerely,
Stephen Dodimead
39 Ballad Lane, Willingboro
Willingboro, NJ 08046
sdodimead@msn.com

From: Karolina Dossantos
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:10:34 AM

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Report Suspicious

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Yours sincerely,
Karolina Dossantos
587 Sherwood pkwy
Westfield, NJ 07090
Karolinamaleszewska@yahoo.com

From: Dumar Rivera-Herrera
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:23:33 AM

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Report Suspicious

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Yours sincerely,
Dumar Rivera-Herrera
1 Millstone Dr, Morris Plains, NJ
Morris Plains, NJ 07950
dumarrh@gmail.com

From: Lisa Bilella
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:24:34 AM

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Report Suspicious

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Yours sincerely,
Lisa Bilella
34 Eugene Blvd
South Amboy, NJ 08879
lbjs1007@gmail.com

From: Avrohom Schwinder
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:25:34 AM

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Yours sincerely,
Avrohom Schwinder
1502 August Drive
Lakewood, NJ 08701
avrumi101@hotmail.com

From: Charles Sotovilla
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:27:34 AM

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Yours sincerely,
Charles Sotovilla
611 Mazur Ave
Paramus, NJ 07652
63_pearls_upped@icloud.com

From: Luisa Villamil
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:30:33 AM

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Yours sincerely,
Luisa Villamil
384 Boynton Ave
Clark, NJ 07066
Luisa.villamil2@gmail.com

From: Christopher Szala
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:30:37 AM

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Yours sincerely,
Christopher Szala
12 Peachtree Dr
Montville, NJ 07045
cszala@comcast.net

From: Alejandro Arce
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:36:33 AM

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Yours sincerely,
Alejandro Arce
1001 Cranford Ave
Linden, NJ 07036
Alex030809@gmail.com

From: Calvin Kwak
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:38:32 AM

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Yours sincerely,
Calvin Kwak
266 Van Saun Dr
River Edge, NJ 07661
crna.calvino@gmail.com

From: Jeremy castillo
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:39:32 AM

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Yours sincerely,
Jeremy castillo
147 mary ave street
Fords, NJ 08863
jeremycastillo7@gmail.com

From: Nilufar Akhror
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:40:34 AM

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Yours sincerely,
Nilufar Akhror
369 Harrison street
Paramus, NJ 07652
Anilufar@gmail.com

From: RICARDO ARAGON
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 10:45:32 AM

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Yours sincerely,
RICARDO ARAGON
241 Union St apt 403
Hackensack, NJ 07601
serapisbey33@hotmail.com

From: Marvarine Davis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 11:33:37 AM

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Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey.

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Marvarine Davis
37 Elmwood Avenue
Montclair, NJ 07042
elevationisachoice@gmail.com

From: James Jaghab
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment re: DOL Independent Contractor Proposed Regulation N.J.A.C. 12:11
Date: Wednesday, July 30, 2025 11:51:40 AM

This Message Is From an External Sender
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Report Suspicious

Dear David Fish,

I write to you today regarding the Department's Independent Contractor Regulation proposal. Applying this test to my profession as an independent financial advisor with Ameriprise Financial in New Jersey may impact my ability to continue operating independently in New Jersey, providing high quality service to people in my community and the state.

There are more than 150,000 independent financial advisors who have long been an integral part of the securities industry across the country. Independent broker-dealers and their affiliated independent financial advisors provide clients in their communities with personalized and comprehensive financial advice. We help our clients invest, save for retirement, pay for their children's education, and buy insurance to cover unexpected expenses.

Ameriprise offers me the option of being an employee or an independent contractor. Being an independent advisor is my choice and allows me the flexibility to determine how I manage my practice, which includes determining the level of staffing support to provide a high-quality client experience, our technology set, and real estate footprint. As an independent advisor, I set my own schedule, select my clients, and assume typical responsibilities of a small business owner including staff, technology and other costs.

Many financial advisors prefer the flexibility to operate within an independent channel to help serve clients well and help them plan for their future. Please help my clients and my small business continue to thrive in New Jersey by specifically excluding financial advisors and broker dealers from compliance with the ABC Test. This will allow me to continue operating as an independent contractor in New Jersey and serve my clients well now and into the future.

Sincerely,

James Jaghab
195 Route 9 S
Englishtown, NJ 07726-8293

james.j.jaghab@ampf.com
732-252-5561

From: Ross Romano
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 12:39:33 PM

This Message Is From an External Sender
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Report Suspicious

Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

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The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Ross Romano
130 Firth st.
South Plainfield, NJ 07080
rrsr2@comcast.net

From: Bill Clayton
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 1:39:33 PM

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Report Suspicious

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Yours sincerely,
Bill Clayton
1016 shore drive Brielle nj
Brielle, NJ 08730
Bclayton@claytonsonline.com

From: Olivia Rossi
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 2:15:33 PM

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Yours sincerely,
Olivia Rossi
2097whatleyroad
Trenton, NJ 08690
Livrossi0707@gmail.com

From: Joseph Forestieri
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 2:43:37 PM

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Report Suspicious

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Yours sincerely,
Joseph Forestieri
50 Grandview Circle
Farmingdale, NJ 07727
jforestieri@claytonsonline.com

From: Allison Brocklebank
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 2:48:34 PM

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Report Suspicious

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Yours sincerely,
Allison Brocklebank
139 Division St
Toms River, NJ 08753
brocklebank.a@gmail.com

From: Risa Curtis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 2:50:38 PM

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Yours sincerely,
Risa Curtis
Sun Valley Road
Trenton, NJ 08690
rhc1068@gmail.com

From: David Curtis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 2:51:33 PM

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Yours sincerely,
David Curtis
Sun Valley Road
Trenton, NJ 08690
dolphinsdc1@gmail.com

From: Thomas Goetke
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 2:53:33 PM

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Yours sincerely,
Thomas Goetke
63 N. New Prospect Rd
Jackson, NJ 08527
tgoetke@claytonsonline.com

From: Matthew Clayton
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 2:53:36 PM

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Yours sincerely,
Matthew Clayton
1009 Forrest Rd
Brielle, NJ 08730
mattclayton53@gmail.com

From: Devin Poonai
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 2:56:33 PM

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Yours sincerely,
Devin Poonai
65 Evelyn Avenue
Franklin Park, NJ 08823
dp102288@gmail.com

From: Jack Lally
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 3:13:32 PM

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Yours sincerely,
Jack Lally
toms river
Toms River, NJ 08753
jlally@claytonsonline.com

From: cole Fischer
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 3:58:33 PM

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Yours sincerely,
cole Fischer
615 Brooklyn Blvd
Sea Girt, NJ 08750
cfischer@claytonsonline.com

From: Susan Witte
To: Fish, David [DOL]
Subject: [EXTERNAL] PROPOSED NEW RULES N.J.A.C 12:11
Date: Wednesday, July 30, 2025 4:55:42 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
LETTER 2025.pdf

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Report Suspicious

Please see the attached letter.
Thank you

Susan Witte
Financial Planner | Prudential Advisors

BOOK APPOINTMENT

o: 856-574-9518 **c:** 917-301-7910
a: 525 Route 73 N, Suite 202, Marlton NJ 08053
e: susan.witte@prudential.com

MDRT
The Premier Association of Financial Professionals ®

Garden State Financial Agency

Prudential

July 29, 2025

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Delivered Via Email:

Re: Proposed New Rules: N.J.A.C. 12:11
ABC Test; Independent Contractors

Dear Mr. Fish,

I am writing you today to express my deep concerns over the proposed rule (N.J.A.C. 12:11) that could reclassify independent contractors like me as employees.

As an agent in New Jersey, I am subject to significant licensing, continuing education, and regulatory oversight that do not apply to many other industries. We are not the type of workers this rule is intended to protect—and yet, under its current framing, many of us could be forced into employment structures that don't fit the nature of our work. It would be highly disruptive to our industry and would limit the availability of important financial products we provide to families across New Jersey.

Licensed insurance and financial professionals have an established, successful history of appropriate classification as independent contractors and are not involved in the worker classification problems found in other industries. The majority of industry agents work as independent contractors and wish to continue doing so.

Most importantly, failure to exempt independent insurance producers and financial advisors from the DOLWD proposal severely limits the scope of insurance products consumers can access, thereby limiting their ability to protect themselves and their loved ones.

I strongly urge you to reconsider moving forward with the proposed rule, as it's incompatible with the distinct characteristics of our industry and jeopardizes the financial security we offer to our clients. Its implementation would not only adversely affect the livelihood of financial professionals like myself, but it would also limit consumer access in New Jersey.

Thank you for your consideration on this matter.

Susan Witte
Marlton, New Jersey

From: Jose Ortiz
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 5:39:36 PM

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Report Suspicious

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Yours sincerely,
Jose Ortiz
433 N 7th Street Apt 19R Camden, NJ
Camden, NJ 08102
joseaortizacosta@gmail.com

From: Fonda Mojka, MA, BCBA, LBA
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 6:23:35 PM

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Yours sincerely,
Fonda Mojka, MA, BCBA, LBA
20 Roosevelt Blvd, Florham Park, NJ
Florham Park, NJ 07932
Fondina624@gmail.com

From: Robert Small
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 6:32:32 PM

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Report Suspicious

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Robert Small
30saltspray dr
Forked River, NJ 08731
bob532663@gmail.com

From: John Schwarz
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 6:55:37 PM

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Report Suspicious

Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish.

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Yours sincerely,
John Schwarz
46 oxford cir
Southampton, NJ 08088
Canopus199@gmail.com

From: Phil Finocchiaro Sr.
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Wednesday, July 30, 2025 8:39:33 PM

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Yours sincerely,
Phil Finocchiaro Sr.
116
Clarksboro, NJ 08020
ridetoeat@verizon.net

From:	Linjing Yang
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Re: Proposed New Rules: N.J.A.C. 12:11 ABC Test; Independent Contractors
Date:	Wednesday, July 30, 2025 11:20:40 PM
Attachments:	image001.png 2025 NJ Rule Advisor Letter to DOLWD.pdf

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Report Suspicious

Dear Mr. David Fish,

I am writing you today to express my deep concerns over the proposed rule (N.J.A.C. 12:11) that could reclassify independent contractors like me as employees.

As an agent in New Jersey, I am subject to significant licensing, continuing education, and regulatory oversight that do not apply to many other industries. We are not the type of workers this rule is intended to protect—and yet, under its current framing, many of us could be forced into employment structures that don't fit the nature of our work. It would be highly disruptive to our industry and would limit the availability of important financial products we provide to families across New Jersey.

Licensed insurance and financial professionals have an established, successful history of appropriate classification as independent contractors and are not involved in the worker classification problems found in other industries. The majority of industry agents work as independent contractors and wish to continue doing so.
Most importantly, failure to exempt independent insurance producers and financial advisors from the DOLWD proposal severely limits the scope of insurance products consumers can access, thereby limiting their ability to protect themselves and their loved ones.

I strongly urge you to reconsider moving forward with the proposed rule, as it's incompatible with the distinct characteristics of our industry and jeopardizes the financial security we offer to our clients. Its implementation would not only adversely affect the livelihood of financial professionals like myself, but it would also limit consumer access in New Jersey.

Thank you for your consideration on this matter.

Linjing Yang
Fort Lee, NJ

Prudential

Linjing Yang, RICP® | Financial Planner | Prudential Advisors
CA Insurance License Number 4209777

07/30/2025

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Re: Proposed New Rules: N.J.A.C. 12:11
ABC Test; Independent Contractors

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Thank you for your consideration on this matter.

linjing yang

Linjing Yang

Fort Lee, NJ

From:	Reibstein, Richard
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Comments to NJ Proposed Regulation N.J.A.C. 12:11
Date:	Thursday, July 31, 2025 12:22:29 AM
Attachments:	ICC - Comments to NJ Proposed Regulations.7.31.25-c.docx Comments to NJ Proposed Regulations.7.31.25-c.pdf

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Report Suspicious

Dear David,
Attached please find my comments to the proposed regulation addressing the ABC test for independent contractors, to be codified at N.J.A.C. 12:11. These comments are being sent to you in both Word and PDF format.
Thank you. Richard

Richard J. Reibstein, Esq.
Publisher, Independent Contractor Misclassification and Compliance Legal Blog
Admitted NJ and NY

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COMMENTS BY RICHARD J. REIBSTEIN TO "ABC TEST; INDEPENDENT CONTRACTORS – PROPOSED NEW RULES: N.J.A.C. 12:11"

The following comments are being submitted by attorney Richard J. Reibstein, as the publisher of the legal blog "Independent Contractor Misclassification and Compliance," which has been published at www.IndependentContractorCompliance.com since 2010. In addition to his legal practice, a large part of which is dedicated to enhancing compliance with independent contractor (IC) laws across the U.S. and defending companies in class actions, individual lawsuits, government audits and investigations alleging IC misclassification, the publisher has summarized and analyzed in monthly blog posts over a thousand cases and scores of statutes and regulations addressing independent contractor misclassification and compliance. The publisher, who is admitted to practice in New York and New Jersey, has written over 60 articles and been quoted over 120 times about IC compliance and misclassification matters by legal, business, and national media outlets, and submits these comments based on that extensive experience on this subject matter.

Background of Comments

These comments address the proposed regulation of the New Jersey Department of Labor and Industry (the Department) regarding the so-called ABC test for IC status under a variety of New Jersey laws, to be codified once finalized at N.J.A.C. 12:11.

In 2015, the New Jersey Supreme Court issued an opinion in *Hargrove v. Sleepy's, LLC*, 220 N.J. 289 (2015), ruling that the three-prong ABC test for IC status under the New Jersey Unemployment Compensation Law also governed IC status under the state's wage payment and wage and hour laws. Prior to and following *Hargrove v. Sleepy's, LLC,* the Supreme Court of New Jersey has issued decisions clarifying all three prongs of the ABC test.

The proposed regulation is accompanied by a lengthy "Summary." It states that the Department's regulation "relies heavily" on two New Jersey Supreme Court opinions: one issued in 1991 in *Carpet Remnant Warehouse*, *Inc. v. New Jersey Department of Labor,* 125 N.J. 567 (1991), and the other in 2022 in *East Bay Drywall, LLC v. Dep't of Labor and Workforce Development,* 251 N.J. 477 (2022).

Summary of Comments

The Department's proposed regulation as to Prong A appears to state that an independent contractor agreement including language that the IC comply with all applicable laws is to be deemed as a form of direction and control over the service provider. This is the type of clause that many courts have said is equally applicable to both ICs and employees; indeed, everyone who does business in New Jersey or works in this state is, of course, required to comply with applicable laws. Not surprisingly, this type of provision appears in almost every IC agreement we have ever reviewed for our legal blog and in practice, both in New Jersey and across the U.S. Unless this misguided part of the regulation is deleted, it will foster the elimination of almost all independent contractors in New Jersey.

The proposed regulation also fails to mention in connection with Prong A that, for purposes of determining IC status, direction and control focuses on direction and control over "how" the services are to be performed (i.e., the manner and means of performance), and typically disregards direction and control over "what" services are to be performed (i.e., the "results" of the work.

The Department's proposed regulation as to Prong B is directly contrary to one of the two New Jersey Supreme Court cases on which the Department expressly states is a guiding principle for the proposed regulation: *Carpet Remnant Warehouse*. If the final version of the regulation remains intact as written in relation to Prong B, it would literally eviscerate that prong of the ABC test and thereby eliminate the opportunity for many freelancers and other independent contractors from being otherwise validly classified as ICs in this State. As noted below, the Supreme Court of New Jersey literally stated that a restrictive construction of Prong B, akin to the way the proposed Regulation is currently drafted, would make it practically impossible to meet the B prong.

These and other infirmities in the proposed regulations, if finalized in their current form, would create a hostile and unworkable legal environment in this State for legitimate ICs and the companies that engage legitimate ICs, which would likely prompt freelancers and other New Jersey-based ICs to lose work opportunities and cause many businesses in New Jersey that use ICs to cease operating their businesses in the State – similar to what has occurred when California enacted Assembly Bill 5, which codified the ABC test in that state back in 2020 and has been mired in extensive litigation ever since, leading one group of businesses to prevail in a voter initiative that expressly overrode that overly restrictive regulatory scheme.

Finally, the ABC test in the Unemployment Compensation Law currently has about two dozen exemptions for certain types of businesses and industries. The proposed regulations do not address those exemptions, creating the impression that those otherwise exempt contractors and businesses are governed by the ABC test under the Unemployment Compensation Law, when in fact they are not. Further, some businesses and contractors covered by an exemption under the Unemployment Compensation Law have taken the position that they are covered by those exemptions from the ABC test for purposes of the state's wage and hour laws as well. Notably, this issue has not yet been definitively addressed by the courts in New Jersey. The final regulations should flag this exemption issue and not suggest to stakeholders, by its failure to even mention the two dozen exemptions from the ABC test under the Unemployment Compensation Law, that the ABC test applies to all employers under the unemployment laws and the state's wage and hour laws.

Two Major Deficiencies in the Proposed Regulations Regarding the "A" Prong

The proposed regulation first addresses the "A" prong of the ABC test, which states that the putative employer "does not exercise control or direction over the individual's work in fact, and that it does not reserve the right to control the individual's work." The proposed regulation lists nine factors that will be considered in determining whether the worker is "free from control or direction" under Prong A. The proposed regulation also notes that such factors "are not exhaustive and additional factors may be considered" because the purpose of "[w]hat is required

under Prong A of the ABC test is to evaluate the entire relationship between the individual and the putative employer….” This part of the proposed regulation is consistent with prevailing law in New Jersey and elsewhere around the country.

The proposed regulation pertaining to Prong A departs in a dramatic manner from virtually every other test for IC status under federal law and the laws in every state — and unless clarified in the final version of the regulation, would not merely tilt the balance in favor of employee status and against legitimate ICs but rather lead to the elimination of all ICs in New Jersey.

The services provided by almost all ICs are typically governed by a number of laws. But the regulation seems to regard a commonplace requirement found in almost every IC agreement – a clause requiring the contractor to simply comply with all applicable laws – as a form of direction and control. As drafted, the proposed regulation to be codified at N.J.A.C. 12:11-1.3 (f) states:

> Any control or direction over the performance of services, any control or direction that the putative employer has exercised, or has reserved the right to exercise, ***in order to be in compliance with a law or rule*** shall be considered [a form of direction and control]; that is, it shall be given equal weight to what would be given any other control or direction that the putative employer has exercised or has reserved the right to exercise.

Even if an IC agreement did not contain this commonplace contractual language, the proposed regulation, as drafted, would appear to treat as an impermissible form of direction and control a decision by the hiring party to terminate the IC agreement of a contractor who violates the law. Under the proposed regulation it appears that a hiring party cannot, without jeopardizing the IC classification, terminate the IC agreement of, for example:

- An independent salesperson who repeatedly violates the law by stealing merchandise from either the hiring party or a customer;
- A contractor providing driving services who repeatedly drives a vehicle in a manner that violates the law; or
- A contractor providing plumbing services who fails to follow any state or local plumbing code in performing services.

No case from among the hundreds of those reviewed as the publisher of the “Independent Contractor Misclassification and Compliance Blog,” including dozens from New Jersey, has ever held that insistence on compliance with the law is a factor that even remotely suggests direction or control over performance. Notably, nothing in the “Summary” of the proposed regulation refers to any New Jersey case that held that insistence on compliance with the law is a factor suggesting direction or control. If subpart (f) of proposed N.J.A.C. 12:11-1.3 is not deleted in its entirety, it is overwhelmingly likely that the courts in New Jersey will reject this subpart (f) of the proposed regulation.

The proposed regulation as to Prong A also fails to distinguish between direction and control over "how" the services are to be performed by an IC and direction and control over "what" the IC has been engaged to perform. Virtually every court that has addressed this issue readily acknowledges the difference: indeed, every hiring party has the right (indeed the obligation) to direct both an IC and employee as to "what" to do. A plumber engaged to provide plumbing services as an IC must be told *what* services are needed, such as unclogging a drain; otherwise, the plumber would have no idea what services he or she is being engaged to perform. But where a hiring party directs the plumber *how* to unclog the drain, such direction would be a key factor undermining IC status and indicating employee status.

The proposed regulation as to Prong A should therefore make clear that "control or direction over the individual's work" focuses on "how" the worker performs his or her services, not "what" services are to be performed. Many courts across the country refer to control over how the services are to be performed as control over the "results" of the engagement, and such control over results is universally treated by the courts in the U.S. as wholly irrelevant as to the classification of a worker as an IC or employee, and not indicative of employee status. In contrast, many courts refer to control over how the services are to be performed as control over the "manner and means" of performance. That latter type of control, unlike control over the results, is universally treated by courts in the U.S. as indicative of employee status.

The failure to distinguish between control over results, versus control over the manner and means of performance, is a glaring deficiency in the proposed regulation. The final regulation should ensure that the focus of Prong A is not on the "what" or the "results" of the services to be performed but on the "how" or the "manner and means" of performance.

The "B" Prong Is Contrary to a New Jersey Supreme Court Decision in a Critical Manner

New Jersey's ABC test, like most of the other states that have a three-prong test for IC status, has a "B prong," which can be met in one of two alternative ways: by a showing (i) that the services are performed "outside of the usual course of business" of the party that engages the contractor, or (ii) that such services "are performed outside of all of the [hiring party's] places of business."

Some states with ABC tests have taken a broad view of the hiring party's "usual course of business," and so does the proposed regulation. In the final regulation, the Department should take a balanced approach to this first part of the B prong by clarifying that if the hiring party does not perform such services itself, then engaging an IC to perform such services would be "outside of the usual court of business" of the hiring party. Otherwise, the regulation could be construed in a manner whereby very few hiring parties in New Jersey would ever be able to satisfy the first alternative part of the B Prong.

The proposed regulation takes an extraordinarily expansive view of the second part of the B Prong. It states that a hiring party's "places of business" not only include "locations where the enterprise has a physical plant or conducts an integral part of its business," but may also include "locations *outside* of the putative employer's physical plant, where the services performed by the individual [worker] are an essential component of, rather than ancillary to, the putative employer's business." Proposed N.J.A.C. 12:11-1.4 (g).

It is unclear what those words "essential" or "ancillary" mean in the context of the proposed regulation. The proposed regulation then gives illustrations that do little more than create an enormous amount of uncertainty – even for lawyers, let alone businesspersons, contractors, and workers – and will lead to years of prolonged litigation over two otherwise meaningless words that appear nowhere in the ABC test.

To the extent a customer or other location besides a company's own facilities is deemed "essential" under the second part of the "B prong," the proposed regulation would almost entirely eviscerate any chance for most ICs and companies using their services from establishing the workers' IC status. But even more problematic is that this part of the proposed regulation appears to be directly contrary to one of the two main New Jersey Supreme Court cases cited in the Summary of the proposed regulation: *Carpet Remnant Warehouse.*

In that case, the New Jersey Supreme Court held that the hiring party had shown that independent carpet installers met the "B Prong" of the ABC test under the Unemployment Compensation Law when they installed carpet at customers' homes for a carpet company that offered carpeting at both an installed and uninstalled price. The Court concluded that the residences of the carpet company are "clearly 'outside all of the places of business of [the carpet company],' cautioning that if the B Prong were extended to "every geographical point of installation," as the Department argued in that case, it would be "practically impossible" for a party to satisfy the second alternative of the B Prong.

The Department's expansive view of the B Prong in *Carpet Remnant Warehouse* was soundly rejected by the New Jersey Supreme Court, yet that is akin to the same expansive position the proposed regulation articulates. As the Supreme Court stated in that case:

> The Commissioner [of Labor] also concluded that the installers had not satisfied either alternative of the B standard. See *N.J.S.A.* 42:21–19(i)(6)(B). In reaching that finding, the Commissioner relied on the decision in *Irvington Linoleum & Carpet v. Department of Labor, supra,* OAL Docket No. LID 6278–87 (slip op. at 10), in which the ALJ concluded both that "installation service is not outside the usual course of [the carpet retailer's] business" and that the retailer's places of business "may broadly be said to extend to every geographical point of installation." **Under that definition of "places of business," for a person to satisfy the B standard's second alternative would be practically impossible. In our view, that phrase refers only to those locations where the enterprise has a physical plant or conducts an integral part of its business. Hence, we find that the residences of CRW's customers are clearly "outside of all the places of business of [CRW]."** *N.J.S.A.* 43:21–19(i)(6)(B).

125 N.J. at 592 (emphasis added).

The proposed regulation also ignores the facts in *Carpet Remnant Warehouse* which would not fit snugly into either the "ancillary" or "essential" dichotomy created by the proposed regulation. *See, e.g.,* 125 N.J. at 573-575 (describing the mixture of ancillary and essential factors that the proposed regulation seems to have ignored).

Where as here, the Department says that it is relying heavily on the New Jersey Supreme Court opinion in *Carpet Remnant Warehouse,* the proposed regulation then deviates therefrom. If this part of the proposed regulation is not abandoned when a final regulation is issued by the Department, it would not likely survive a court challenge.

The Likely Ramifications of This New Proposed Regulation If Issued With Few If Any Changes

Unlike California's AB5 and successor bills enacted in that state with 65 or more exemptions from its strict ABC test, the proposed regulation has none. The regulations carry out the 2015 New Jersey Supreme Court decision applying the ABC test under the New Jersey Unemployment Compensation Law to the New Jersey wage, sick leave, and temporary disability benefits laws, but the Unemployment Compensation Law continues to include over two dozen exemptions from the ABC test. Nowhere in the proposed regulations do they mention that any of these exemptions apply to the wage, sick leave, or disability benefits laws; indeed, the proposed regulation does not even mention that the exemptions in the Unemployment Compensation Law continue.

As a result of the uncertainty as to whether any of the Unemployment Compensation Law exemptions apply to the state wage laws, one industry that was covered by an exemption to the ABC test under the unemployment law in New Jersey, working with the legislature and governor, has been excluded from the ABC test. Real estate salespersons classified as ICs are currently exempted from the ABC test in New Jersey for wage and hour laws under a 2022 amendment to the New Jersey Brokers Act. As the article by Chris Marr in Bloomberg Law's *Daily Labor Report* stated, quoting the publisher of this blog, "Like California, the legislators in New Jersey will be inundated by lobbyists" seeking exemptions, if the labor department implements the regulation as it's currently written . . . ." Some industries may also proceed with voter initiatives such as what transpired in California when voters approved Prop 22 in November 2020.

Dated: July 31, 2025.

Respectfully submitted,

/s/ Richard J. Reibstein

Richard J. Reibstein, Esq.
Publisher, Independent Contractor Misclassification and Compliance Legal Blog

c/o Troutman Pepper Locke LLP
104 Carnegie Center Dr., Suite 203
Princeton, NJ 08540

COMMENTS BY RICHARD J. REIBSTEIN TO "ABC TEST; INDEPENDENT CONTRACTORS – PROPOSED NEW RULES: N.J.A.C. 12:11"

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Even if an IC agreement did not contain this commonplace contractual language, the proposed regulation, as drafted, would appear to treat as an impermissible form of direction and control a decision by the hiring party to terminate the IC agreement of a contractor who violates the law. Under the proposed regulation it appears that a hiring party cannot, without jeopardizing the IC classification, terminate the IC agreement of, for example:

- An independent salesperson who repeatedly violates the law by stealing merchandise from either the hiring party or a customer;
- A contractor providing driving services who repeatedly drives a vehicle in a manner that violates the law; or
- A contractor providing plumbing services who fails to follow any state or local plumbing code in performing services.

No case from among the hundreds of those reviewed as the publisher of the “Independent Contractor Misclassification and Compliance Blog,” including dozens from New Jersey, has ever held that insistence on compliance with the law is a factor that even remotely suggests direction or control over performance. Notably, nothing in the “Summary” of the proposed regulation refers to any New Jersey case that held that insistence on compliance with the law is a factor suggesting direction or control. If subpart (f) of proposed N.J.A.C. 12:11-1.3 is not deleted in its entirety, it is overwhelmingly likely that the courts in New Jersey will reject this subpart (f) of the proposed regulation.

The proposed regulation as to Prong A also fails to distinguish between direction and control over "how" the services are to be performed by an IC and direction and control over "what" the IC has been engaged to perform. Virtually every court that has addressed this issue readily acknowledges the difference: indeed, every hiring party has the right (indeed the obligation) to direct both an IC and employee as to "what" to do. A plumber engaged to provide plumbing services as an IC must be told *what* services are needed, such as unclogging a drain; otherwise, the plumber would have no idea what services he or she is being engaged to perform. But where a hiring party directs the plumber *how* to unclog the drain, such direction would be a key factor undermining IC status and indicating employee status.

The proposed regulation as to Prong A should therefore make clear that "control or direction over the individual's work" focuses on "how" the worker performs his or her services, not "what" services are to be performed. Many courts across the country refer to control over how the services are to be performed as control over the "results" of the engagement, and such control over results is universally treated by the courts in the U.S. as wholly irrelevant as to the classification of a worker as an IC or employee, and not indicative of employee status. In contrast, many courts refer to control over how the services are to be performed as control over the "manner and means" of performance. That latter type of control, unlike control over the results, is universally treated by courts in the U.S. as indicative of employee status.

The failure to distinguish between control over results, versus control over the manner and means of performance, is a glaring deficiency in the proposed regulation. The final regulation should ensure that the focus of Prong A is not on the "what" or the "results" of the services to be performed but on the "how" or the "manner and means" of performance.

The "B" Prong Is Contrary to a New Jersey Supreme Court Decision in a Critical Manner

New Jersey's ABC test, like most of the other states that have a three-prong test for IC status, has a "B prong," which can be met in one of two alternative ways: by a showing (i) that the services are performed "outside of the usual course of business" of the party that engages the contractor, or (ii) that such services "are performed outside of all of the [hiring party's] places of business."

Some states with ABC tests have taken a broad view of the hiring party's "usual course of business," and so does the proposed regulation. In the final regulation, the Department should take a balanced approach to this first part of the B prong by clarifying that if the hiring party does not perform such services itself, then engaging an IC to perform such services would be "outside of the usual court of business" of the hiring party. Otherwise, the regulation could be construed in a manner whereby very few hiring parties in New Jersey would ever be able to satisfy the first alternative part of the B Prong.

The proposed regulation takes an extraordinarily expansive view of the second part of the B Prong. It states that a hiring party's "places of business" not only include "locations where the enterprise has a physical plant or conducts an integral part of its business," but may also include "locations *outside* of the putative employer's physical plant, where the services performed by the individual [worker] are an essential component of, rather than ancillary to, the putative employer's business." Proposed N.J.A.C. 12:11-1.4 (g).

It is unclear what those words "essential" or "ancillary" mean in the context of the proposed regulation. The proposed regulation then gives illustrations that do little more than create an enormous amount of uncertainty – even for lawyers, let alone businesspersons, contractors, and workers – and will lead to years of prolonged litigation over two otherwise meaningless words that appear nowhere in the ABC test.

To the extent a customer or other location besides a company's own facilities is deemed "essential" under the second part of the "B prong," the proposed regulation would almost entirely eviscerate any chance for most ICs and companies using their services from establishing the workers' IC status. But even more problematic is that this part of the proposed regulation appears to be directly contrary to one of the two main New Jersey Supreme Court cases cited in the Summary of the proposed regulation: *Carpet Remnant Warehouse.*

In that case, the New Jersey Supreme Court held that the hiring party had shown that independent carpet installers met the "B Prong" of the ABC test under the Unemployment Compensation Law when they installed carpet at customers' homes for a carpet company that offered carpeting at both an installed and uninstalled price. The Court concluded that the residences of the carpet company are "clearly 'outside all of the places of business of [the carpet company],' cautioning that if the B Prong were extended to "every geographical point of installation," as the Department argued in that case, it would be "practically impossible" for a party to satisfy the second alternative of the B Prong.

The Department's expansive view of the B Prong in *Carpet Remnant Warehouse* was soundly rejected by the New Jersey Supreme Court, yet that is akin to the same expansive position the proposed regulation articulates. As the Supreme Court stated in that case:

> The Commissioner [of Labor] also concluded that the installers had not satisfied either alternative of the B standard. See *N.J.S.A.* 42:21–19(i)(6)(B). In reaching that finding, the Commissioner relied on the decision in *Irvington Linoleum & Carpet v. Department of Labor, supra,* OAL Docket No. LID 6278–87 (slip op. at 10), in which the ALJ concluded both that "installation service is not outside the usual course of [the carpet retailer's] business" and that the retailer's places of business "may broadly be said to extend to every geographical point of installation." **Under that definition of "places of business," for a person to satisfy the B standard's second alternative would be practically impossible. In our view, that phrase refers only to those locations where the enterprise has a physical plant or conducts an integral part of its business. Hence, we find that the residences of CRW's customers are clearly "outside of all the places of business of [CRW]."** *N.J.S.A.* 43:21–19(i)(6)(B).

125 N.J. at 592 (emphasis added).

The proposed regulation also ignores the facts in *Carpet Remnant Warehouse* which would not fit snugly into either the "ancillary" or "essential" dichotomy created by the proposed regulation. *See, e.g.*, 125 N.J. at 573-575 (describing the mixture of ancillary and essential factors that the proposed regulation seems to have ignored).

Where as here, the Department says that it is relying heavily on the New Jersey Supreme Court opinion in *Carpet Remnant Warehouse*, the proposed regulation then deviates therefrom. If this part of the proposed regulation is not abandoned when a final regulation is issued by the Department, it would not likely survive a court challenge.

The Likely Ramifications of This New Proposed Regulation If Issued With Few If Any Changes

Unlike California's AB5 and successor bills enacted in that state with 65 or more exemptions from its strict ABC test, the proposed regulation has none. The regulations carry out the 2015 New Jersey Supreme Court decision applying the ABC test under the New Jersey Unemployment Compensation Law to the New Jersey wage, sick leave, and temporary disability benefits laws, but the Unemployment Compensation Law continues to include over two dozen exemptions from the ABC test. Nowhere in the proposed regulations do they mention that any of these exemptions apply to the wage, sick leave, or disability benefits laws; indeed, the proposed regulation does not even mention that the exemptions in the Unemployment Compensation Law continue.

As a result of the uncertainty as to whether any of the Unemployment Compensation Law exemptions apply to the state wage laws, one industry that was covered by an exemption to the ABC test under the unemployment law in New Jersey, working with the legislature and governor, has been excluded from the ABC test. Real estate salespersons classified as ICs are currently exempted from the ABC test in New Jersey for wage and hour laws under a 2022 amendment to the New Jersey Brokers Act. As the article by Chris Marr in Bloomberg Law's *Daily Labor Report* stated, quoting the publisher of this blog, "Like California, the legislators in New Jersey will be inundated by lobbyists" seeking exemptions, if the labor department implements the regulation as it's currently written . . . ." Some industries may also proceed with voter initiatives such as what transpired in California when voters approved Prop 22 in November 2020.

Dated: July 31, 2025.

Respectfully submitted,

/s/ Richard J. Reibstein

Richard J. Reibstein, Esq.
Publisher, Independent Contractor Misclassification and Compliance Legal Blog

c/o Troutman Pepper Locke LLP
104 Carnegie Center Dr., Suite 203
Princeton, NJ 08540

From: Julia Clayton
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Thursday, July 31, 2025 6:45:34 AM

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Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish.

Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey.

The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Julia Clayton
1011 Brainard Place
Brielle, NJ 08730
jjclayton22@msn.com

From: Linda Price
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Thursday, July 31, 2025 6:48:34 AM

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Report Suspicious

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Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

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Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Linda Price
16 Trillium Ln
Mount Laurel, NJ 08054
lprice@comcast.net

From: Christopher Brassard
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Thursday, July 31, 2025 10:20:10 AM

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Dear Executive Director Fish,

I am an independent insurance producer licensed in the state of New Jersey, and I am writing to express my strong opposition to the proposed changes to the ABC test in N.J.A.C. 12:11. These changes, while intended to target worker misclassification, would unintentionally disrupt my ability to do business, serve clients, and earn a living as an independent professional.

Like thousands of insurance producers across the state, I am not an employee of any insurance company. I operate independently, representing multiple carriers so I can find the best coverage solutions for my clients. This structure is not only legal—it is essential to consumer choice and competitive insurance markets.

Under the proposed rule:

- The way I comply with legal and regulatory requirements—such as continuing education, licensing, or carrier guidelines—could be misread as employer control (Prong A).
- Because I help sell insurance products, my work might be considered part of the carrier's "usual course of business" (Prong B), even though I don't work for them.
- And under Prong C, my corporate status, insurance coverage, and client base may not be enough to prove I'm truly independent—despite running a legitimate business.

This puts me and others like me in an impossible position. We are not misclassified workers—we are entrepreneurs. If adopted as written, this regulation could devastate New Jersey's independent agency channel and restrict consumers' access to trusted local advisors.

Please reconsider this rule, or at the very least, carve out a clear exemption for licensed insurance producers. We are already regulated professionals and do not belong in the same category as app-based gig workers or temporary laborers.

Thank you for considering my comments.

Sincerely,

Sincerely,

Christopher Brassard
109 Dedham Post Dr
Schenectady, NY 12303
cbrassard@teneyckgroup.com

From: Richard Gaynor
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Opposing Proposed Regulation N.J.A.C. 12:11
Date: Thursday, July 31, 2025 10:30:10 AM

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Report Suspicious

Dear Executive Director Fish,

I am an independent insurance producer licensed in the state of New Jersey, and I am writing to express my strong opposition to the proposed changes to the ABC test in N.J.A.C. 12:11. These changes, while intended to target worker misclassification, would unintentionally disrupt my ability to do business, serve clients, and earn a living as an independent professional.

Like thousands of insurance producers across the state, I am not an employee of any insurance company. I operate independently, representing multiple carriers so I can find the best coverage solutions for my clients. This structure is not only legal—it is essential to consumer choice and competitive insurance markets.

Under the proposed rule:

- The way I comply with legal and regulatory requirements—such as continuing education, licensing, or carrier guidelines—could be misread as employer control (Prong A).
- Because I help sell insurance products, my work might be considered part of the carrier's "usual course of business" (Prong B), even though I don't work for them.
- And under Prong C, my corporate status, insurance coverage, and client base may not be enough to prove I'm truly independent—despite running a legitimate business.

This puts me and others like me in an impossible position. We are not misclassified workers—we are entrepreneurs. If adopted as written, this regulation could devastate New Jersey's independent agency channel and restrict consumers' access to trusted local advisors.

Please reconsider this rule, or at the very least, carve out a clear exemption for licensed insurance producers. We are already regulated professionals and do not belong in the same category as app-based gig workers or temporary laborers.

Thank you for considering my comments.

Sincerely,

Sincerely,

Richard Gaynor
186 Halsey Rd
Newton, NJ 07860
Richard@middletonins.com

From: Brad
To: Fish, David [DOL]
Subject: [EXTERNAL] N.J.A.C. 12:11 and my career as an independent insurance agent
Date: Thursday, July 31, 2025 1:48:11 PM

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Dear David,

As a New Jersey resident of 45 years and a New Jersey independent insurance agent of 23 years, I am hoping and praying that the DOLWD will include a carve-out for licensed insurance agents in NJAC 12:11. Being an independent agent allows me to not only keep my contract with an insurance company that I do a lot of my business with, but it also has allowed me to contract with other insurance companies when the other company either won't approve or doesn't have the insurance products my customers need. This also allows me to be impartial with my customers since I contract with multiple companies and have no pressure from any company to meet quotas that could be potentially transferred to the customer. Despite having off-years of lower performance due to family and health issues, I have never been in jeopardy of losing my contract with the companies I work with because I don't have to meet quotas being independent. It also allows me to make my own work schedule to help with my complex family situation, including having a child with a disability. However, if we are re-classified as employees, my career will be in jeopardy because agents who are employees of insurance companies have quotas and are also restricted to selling only that company's products. If you don't meet your quota, you lose your job. There are many other agents who write significantly more business than I do. I would not be able to compete against them. I would also not have the schedule flexibility needed for my family. Being independent has given me job security for these 23 years and has helped me provide for my family despite ups and downs. Without this, being in my late 50's, I have no idea how I will be able to provide for my family.

Thank you very much for your time and consideration.

Kind regards,

Bradley Schurter
Chester, NJ

From:	Hibbler, Amanda C.
To:	Fish, David [DOL]
Cc:	Pasquesi, Frank E.
Subject:	[EXTERNAL] NJSGA and WGA Comment Letter to 57 N.J.R. 894(a) - Proposed Rule N.J.A.C. 12:11
Date:	Thursday, July 31, 2025 4:08:45 PM
Attachments:	NJSGA and WGA - Letter to New Jersey Department of Labor - PRN 2025-051.pdf

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Good afternoon Executive Director Fish,

On behalf of the New Jersey State Golf Association (NJSGA) and Western Golf Association (WGA), please accept the attached letter, which contains NJSGA and WGA's comment in opposition to the Department's proposed rule, N.J.A.C. 12:11.

Best,

Amanda C. Hibbler
Associate

Foley & Lardner LLP
321 N Clark St., Suite 3000, Chicago, IL 60654-4762
Phone 312.832.5175
View My Bio | Visit Foley.com | ahibbler@foley.com

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Rod McRae, III, **President**
Baltusrol Golf Club

David B. Cronheim, **Vice President**
Watchung Valley Golf Club

Joe Schurtz, **Secretary**
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Panther Valley Country Club

Michael McFadden
Manasquan River Golf Club

Daniel Meehan
Spring Brook Country Club

Matt Wirths
Baltusrol Golf Club

New Jersey State Golf Association
3 Golf Drive - Suite 206

July 31, 2025

By electronic submission: david.fish@dol.nj.gov

Mr. David Fish
Executive Director of the Legal and Regulatory Services
New Jersey Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

RE: Proposal Number: PRN 2025-051

Dear Executive Director Fish:

On behalf of the New Jersey State Golf Association ("NJSGA") and the Western Golf Association ("WGA"), we respectfully submit the following comments in opposition to the New Jersey Department of Labor and Workforce Development's ("Department") proposed rulemaking, which would revise the analysis for determining employee or independent contractor classification under the New Jersey Unemployment Compensation Law ("UCL"), Temporary Disability Benefits Law ("TDBL"), the Wage and Hour Law ("WHL"), the Wage Payment Law ("WPL"), and the Earned Sick Leave Law ("ESLL"). Our concern is in the manner the proposed Department rule could impact youth caddies in the state.

At the outset, we want to provide some background about the unique role and work of both the NJSGA and WGA and, in particular, our joint focus on and support of youth caddie programs in New Jersey and across the country. We also feel it is very important to highlight that the New Jersey Legislature has already conveyed its unanimous support for classifying caddies as independent contractors, which is addressed in more detail below. As such, the basis of our opposition is targeted on the significant negative consequences that the proposed rule would have on youth caddies performing a summer seasonal job – unless there are substantial modifications made to the proposed rule. The complexity and expanded subjectivity of the proposed rule (and resulting ambiguity), and the proposed rule's explicit example of caddies as performing services typically within an employer's usual course of business, will cause unintended harm to young workers like youth caddies, who have been operating successfully for over a century in the U.S. as independent contractors.

<u>Background of the NJSGA and WGA</u>

The mission of the NJSGA is to promote and preserve the traditions of the game of golf in the State of New Jersey. Since its founding in 1900, the NJSGA has operated as a non-profit organization of public and private golf clubs and courses dedicated to the service of golf in New Jersey. Today, the NJSGA is comprised of 260 member

clubs, courses, and organizations that represent nearly 75,000 individual members. In service of its mission, NJSGA conducts a diverse tournament schedule for golfers of various backgrounds. Most importantly, NJSGA is proud to administer its Caddie Scholarship Foundation, which provides tuition grants to youth caddie scholars from its member clubs in New Jersey. The aim of the NJSGA is and has always been to make the game of golf accessible to future generations of New Jersey golfers.

The mission of the WGA is to conduct championships for professional and amateur golfers, promote the use of youth caddies, and support the Evans Scholars Foundation's efforts to award four-year, full tuition and housing college scholarships to high-achieving caddies with limited financial means (the "Evans Scholarship"). We are proud of the history of golf as a walking game. The core values that underscore a caddie's presence on the course are the same ones that make them successful later in life. That is why the WGA is so passionate about helping young people learn to caddie, assisting golf courses and clubs in starting new caddie programs, and working every day to improve existing caddie programs across the country. As those youth caddie programs thrive and grow, the positive impact on young caddies who pursue that seasonal work is exponential.

The WGA's Strong Ties to the State of New Jersey

WGA is proud to have strong ties to the State of New Jersey that it intends to continue to grow and develop into the future. Each year, numerous youth caddies from the state of New Jersey are awarded the New Jersey Golf Evans Scholarship, which provides them with full housing and tuition grants to attend college. As part of its ongoing expansion efforts in the state, in 2022 the WGA collaborated with the NJSGA to establish a university partnership with Rutgers University by opening an NJSGA/Evans Scholarship House on the Rutgers campus to continue to support New Jersey residents as they attend college.

In accordance with the WGA's commitment to the state of New Jersey, the WGA is set in 2027 to host its flagship BMW Championship at Liberty National Golf Club in Jersey City, New Jersey. The WGA's championship events have historically had substantial economic impact in the states where they are held. For example, in August of 2024, WGA co-sponsored the BMW Championship with the Professional Golf Association ("PGA") Tour in Castle Rock, Colorado. This event had significant economic impact on the state of Colorado, specifically by creating 534 jobs, $30 million in labor income, $58.8 million in value added gross domestic product, and $114.7 million in output in the state. Events like the BMW Championship provide further opportunity for youth caddies to gain experience, develop their caddying skills, and build relationships within the golf community, in addition to providing even more visibility for the Evan's Scholars Program and raising critical funds to support the Evans Scholarship and new Scholar Houses like the one at Rutgers. The WGA is excited at the prospect of hosting the BMW Championship and potentially other of its professional and amateur golfing events in New Jersey to provide invaluable opportunities and support for youth caddies in the state.

The New Jersey Legislature Strongly Supports Classifying Caddies as Independent Contractors

In agreement with the WGA and NJSGA, the New Jersey Legislature has been unwavering in its support for the position that caddies should be classified as independent contractors, exempt from various state employment laws. In fact, in the 2021–2022 legislative session, both houses of the New Jersey Legislature unanimously passed Bill A6033, which classified golf caddies as independent contractors for the purposes of state employment laws. While Bill A6033 was ultimately pocket vetoed by Governor Phil Murphy on January 18, 2022, the Legislature's intent was clear: caddies are properly classified as independent contractors in the State of New Jersey. This intent was again demonstrated in the recent 2024–2025 legislative session, where another bill, Senate, No. 558, was introduced by Senator Jon Bramnick and referred to the Senate Labor Committee. This bill again provided that golf caddies in the state should be

classified as independent contractors and exempt from various state employment laws. While Senate, No. 558 has yet to be voted on by the Senate, the continued efforts by the New Jersey Legislature to codify what is already the standard practice of golf clubs in the state sends a clear signal that lawmakers agree that golf caddies are independent contractors.

Importance for Youth Caddies to Operate as Independent Contractors

In New Jersey, the NJSGA provides youth caddies the opportunity to apply for the New Jersey Golf Caddie Scholarship as well as the New Jersey Golf Evans Scholarship, which provides youth caddies with merit- and need-based scholarships to attend college. These scholarships, administered by the New Jersey Caddie Scholarship Foundation, consider academic performance, financial need, character, and length and quality of caddie service. The New Jersey Golf Caddie Scholarship Foundation was founded in 1947, and since its inception, the Foundation has provided 3,700 scholarships totaling more than $20 million to New Jersey youth caddies from NJSGA member clubs. In the 2025–2026 academic year alone, 194 youth caddie scholars received scholarships totaling over $1 million.

In addition to scholarship opportunities, a caddie position is an important avenue for our youth – particularly our youth students – to obtain summer seasonal work. Caddying imparts great life lessons to our youth in what usually serves as their first job. In addition to providing our youth an important chance to make their first earnings, they also get the chance to apply for and earn the life changing Evans Scholarship to attend college.

On a national level, the first Evans Scholars enrolled in college in 1930. Thousands of our youth around the country have since successfully gone on to earn the Evans Scholarship. The Evans Scholar Program addresses the barriers to college graduation faced by students and prepares them for a lifetime of success. Currently, there are nearly 1,200 Evans Scholars attending 24 universities, and over 12,000 Evans Scholar alumni, which makes the Evans Scholars Program the largest scholarship program in the nation for youth caddies.

Caddie programs have operated for nearly a century throughout the country in an independent contractor setting. Yet, with the increase in the use of golf carts and increasing ambiguity in the job classification of caddies, there have been increasing challenges to maintain the population of youth caddies.

Disproportionate Risk to Youth Caddies

Unfortunately, if the proposed Department rule is adopted, there is a real risk that youth caddie programs and the opportunity to benefit from the New Jersey Golf Caddie Scholarship and the Evans Scholarship could be jeopardized or eliminated in the near future. If caddies are deemed employees, there are more transaction costs and administrative burdens placed on a golf course or club to run a viable caddie program. It is always difficult to run a caddie program, and it can be much easier for a course or club to just offer golf carts to their golfers, instead of using caddies. It is critical, from a legal and regulatory perspective, for it to be clear and easy for courses and clubs to use caddies so that the caddie population grows, and our young people continue to have opportunities to caddie as independent contractors and to also pursue the Evans Scholarship.

The NJSGA and WGA have carefully monitored the health of caddie programs in New Jersey and across the country. Where states have sought to deem caddies “employees,” or sought to impose ambiguous rules that call into question whether caddies can operate as independent contractors, it has resulted in a decline in the number of youth seeking to become caddies, as courses and clubs have become less willing to have robust caddie programs for fear of making a misstep in interpreting competing state and federal laws

governing the role of a caddie. It is very easy for courses and clubs to just use golf carts in lieu of caddies – and it is a disservice to young caddies to limit their opportunities because of uncertainty in the law creating unwarranted potential legal exposure for courses and clubs.

Relatedly, it is critical to have clarity around the applicable laws in how caddies provide their services. With clarity, courses and clubs are empowered to invest in promoting larger caddie programs and have our youth get such a wonderful life experience and, of course, to pursue the New Jersey Golf Caddie Scholarship and the Evans Scholarship.

The Department Proposed Rule Is Problematic on Several Levels

The Department's proposed rule adopts regulations interpreting the ABC test to determine employment versus independent contractor classification that improperly expands the ABC test and common law on the issue of employment classification, particularly through the adoption of multiple vague and difficult-to-construe tests to interpret each prong of the ABC test.

The following points provide important context regarding the nature of how youth caddie programs would be at risk should the Department's proposed rule be adopted:

(a) It would contradict the clear intent of the New Jersey Legislature that caddies should be classified as independent contractors, exempt from various state employment laws.

(b) At the federal level, the proposed rule also would be potentially inconsistent with the federal Department of Labor's ("DOL") longstanding recognition that caddies provide services for the golfers who pay them (not the club) and, importantly, federal law has specifically refrained from designating caddies as employees. The express language of the Fair Labor Standards Act does not address minors providing caddying services in any manner. However, the Field Operations Handbook, issued by the DOL provides: ***"Golf course caddies are engaged to serve the needs of particular players for substantial periods of time and their services are generally directed by and are of most immediate benefit to the players themselves. Arrangements may vary but the players, in one way or another, are expected to pay for the services rendered to them by the caddy. Because of these circumstances, the Wage and Hour Division (WHD) is not prepared to assert that caddies are employees of the golf course operator."*** Field Operations Handbook, Section 10b15. This guidance has been in place since at least the last revision in 2016.

(c) The Department's proposed rule adopts multiple new overly complex and ambiguous multifactorial tests, which introduce uncertainty into a field recognized as conducive to the independent contractor model. The rule further states that each set of factors are "not exhaustive," the factors are "not a checklist," and some factors are relevant in one situation but not others. This hedging language injects further uncertainty into the analysis, leaving employers to wonder how to determine whether and how to properly classify workers.

(d) The Department rule is too far-reaching in terms of which types of workers could be deemed employees, notwithstanding that certain industries – including youth caddie programs within golf – benefit from an independent contractor model for

both the worker and organization. It will have a major chilling effect on courses and clubs willing to give young students the opportunity to caddie at their facility.

(e) In Section 12:11-1.4(c), the Department states, as an example of services that typically will be deemed within the putative employer's usual course of business, "a country club [that] engages the services of a caddie to assist the country club's members on the country club's golf course." This section will have significant negative impact on youth caddie programs within golf. The inclusion of caddies in this example suggests that caddies are employees under the Department's regulations, notwithstanding the fact that caddies, including youth caddies, have historically been deemed independent contractors and may not meet any other prong of the ABC test.

(f) The stated goals of the Department's proposed rule really do not apply to youth caddies in a summer seasonal job. Issues with workers compensation, overtime, or minimum wage do not come into play with youth caddies.

(g) It conflicts with the majority of other state laws, causing further confusion about how larger clubs – who operate in many states – can run their youth caddie programs. Minor caddies are nowhere required across the states to be treated as employees (in fact, the only state that did have an antiquated provision as such – Wisconsin—repealed that language). Other states have also successfully navigated this issue by addressing the status of youth caddies through statute. **Illinois** exempts minors age 13 and over working as caddies at a golf course from state child labor laws altogether. 820 Ill. Comp. Stat. Ann. 205/2. Likewise, **Delaware** exempts "caddying on a golf course" from the definition of "employment" applicable to its child labor statutes. 19 Del. Code § 502(2)(f). And **Oregon** has a specific statute that states "[e]mployment does not include service performed by a person as a caddy at a golf course in an established program for the training and supervision of caddies under the direction of a person who is an employee of the golf course." O.R.S. § 657.043. These caddie programs are thriving without being deemed as employees.

(h) It potentially drives up the cost of a youth caddie program, which, combined with the ease and availability of golf carts, could have major negative impact on the future of youth caddie programs.

(i) Caddie programs have succeeded in an independent contractor setting. The proposed rule's over-encompassing and ambiguous nature would have a negative and disproportionate impact on youth caddies.

Conclusion

Steps need to be taken to prevent a further erosion of youth caddie opportunities—yet, the proposed Department rule does the opposite. Importantly, when caddies operate as independent contractors, clubs and courses have the golfers hire the caddies directly and 100% of those funds (plus gratuity) go directly to the caddie. This is a much better outcome than being treated as employees.

Employers and independent contractors need clear and easy-to-apply guidelines to meet their obligations as outlined in the proposed rule. We respectfully request that the Department review these comments and

either refrain entirely from adopting the proposed rule or create a more balanced and simplified test that will be clear in allowing youth caddies to perform summer seasonal work in New Jersey and continue operating as independent contractors. Thank you.

Very truly yours,

Roderick McRae III
President
New Jersey State Golf Association

Very truly yours,

John M. Kaczkowski
President and CEO
Western Golf Association

From: Richard Dragotta
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Thursday, July 31, 2025 4:20:13 PM

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Report Suspicious

Dear Executive Director Fish,

As a New Jersey resident, independent financial professional, and small business owner, I'm writing to express concern about the proposed rules under N.J.A.C. 12:11, which would codify the ABC test for determining independent contractor status.

While I support protecting workers from misclassification, these rules could unintentionally harm legitimate, independently owned businesses like mine. As a financial professional affiliated with LPL Financial, I serve clients across the state and am part of a network of nearly 1,500 advisors managing over $66 billion in assets. As part of my relationship with LPL, I have the ability to become an employee of the firm; however, I have made the informed decision to keep my independent contractor status to better serve my clients.

Our independent status allows us to:

- Tailor services to client needs.
- Operate efficiently as small business owners.
- Maintain flexibility and high-quality service.

Reclassifying us as employees would disrupt our business model and reduce access to financial guidance for New Jersey residents.

I respectfully urge the Department of Labor & Workforce Development to consider an exemption for financial professionals. This would preserve our independence while maintaining our ability to provide personalized financial guidance to our clients.

Thank you for your attention to this important issue.

Sincerely,

Richard Dragotta
461 FROM RD STE 386 FL 3
PARAMUS, NJ 07652
richard.dragotta@lplfinancial.com

From: Duane Sunby
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Thursday, July 31, 2025 4:40:08 PM

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Report Suspicious

Dear Executive Director Fish,

As a New Jersey resident, independent financial professional, and small business owner, I'm writing to express concern about the proposed rules under N.J.A.C. 12:11, which would codify the ABC test for determining independent contractor status.

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Thank you for your attention to this important issue.

Sincerely,

Duane Sunby
494 Sycamore Ave
Shrewsbury, NJ 07702
duane.sunby@lpl.com

From: Richard Samara
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Thursday, July 31, 2025 4:40:09 PM

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Report Suspicious

Dear Executive Director Fish,

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Sincerely,

Richard Samara
55 Madison Ave Ste 400
Morristown, NJ 07960
richard.samara@madisonwealthplanners.com

From: Scott Howell
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Thursday, July 31, 2025 5:30:08 PM

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Report Suspicious

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Thank you for your attention to this important issue.

Sincerely,

Scott Howell
139 South St Ste 203
New Providence, NJ 07974
scott.howell@lpl.com

From: Syed Hussain
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Thursday, July 31, 2025 5:30:08 PM

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Report Suspicious

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Thank you for your attention to this important issue.

Sincerely,

Syed Hussain
1000 Atrium Way Ste 401
Mount Laurel, NJ 08054
s.asif.hussain@lpl.com

From: Debra Gardner (gardnerd@publicjustice.org)
To: Fish, David [DOL]
Subject: [EXTERNAL] ABC Test Comments
Date: Thursday, July 31, 2025 6:12:42 PM
Attachments: NJDOL ABC Test Comments on proposed rule 7-31-25.pdf

---

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Dear Director Fish,

Please see attached.

Thank you very much.

Sincerely,

Debra Gardner
Legal Director
Public Justice Center
201 N Charles St Ste 1200
Baltimore MD 21201-4116
Pronouns: she, her, hers
410 625 9409 x228
410 625 9423 (fax)
gardnerd@publicjustice.org
www.publicjustice.org

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PUBLIC JUSTICE CENTER

July 31, 2025

Mr. David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Via email to: david.fish@dol.nj.gov

Re: *Proposed New Rules Regarding Independent Contractors: N.J.A.C. 12:11* – ***Support***
57 N.J.R. 894(a), Vol. 9 (May 5, 2025)

Dear Director Fish:

The Public Justice Center supports the proposed regulation by the New Jersey Department of Workforce Development Department ("Department") codifying its interpretation of the state's long-standing statutory "ABC test." Because the rule will help deter misclassification of employees and for the reasons detailed more fully below, the Public Justice Center supports the Department's proposal.

The Public Justice Center is a non-profit organization founded in 1985 that uses legal tools to challenge poverty and racial inequity in Maryland and beyond. Our Workplace Justice Project promotes justice and equity in the workplace. We promote worker power through know-your-rights education, litigation to combat wage theft and other workplace violations, and policy advocacy to expand the rights of low-wage workers. We work with community partners and focus on industries where wage theft is common and where people of color comprise a disproportionate part of the workforce, including restaurants, construction, home care, janitorial and cleaning services, and landscaping.

In Maryland, workers in the construction and landscaping industries are protected by the ABC test to combat misclassification. We support expanding this protection to all workers in Maryland and throughout the country. We know that wage theft looks different in different industries but essentially it always comes down to employers thinking that basic workers' rights laws don't apply to their workers. Applying consistent standards across industries helps minimize that risk.

If Maryland had the ABC Test for all industries, workers would have an easier claim to their unpaid wages and a stronger path to crucial workplace protections. We applaud New Jersey for applying this standard to all industries and encourage the Department to formalize this interpretation by adopting the proposed regulation.

Dr. Khalilah M. Harris
Executive Director

Debra Gardner
Legal Director

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*Andrew J. Ashbrook**
Elizabeth Ashford
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Ejaz Baluch, Jr.
Levi Bradford
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Tamra Perkins, CPA
Director of Finance & Administration

Sabrina Harris
Office & Operations Manager

Rebecca Reynolds
Administrative Coordinator

Kathleen Gregory, CFRE
Director of Development

Erin Brock
Development Manager

Dan Gugliuzza
Development Associate, Operations and Grants Compliance

Robin McNulty
Institutional Giving Manager

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The Proposed Regulation Provides Helpful Clarity.

As the Department recognizes, New Jersey's "ABC test" is not new, and the statute's contours have been interpreted by the state's highest court.[1] A rule explaining the application of the three-pronged analysis will help broaden the knowledge base to those who may not have attorneys or accountants and better ensure that the analysis is understood by all impacted stakeholders.

Prong A of the proposed rule examines whether a worker has been and will continue to be free from control or direction over the performance of services: it looks at both facts on the ground and to whether potential employer has reserved the right to control the worker's performance. This is important because true independent contractors run their own businesses and are "free" from control by the customer or entity that engages them. They have the freedom to decide how and when to do their work, and they have the power to freely negotiate terms and conditions they believe will grow the business.

We have seen circumstances in Maryland where the employer's control over the worker is significant, yet the employer has still misclassified its workers. For example, last year we worked with an employee of a call center. As a condition of employment, she was required to sign an agreement, that stated she was an independent contractor. But her employer, the call center, meticulously managed every detail of how and when she did her job, telling her what hours to make calls, who to call, and providing her with scripts for exactly what to say on the calls. She was paid between $2 and $5 dollars per call, depending on whether the call center considered it a "successful" call. She was paid nothing at all if she spent hours placing calls that were not answered or if the recipient hung up. This is blatant misclassification of a person who should be considered an employee and entitled to all the protections of Maryland's workers' rights laws.

Prong B of New Jersey's law is flexible, allowing the potential employer to meet the standard if *either* the worker's service is outside the usual course of the potential employer's business, *or* the worker's services are performed outside of all the places of business of the potential employer's business enterprise.

Prong B serves as a check on unlimited outsourcing, with a common-sense recognition of the fact that workers performing the very same work or services that a business markets to its client community are generally working *for* that business. It provides a useful check on the ability of a business to claim that it relies on a staff of "independent contractors" each running their own businesses to perform the business's core work.

The proposed regulations clarify this prong. We appreciate that the "usual course of business" looks to those activities and tasks that a potential employer regularly undertakes in order to provide or sell its services (or the goods it markets) or generate revenue.

---

[1] The statute has been in effect since at least 1942. Electrolux Corp. v. Bd. of Rev. (Unemployment Comp. Comm'n), 129 N.J.L. 157 (1942). Its contours have been examined by the New Jersey Supreme Court, and the Department relies heavily on two such cases. Carpet Remnant Warehouse, Inc. v. New Jersey Dep't of Lab., 125 N.J. 567 (1991); E. Bay Drywall, LLC v. Dep't of Lab. & Workforce Dev., 251 N.J. 477 (2022).

The Department's common sense examples illustrate the point. Another example we encountered in our work last year was at an assisted living facility. We spoke with four former employees of this facility who each worked 24 hours shifts and earned $80 per shift, which comes out to less than $4 per hour. They were paid through a payment app, and their employer did not deduct payroll taxes on their behalf. They clearly did not pay overtime either. These are telltale signs that an employer is engaging in workplace fraud. These workers were not running their own business, they were showing up at the time and place dictated by their employer, performing the tasks their employer instructed that were central to their employer's business.

The rule further explains that places of business include both the physical plants or where the potential employer conducts "an integral part of its business," –i.e.,an essential part of the business. Many businesses today provide the services that they market to customers outside a physical plant and in customer homes, so it is critical to ensure that the "place of business" is not confined to outdated notions of work in manufacturing plants or office jobs.

Prong C looks at whether a worker is truly running an independent, lasting business. The proposed rule's factors will help weed out and distinguish between sham businesses and those that are actual ongoing concerns. To meet this prong, the business must be able to exist "independent of, and apart from, the particular service relationship with the putative employer; that is, the enterprise must be "stable and lasting." 57 N.J.R. 894(a), Vol. 9 (May 5, 2025).

The Department's further explanations provide additional clarity on this prong, and we accordingly support them.

The Department's Additional Principles Ensure Against Elevating Form Over Substance

The proposed rule also provides critical guardrails against the ability of potential employers to hide behind paper work, and conversely will protect workers who lack the power or knowledge to reject an "independent contractor" label when they are not true independent contractors.

We appreciate the Department's recognition that a potential employer's decision to report earnings using a Federal IRS Form 1099 does not transform an employee into an independent contractor. Likewise, the Department's recognition that an "independent contractor" agreement is not dispositive of whether the ABC test is satisfied. Power imbalances between corporations and other potential employers and individual workers mean that workers may agree to contractual demands because they need an income to put food on the table or pay the rent. Accordingly, it is necessary and helpful to look past the agreement and examine: a) which party primarily drafted it; b) whether it was negotiated or a contract of adhesion; c) whether the potential employer can unilaterally modify it; and d) whether either party can terminate their relationship at any time during the term of the agreement. As discussed in the call center example above, we know

workers sometimes “agree” to be misclassified as independent contractors when the reality of their work experience shows they should be considered employees.

Thank you for your leadership in providing clarity regarding how to determine independent contractor status under New Jersey’s “ABC test” law. We **support** the proposed rule because it will provide helpful clarity consistent with the statute and court interpretations.

Sincerely,

Debra Gardner

From: Yolanda Velez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, August 1, 2025 5:46:36 AM

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Report Suspicious

Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish.

Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey.

The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Yolanda Velez
2 Creamer Drive Sayreville nj
Sayreville, NJ 08972
Yoliev1151@yahoo.com

From: Frances Nee
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, August 1, 2025 6:17:34 AM

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Report Suspicious

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Yours sincerely,
Frances Nee
432 Cardinal Lane
Bedminster, NJ 07921
Lightthelamp@gmail.com

From: Dominick Carella
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, August 1, 2025 7:05:34 AM

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Yours sincerely,
Dominick Carella
340 west evesham ave
Magnolia, NJ 08049
dominick817@msn.com

From: Bianca Perez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Friday, August 1, 2025 7:49:35 AM

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Yours sincerely,
Bianca Perez
1202 , South Central Ave
Minotola, NJ 08341
bperez_11@hotmail.com

NEW JERSEY LEGISLATURE
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July 23, 2025

Commissioner Robert Asaro-Angelo
New Jersey Department of Labor & Workforce Development
PO Box 110
Trenton, New Jersey 08625-0110

Re: PRN 2025-051 – ABC Test; Independent Contractors

Dear Commissioner Asaro-Angelo:

We are writing to express our strong opposition to the proposed regulations concerning the application of the "ABC Test" to independent contractors. We respectfully urge that this proposal be withdrawn in its entirety.

This regulatory action represents a clear attempt to bypass the legislature, given that similar legislation has repeatedly failed to advance due to widespread opposition from independent contractors, small business owners, and the communities they serve. The overwhelming rejection of these measures should serve as a clear signal that New Jerseyans will not tolerate policies that jeopardize their livelihoods and economic freedom.

Independent contracting is not merely a business model—it is a lifeline for thousands of New Jersey residents. Many independent contractors are parents who rely on the flexibility of freelance work to balance raising their children with earning a living. Curtailing their ability to operate independently would devastate families, strain our already overburdened childcare system, and discourage couples from starting or expanding their families.

Beyond the human impact, these rules would effectively eliminate the ability for individuals to work as independent contractors in New Jersey. Such a drastic measure would reverberate throughout our economy, disrupting our supply chains, transportation networks, and countless other sectors that depend on these flexible working arrangements. The damage to small businesses and self-employed individuals alike would be profound, undercutting the diverse economic fabric that sustains our state.

We fully support efforts to combat bad actors who engage in worker misclassification or evade taxes and wages. In fact, we and prior legislators from this district have supported legislative measures that provided your Department with additional enforcement tools to hold such violators accountable. However, this proposal goes far beyond addressing abuse—it is regulatory overreach that punishes legitimate businesses and workers rather than targeting those who deliberately break the law.

For these reasons, we urge the Department to withdraw PRN 2025-051 and work with the legislature to craft balanced solutions that protect workers without dismantling an essential component of New Jersey's workforce.

Thank you again.

Sincerely,

Dawn Fantasia	Parker Space	Michael Inganamort
Assemblywoman	Senator	Assemblyman

FPS/DF/MI/lc

From: Tim White
To: Fish, David [DOL]
Subject: [EXTERNAL] Letter from Sen. Benjie Wimberly re: Proposed New Rules: N.J.A.C. 12:11 ABC Test; Independent Contractors
Date: Friday, August 1, 2025 11:13:27 AM
Attachments: Ltr Support Amend Rule NJAC 12-11 7-2025.pdf

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Hello Mr. Fish:

Attached please find a letter from Senator Benji Wimberly (D-35) regarding the NJDOL's Proposed New Rules: N.J.A.C. 12:11 ABC Test; Independent Contractors.

Please accept this letter as one of the statements being received as part of the public comment period related to these proposed new rules.

Thank you,

-Tim White

--

River Crossing
STRATEGY GROUP
Timothy A. White
(201) 921-5807
tim@rivercrossingsg.com
rivercrossingsg.com

NEW JERSEY SENATE

NEW JERSEY
STATE SENATOR
BENJIE E. WIMBERLY
SENATOR, 35TH DISTRICT
PART OF BERGEN AND
PASSAIC COUNTIES
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PATERSON, NJ 07505
(973) 925-7061
FAX (973) 925-7067
senwimberly@njleg.org

COMMITTEES:
COMMUNITY AND URBAN AFFAIRS
MILITARY AND VETERANS' AFFAIRS

July 31, 2025

The Honorable Robert Asaro- Angelo
Department of Labor & Workforce Development
1 John Fitch Plaza
Trenton, New Jersey 08625

Dear Commissioner Asaro-Angelo:

I am writing to respectfully urge the Department to amend the proposed rule under N.J.A.C. 12:11 to explicitly exempt financial professionals such as insurance agents and independent advisors from reclassification under the revised "ABC test."

As drafted, the rule may unintentionally override existing statutory protections and fundamentally alter the nature of independent work in the financial services sector. Specifically, New Jersey's Unemployment Compensation Law (§ 43:21-19(i)(7)(J)) already excludes insurance agents and similar professionals from employee classification. Yet the proposed rule does not acknowledge this exemption, creating a legal inconsistency that risks disrupting a long-established model of entrepreneurship in our state.

This independent contractor model has empowered thousands of licensed professionals to build and grow their own businesses while serving consumers with critical financial guidance. These individuals are small business owners who set their own hours, manage their own operations, and comply with rigorous regulatory requirements. Treating them as employees would strip them of autonomy, threaten the viability of their businesses, and reduce consumer access to essential financial products and services.

Other states have recognized this distinction. In 2019, California amended its sweeping worker classification law (AB5) to exempt financial professionals, acknowledging their unique structure and value to the economy. I strongly encourage New Jersey to adopt a similar approach.

Maintaining a clear exemption for financial professionals under the proposed rule will protect entrepreneurial opportunities, prevent unnecessary economic disruption, and preserve consumer access to trusted financial advisors. Thank you for your consideration.

Sincerely,

BENJIE E. WIMBERLY
Senator

From:	Christopher Graney
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Re: Proposed New Rules: N.J.A.C. 12:11
Date:	Friday, August 1, 2025 11:18:27 AM
Attachments:	image002.png image003.png image004.png image005.png

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August 1, 2025

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Delivered Via Email: David.fish@dol.nj.gov
Re: Proposed New Rules: N.J.A.C. 12:11
ABC Test; Independent Contractors

Dear Mr. Fish,
I am writing you today to express my deep concerns over the proposed rule (N.J.A.C. 12:11) that could reclassify independent contractors like me as employees.
As an agent in New Jersey, I am subject to significant licensing, continuing education, and regulatory oversight that do not apply to many other industries. We are not the type of workers this rule is intended to protect—and yet, under its current framing, many of us could be forced into employment structures that don't fit the nature of our work. It would be highly disruptive to our industry and would limit the availability of important financial products we provide to families across New Jersey.
Licensed insurance and financial professionals have an established, successful history of appropriate classification as independent contractors and are not involved in the worker classification problems found in other industries. The majority of industry agents work as independent contractors and wish to continue doing so.
Most importantly, failure to exempt independent insurance producers and financial advisors from the DOLWD proposal severely limits the scope of insurance products consumers can access, thereby limiting their ability to protect themselves and their loved ones.
I strongly urge you to reconsider moving forward with the proposed rule, as it's incompatible with the distinct characteristics of our industry and jeopardizes the financial security we offer to our clients. Its implementation would not only adversely affect the livelihood of financial professionals like myself, but it would also limit consumer access in New Jersey.
Thank you for your consideration on this matter.
Christopher M. Graney
Marlton, NJ

Christopher Graney, CFP®
Financial Planner | Prudential Advisors

BOOK APPOINTMENT

o: 856-574-9468
a: 525 Route 73 N, Suite 202, Marlton NJ 08053
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Prudential

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Prudential Headquarters Location: The Prudential Insurance Company of America, 751 Broad St., Newark, NJ 07102-3777

From: James Donovan
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Friday, August 1, 2025 11:20:09 AM

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Dear Executive Director Fish,

As a New Jersey resident, independent financial professional, and small business owner, I'm writing to express concern about the proposed rules under N.J.A.C. 12:11, which would codify the ABC test for determining independent contractor status.

While I support protecting workers from misclassification, these rules could unintentionally harm legitimate, independently owned businesses like mine. As a financial professional affiliated with LPL Financial, I serve clients across the state and am part of a network of nearly 1,500 advisors managing over $66 billion in assets. As part of my relationship with LPL, I have the ability to become an employee of the firm; however, I have made the informed decision to keep my independent contractor status to better serve my clients.

Our independent status allows us to:

- Tailor services to client needs.
- Operate efficiently as small business owners.
- Maintain flexibility and high-quality service.

Reclassifying us as employees would disrupt our business model and reduce access to financial guidance for New Jersey residents.

I respectfully urge the Department of Labor & Workforce Development to consider an exemption for financial professionals. This would preserve our independence while maintaining our ability to provide personalized financial guidance to our clients.

Thank you for your attention to this important issue.

Sincerely,

James Donovan
17 Sylvan St Ste 106B
Rutherford, NJ 07070
j.donovan@lpl.com

From:	Lambos, Carol
To:	Fish, David [DOL]
Subject:	[EXTERNAL] PRN 2025-051 - Proposed New Rules N.J.A.C. 12:11
Date:	Friday, August 1, 2025 1:37:24 PM
Attachments:	Letter to Comm. Asaro-Angelo RE. NJDOL Proposed Rules for Independent Contractors (A0089410xB85CE).pdf

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Hi Mr. Fish:
This law firm represents the Port of New York and New Jersey Sustainable Terminals Services Agreement (NPONYNJSSA), which is a discussion agreement filed with the Federal Maritime Commission (see FMC Agreement No. 201175). The members of the PONYNJSSA are container terminal operators in the Port of New York and New Jersey.

Please accept this letter, which is written in support of the letter submitted by the Shipping Association of New York and New Jersey, to the docket on the above-referenced matter.

Thank you for your kind consideration.
Carol Lambos

Carol Notias Lambos, Esq.
The Lambos Firm, LLP
303 South Broadway--Suite 410
Tarrytown, NY 10591
212-381-9725
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cnlambos@lambosfirm.com

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The Lambos Firm, LLP

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Submitted via email: david.fish@dol.nj.gov

August 1, 20225

Mr. Robert Asaro-Angelo
Commissioner
New Jersey Department of Labor and Workforce Development
1 John Fitch Plaza
Trenton, New Jersey 08625

RE: PRN 2025-051 - Proposed New Rules N.J.A.C. 12:11

Dear Commissioner Asaro-Angelo:

This law firm represents the Port of NY/NJ Sustainable Services Agreement ("PONYNJSSA"), which is a discussion agreement filed with the Federal Maritime Commission (*see* FMC Agreement No. 201175). The PONYNJSSA became effective on December 6, 2007, and its purpose is to permit its members to meet, discuss and agree on matters that relate to promoting environmentally sensitive, efficient, and secure marine terminal operations in the Port of New York and New Jersey ("PONYNJ" or the "Port"). The members of the PONYNJSSA are container terminal operators in the PONYNJ including APM Terminals Elizabeth LLC, Port Liberty Bayonne LLC, Port Liberty New York LLC, Port Newark Container Terminal LLC, and Red Hook Container Terminal LLC.

THE PONYNJSSA SUPPORTS THE COMMENTS OF THE SHIPPING ASSOCIATION OF NEW YORK AND NEW JERSEY

We are submitting this letter concerning the Department of Labor and Workforce Development's (the "Department's") proposed new rules N.J.A.C 12:11 (the "Proposed Rules") on the appropriate application of what is referred to as the ABC Test of which the Department will use to determine independent contractor status. While we understand that the Department has good intentions and has worked hard on articulating the Proposed Rules, for the reasons briefly stated herein and for the reasons fully articulated in the letter submitted by the Shipping Association of New York and New Jersey ("SANYNJ"), the PONYNJSSA believes that the Proposed Rules, if published as final rules will create a shortage of truck drivers servicing the PONYNJ. This shortage

of truck drivers will in turn seriously challenge New Jersey's cargo transportation and logistics industry and threaten the state's and the nation's supply chain. These independent contractor truck drivers enable the port industry to deliver economic prosperity to the state, region, and nation.[1] Moreover, the application of the Proposed Rules will harm the very individuals that the NJDOL is seeking to protect by preventing them from benefitting from their own labor and limiting their entrepreneurial opportunities.

THE PROPOSED RULES PUT INVESTMENT IN THE PONYNJ AT RISK

The members of the PONYNJSSA along with the Port Authority of New York and New Jersey have invested billions of dollars to ensure that marine terminal facilities can handle current cargo demands and future cargo growth. In addition, the members of the PONYNJSSA are the direct employers of thousands of longshore and related craft workers, whose livelihoods are dependent on the cargo volumes generated at these facilities. Their investment in upgrading their facilities, procuring state-of-the art equipment, and in their employees is at risk without a reliable and robust contingent of ready and available independent owner operator truck drivers to transport waterborne cargo to and from their facilities. The economic benefits enjoyed by the State of New Jersey, region, and nation that are derived from these facilities are at risk also.

Accordingly, the PONYNJSSA opposes the Proposed Rules and urges the Department to reconsider the measure with full stakeholder participation. The members of the PONYNJSSA would be pleased to host members of the Department who may be interested in seeing marine terminal operations firsthand.

Sincerely,

THE LAMBOS FIRM, LLP

/s/Carol N. Lambos
By:_____
Carol N. Lambos

[1] Anne Strauss Wieder, *The 2023 Report on the Economic Value of the New York – New Jersey Port Industry,* available at: https://3ji587.p3cdn1.secureserver.net/wpcontent/uploads/2021/12/2023SANYNJEconomicImpactStudy.pdf

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July 25, 2025

VIA CERTIFIED AND ELECTRONIC MAIL
David Fish
Executive Director, Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Re: Written Comments to PRN 2025-051

Dear Mr. Fish:

This firm represents the New Jersey Food Council ("NJFC"), which is the trade association representing food retailers, supermarkets, independent grocers, convenience stores, and their supplier partners. We appreciate the opportunity to convey the NJFC's significant concerns with PRN 2025-051 (the "Rule Proposal"), whereby the New Jersey Department of Labor and Workforce Development (the "NJDOL") proposed new section N.J.A.C. 12:11 regarding the interpretation of N.J.S.A. 43:21-19(i)(6)(A), (B), and (C), commonly referred to as the "ABC test."

The NJFC shares the NJDOL's goal that workers be properly classified. The Rule Proposal, however, creates a *de facto* ban on independent contractors. It will be essentially impossible for legitimate independent contractors to continue to operate in New Jersey, resulting in negative consequences for businesses and consumers. The NJDOL should therefore not adopt the Rule Proposal.

I. NJDOL's Interpretation of Prong A Exceeds the Scope of Cases Relied Upon

The Rule Proposal's interpretation of Prong A, which pertains to the exercise of control over the individual's work, includes a significant number of factors and sub-factors which go beyond the scope of the cases that it purports to follow. The NJDOL readily admits in the Rule Proposal that such factors and sub-factors are "gleaned" from unpublished, non-precedential cases. See e.g., reliance on Pennsauken Diagnostics Ctr., LLC (PDC) v. N.J. Dep't of Labor & Workforce Dev., 2024 N.J. Super. Unpub. LEXIS 1232 (App. Div. June 17, 2024) (justification for factors 5 and 6 at proposed new N.J.A.C. 12:11-1.3 concerning fix pay rate and call, standby or availability to perform services). But the NJDOL appears to have relied upon only those unpublished cases which support its position of a restrictive ABC test and ignored those where the courts may have found the individual to be an independent contractor. See Feinsot v. Bd. of Review, Dep't of Labor, 2007 N.J. Super. Unpub. LEXIS 2922 (App. Div. Feb. 26, 2007)

One of the published cases that the NJDOL states it relies upon is Trauma Nurses, Inc. v. Board of Review, 242 N.J. Super 135 (App. Div. 1990). The court there reversed the NJDOL's decision to classify the individuals as employees and upheld the initial independent contractor

classification. It appears that the NJDOL is actually attempting to reverse the holding of the court in Trauma Nurses by adopting certain the factors listed in the Rule Proposal. For example, the court in Trauma Nurses noted the impropriety of considering what the Rule Proposal includes as factor 4, whether the putative employer negotiates for and acquires the work performed by the individual. The NJDOL's view in Trauma Nurses was that the nurses were employees because they were required to perform certain services to remain employed, and would receive payments from the contractor. Trauma Nurses, 242 N.J. Super at 143. The court rejected that view and stated that

> These circumstances are not supportive of the Board's ultimate conclusion that [the nurse] was an employee of [the contractor]. The fact that [the nurse] was required to perform services is common to both an employment and independent contractor status. In order to receive payment, an independent contractor is obliged to perform services. ***If we were to accept the conclusion that the performance of services creates an employment relationship, the "A" prong of the statutory tripartite test could never be satisfied, and the status of independent contractor would cease to exist under the statute.*** Simply stated, the performance of services does not differentiate an employment relationship from an independent contractor relationship. A contrary interpretation of subsection A would essentially render nugatory the statutory scheme.
>
> [Id. at 143-44 (emphasis added).]

That, however, seems to be precisely what the NJDOL is counting on by proposing factor 4 and the other factors. By having a litany of criteria at its disposal, the NJDOL can conclude under any circumstance that an individual is an employee and not an independent contractor. Further evidence of the NJDOL's motive exists in the Rule Proposal at new sections N.J.A.C. 12:11-1.3(d) and -1.3(e). These provisions plainly state that the aforementioned factors and sub-factors "are not exhaustive," "that additional factors may be considered," and that a conclusion as to whether Prong A is satisfied "should not be based upon whether a majority of the factors listed at subsection (c) have been met." Rule Proposal at new N.J.A.C. 12:11-1.3(d); N.J.A.C. 12:11-1.3(e). Reading the entirety of the proposed N.J.A.C. 12:11-1.3(c) through (e) together, the NJDOL is giving itself the chance to utilize factors already rejected by the courts and consider other unknown factors not identified in the regulatory scheme, in order to make satisfaction of Prong A impossible.

Proposed N.J.A.C. 12:11-1.3(f) further stacks the deck against the "putative employer" and in favor of the NJDOL. This section of the Rule Proposal states that

> When evaluating, pursuant to Prong A of the ABC test, whether an individual has been, and will continue to be, free from control or direction over the performance of services, any control or direction that the putative employer has exercised, or has reserved the right to

> exercise, ***in order to be in compliance with a law or rule shall be considered***; that is, it shall be given equal weight to what would be given any other control or direction that the putative employer has exercised or has reserved the right to exercise.
>
> [57 N.J.R. 898 (emphasis added).]

Independent contractor agreements typically have a requirement that contractors comply with laws and regulations as standard and appropriate practice. Vendor contracts will often include these types of stipulations as it is expected that any services provided will be conducted in compliance with all local, state, and federal laws and regulations. Indeed, as explained in the Trauma Nurses decision, the nurses there were required to provide "proof of malpractice insurance, health and disability insurance coverage, a valid CPR certification and a nursing license" and could have their contract terminated if they did not "maintain appropriate insurance and professional certification and licenses." Trauma Nurses, 242 N.J. Super. at 138-39. While the court did not find this to be an indicia of control, the NJDOL through the Rule Proposal is attempting to do so.

As applicable to the NJFC's members, they may contract with various services that impact food safety and security, such as distribution and third-party delivery services. It is critical that these contractors follow all applicable laws, not for control but to promote a safer environment for everyone. This culture of safety is embedded in our state's regulatory framework and in no way is a baseline indicator of employer-employee control. Accordingly, adoption of this section of the Rule Proposal creates the risk of companies and contractors in the food sector having to choose between complying with the regulatory rules designed to protect consumers and losing their independent contractor status.

For these reasons, the NJDOL's interpretation of Prong A is inappropriate and increases the risk of harm to New Jersey's consumers. The Rule Proposal at N.J.A.C. 12:11-1.3 should therefore not be adopted.

II. The Interpretation of Prong B Overly Expands the Definition of "Place of Business"

NJDOL relies on the New Jersey Supreme Court opinions in Carpet Remnant Warehouse, Inc. v. New Jersey Department of Labor, 125 N.J. 567 (1991) and East Bay Drywall, LLC v. Dep't of Labor and Workforce Development, 251 N.J. 477 (2022) to inform its interpretation of Prong B of the ABC Test. Proposed rule N.J.A.C. 12:11-1.5 states:

> (a) In order to meet its burden pursuant to Prong B of the ABC test, the putative employer must establish either that an individual's services are outside of the putative employer's usual course of business or that such services are performed outside of all of the putative employer's places of business.

> (b) The putative employer's usual course of business may include activities that the putative employer regularly engages in to generate revenue or develop, produce, sell, market, or provide goods or services. An entity may have more than one usual course of business.
>
> ...
>
> (e) When evaluating whether services are performed outside of all the places of business of the enterprise for which such service was performed, the phrase "places of business" refers to locations where the enterprise has a physical plant or conducts an integral part of its business.
>
> (f) The locations where the putative employer has a physical plant include, but are not limited to, a physical office, store, or factory where a substantial amount of the putative employer's work is performed.
>
> (g) The locations where the putative employer conducts an "integral part of its business," include, but are not limited to, locations outside of the putative employer's physical plant, where the services performed by the individual are an essential component of, rather than ancillary to, the putative employer's business. This includes the residence or place of business of the putative employer's client or customer, when the services performed by the individual at such location are an essential component of, rather than ancillary to, the putative employer's business.

While the definition of "places of business" in subsection (e) is taken directly from the opinion in Carpet Remnant, the expansion of that definition at subsections (f) and (g), as well as the accompanying examples, are unfounded. Expanding the interpretation of a company's "places of business" to effectively include any location where the individual performs services fails to account for common business practice.

The external locations where contractors perform services must be recognized as ***outside*** of the putative employer's place of business. For example, if a grocery store chain contracts with a trucking company for delivery of goods to one of its individual stores, that contractor would be performing its duties on the roads of New Jersey. But, under the NJDOL interpretation of N.J.A.C. 12:11-1.4(b), the delivery of goods could be interpreted as falling within the definition of activities the employer "regularly engages in to generate revenue or develop, produce, sell, market, or provide goods or services." This interpretation could be used to preclude independent contractor

truck operators in New Jersey, resulting in many entities electing to move out of New Jersey, and negatively impact the state economy.

The NJFC therefore recommends deleting N.J.A.C. 12:11-1.4 from the Rule Proposal.

III. The Interpretation of Prong C Mirrors the Concerns with Prong A's Construction

Prong C of the ABC test concerns whether the individual is customarily engaged in an independently established trade, occupation, profession, or business. Similar to the analysis of Prong A, the proposed N.J.A.C. 12:11-1.5(b), (c), and (d) enumerate factors to be considered which "are not exhaustive," opens the door to the NJDOL considering cryptic "additional factors," and again declare that "there is no set number of factors that will, in every instance, result in a finding that the putative employer either has or has not met its burden pursuant to Prong C of the ABC test."

This type of uncertainty is extremely problematic for businesses seeking to comply with the ABC test, which is already a fact-sensitive undertaking. Further complicating the required analysis is the Rule Proposal's demand at new section N.J.A.C. 12:11-1.5(e) that the individual "receive remuneration for the performance of such services from others during the relevant period." This means that a person who may meet all of the factors for being an independent contractor will be disqualified if they only perform services for one entity. There is no case law which makes this a factor for consideration, and it actually contradicts the very statement the NJDOL relies upon from Gilchrist v. Division of Employment Security, 48 N.J. Super. 147, 158 (App Div. 1957), that what matters is whether the enterprise is "stable and lasting—one that will survive the termination of the relationship." It is a regular occurrence that a person or entity chooses to be an independent contractor and contracts with only one entity because of the value of those services or personal preference. Should those services conclude, the person or entity will then seek to contract with a different entity to perform similar services. To reach the conclusion that an independent contractor can only exist with remuneration from multiple sources is incredulous.

One of the unpublished cases not referenced in the Rule Proposal is Feinsot, which specifically turned on the analysis of Prong C. In that case, the NJDOL decided that the putative employer failed Prong C and that the individual "did not have an independently established business because she did not have: business stationery; advertisements; billing statements; trade names, a business telephone; or office space." Feinsot, 2007 N.J. Super. Unpub. LEXIS 2922, at *9 (App. Div. Feb. 26, 2007). The court rejected that argument finding that those choices were made by the claimant and not requirements set by the alleged employer: "Claimant could have advertised, had business stationary and telephone and still functioned in the assignment . . . . Claimant cannot change the relationship . . . from independent contractor to employee, by her unilateral decision to forego some of the trappings of her profession." Ibid.

Adopting the Rule Proposal appears to be an attempt to ensure a decision like Feinsot will not happen again. The NJDOL should therefore not adopt N.J.A.C. 12:11-1.5 concerning the interpretation of Prong C.

Conclusion

The NJFC appreciates that the NJDOL is seeking to safeguard the rights of employees who have been wrongly classified as independent contractors through the Rule Proposal. But what the NJDOL is proposing tips the scales too far in the other direction by creating insurmountable regulatory hurdles for employers. The NJFC requests that the Rule Proposal at N.J.A.C. 12:11-1.3, -1.4, and 1-5 not be adopted. Since these specific provisions are the crux of the Rule Proposal, the NJDOL should therefore not adopt PRN 2025-051 in its entirety. We welcome the opportunity to discuss our opposition to the rules with the NJDOL further.

Respectfully submitted,

Michael D. DeLoreto
Director

From: Jim O"Neill
To: AsmCoughlin@njleg.org; Fish, David [DOL]
Cc: SenScutari@njleg.org
Subject: [EXTERNAL] FW: NJDOL proposal
Date: Friday, August 1, 2025 2:15:18 PM
Attachments: doc14357620250801141028.pdf

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Thank you,
James O'Neill
EVP Transportation and Support Services

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AN O'Neill Logistics Company
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Cell 732-259-2921

O'Neill Logistics Transportation LLC

8/1/2025

David Fish, Executive Director, Legal and Regulatory Services
Department of Labor and Workforce Development
PO Box 110, 13th Floor
Trenton, NJ 08625-0110
Fax: (609) 292-8246
Email: David.Fish@dol.nj.gov

RE: Proposed New Rules: N.J.A.C. 12:11, Proposal Number PRN 2025-051

Dear Mr. Fish,

I am submitting the following comments in strong opposition to Proposed New Rules N.J.A.C. 12:11, Proposal Number PRN 2025-051. I urge the New Jersey Department of Labor to take these comments into consideration and reconsider the rule changes proposed.

As a ***Drayage Motor Carrier*** this proposal would have a negative impact on me and all residents in the State of New Jersey. My objections are as follows:

- The ABC test is a job-killer that hurts *all* workers.
- The proposal will not protect Independent Contractors—it will *eliminate* them.
- The proposal will cause irrevocable harm to the Supply Chain, eliminating up to 77% of our driver workforce.
- The NJDOL proposal will *not* create jobs, it will destroy them and negatively impact New Jersey's economy, just as similar policies did in California.
- The NJDOL proposal is dangerous and unreasonable.
- The DOL's approach lacks clarity and will increase confusion.
- The NJDOL proposal ignores Federal policy changes and pending Federal legislation.
- Rules that restrict Independent Contractor work hurt women, seniors, and minorities
- The NJDOL proposal goes too far and will hurt the workers and business owners alike.

For all of the reasons state above, I urge the New Jersey Department of Labor to reconsider the rule proposal currently set forth.

thank you
James Neill

From: Patrick McGrory
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Friday, August 1, 2025 7:50:11 PM

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Report Suspicious

Dear Executive Director Fish,

As a New Jersey resident, independent financial professional, and small business owner, I'm writing to express concern about the proposed rules under N.J.A.C. 12:11, which would codify the ABC test for determining independent contractor status.

While I support protecting workers from misclassification, these rules could unintentionally harm legitimate, independently owned businesses like mine. As a financial professional affiliated with LPL Financial, I serve clients across the state and am part of a network of nearly 1,500 advisors managing over $66 billion in assets. As part of my relationship with LPL, I have the ability to become an employee of the firm; however, I have made the informed decision to keep my independent contractor status to better serve my clients.

Our independent status allows us to:

- Tailor services to client needs.
- Operate efficiently as small business owners.
- Maintain flexibility and high-quality service.

Reclassifying us as employees would disrupt our business model and reduce access to financial guidance for New Jersey residents.

I respectfully urge the Department of Labor & Workforce Development to consider an exemption for financial professionals. This would preserve our independence while maintaining our ability to provide personalized financial guidance to our clients.

Thank you for your attention to this important issue.

Sincerely,

Patrick McGrory
1783 Ferrari Dr
Vineland, NJ 08361
pwmcgrory@libertypointadvisors.com

From: Brad Montgomery
To: Fish, David [DOL]
Subject: [EXTERNAL] Independent Contractor Rights
Date: Friday, August 1, 2025 11:02:32 PM

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Hello Mr. Fish

I'm writing to you because I'm an independent contractor working Full-Time in New Jersey working for both instacart and Uber and I am very concerned about the NJ Workforce Development's new upcoming proposal to reinterpret the ABC rules for determining who's considered independent contractors in New Jersey. Honestly, I am very angry that this is even a thing.

First off, I Have a Wife, who's battling many significant health issues Including Lupus & uveitis, requiring her to need help around the house on some days more than others, requiring me to take care of her on more on some days than others. We also have 6 young children. Many times when she cannot go doctor, dental appointments or school meetings for them because of her health issues, many times I must take them. In addition to this, she has many doctors appointments herself that I must take her to as well. My point is, Doing Independent Contractor work allows me the flexibility of determining my hours to be able to work more or less to either make the income I need to make or stop working whenever I want to address family matters when emergencies should arise.

This is what the workforce is not taking into account. Its both Apathetic and shows no empathy towards the 1.7 million independent contractors in NJ and all of the individual life circumstances theyre in, which causes independent contracting work to make sense for there lives. Not everyone's lifestyle or Life Circumstances fit working a traditional 9 to 5 job. Also, not everyone prefers to work that way either. But it seems as if the Workforce wants "Force" us into it anyway, which I feel is heartless. I'm 37 years old. I worked traditional standard jobs since 16. I'm happier than I've ever been working Independent Contractor work for Uber and Instacart..this is literally, the happiest I've ever been! Forcing me into a regular standard job would both mentally and physically be a disaster for both myself and my family circumstances. And I wouldn't have that flexibility to spend time with my children, wife, and plan my work week around addressing my family's circumstances. Working a standard rigid work schedule for some employer out there does not work for me.

To me , this as a fundamental attack on my ability to choose and determine how I want to make a living and feed my family. Furthermore, Why are they trying to force Us into making a living the way thatthey feel is best? Shouldn't I have a right to choose this for myself? I thought our country was about the pursuit of Happeness. Why am I suddenly not allowed to determine what style of work makes both me & my family happy?

I humbly ask that these new changes not go into effect. We deserve equal treatment as well

From: Lauralee Davis
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, August 2, 2025 6:56:34 AM

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Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish.

Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey.

The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Lauralee Davis
7 Columbia
Bridgewater, NJ 08807
lunabkat@yahoo.com

From: Timothy Boutillier
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment on N.J.A.C. 12:11 – Support Flexibility and Fairness for Independent Workers
Date: Saturday, August 2, 2025 8:47:47 AM

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Dear New Jersey Department of Labor,

I'm a New Jersey-based gig worker who relies on the flexibility that delivery platforms provide. Being able to set my own schedule is key to how I manage my life.

At the same time, many of us face unpredictable earnings that don't fairly account for fuel, vehicle maintenance, or the time spent waiting between orders. We also lack access to basic protections like health insurance, paid leave, or unemployment support. That makes us vulnerable when unexpected challenges come up.

I support rules that protect workers, but I urge you to preserve the flexibility that makes this work viable for so many of us. Please consider options like portable benefits, minimum earnings guarantees (after expenses), and greater transparency around pay. These changes would go a long way in making gig work both sustainable and fair.

Thank you for listening to those of us who live this reality every day. We don't want to be forced to choose between freedom and fairness, we want both.

Sincerely,
Timothy Boutillier
07950

From: NJ21st Team
To: Fish, David [DOL]
Cc: GOV Constituent Relations [gov]; ComptrollerTips [OSC]; Kruger, Pamela [OSC]; adevanney@bhtwp.com; Margaret - TC; bill-TC; John Foster <jfoster@bhtwp.com>; amoran@bhtwp.com; Susan Poage <spoage@bhtwp.com>; dkhanna@bhpsnj.org; tforegger@bhpsnj.org; sai-board; Natasha Board; dterrero@bhpsnj.org; Bdillon@bhpsnj.org; pstanley@bhpsnj.org; gbradford@bhpsnj.org; Laura Kapuscinski <llkap@icloud.com>; Shauna Williams <swilliamsny@yahoo.com>
Subject: [EXTERNAL] Public Comment Opposing Proposed Rule N.J.A.C. 12:11
Date: Saturday, August 2, 2025 12:54:08 PM
Attachments: image.png

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Dear Mr. Fish,

I'm writing to express strong opposition to Proposed Rule N.J.A.C. 12:11, which expands the application of the "ABC test" to determine worker classification.

NJ21st is a nonprofit civic journalism organization based in NJ. I am deeply concerned about the potential impact of this rule as it would have a chilling effect on our organization's ability to sustain and grow public-interest reporting.

We have limited resources, and plan to rely on a network of part-time contributors, student journalists, and community members who occasionally submit work for modest stipends or one-time honoraria. This is probably the case for many if not all grass-root orgs. Currently all of our writing comes from volunteers who have a passion for covering local and state government.

Our people write when they are able to. They contribute their time and abilities to help community members advocate for themselves, their families and their neighborhoods. The relationships we seek to develop with our contributors are voluntary, flexible, and community-driven.

Under this rule, we would be forced to classify nearly all future contributors we seek to compensate as employees regardless of how limited or infrequent the work is- bringing in burdensome payroll systems, tax filings, and compliance obligations we simply cannot afford.

The net result would be less opportunity for emerging voices, fewer local stories, and less public accountability particularly in underserved or overlooked communities that we are working very, very hard to break into.

Ironically, the people most likely to be hurt by this rule are the same ones we should be working to uplift.

We agree that worker misclassification is an issue. But this rule casts far too wide a net. It treats small, mission-driven organizations like ours the same as large corporations, without regard for scale, intent, or public benefit.

I respectfully urge the Department to withdraw or substantially revise this proposal. At minimum, there should be clear carveouts or exemptions for 501(c)(3) and 501(c)(4) organizations that provide one-time stipends or honoraria not tied to sustained, directed work.

In addition to submitting this formal comment to the Department of Labor, I am sharing these concerns with the Governor's Office, the Comptroller's Office (run for Governor already, Mr. Walsh) , local elected officials, and the Board of Education. These stakeholders — many of whom rely on or benefit from the public's ability to stay informed and engaged — deserve to know that this rule could significantly limit the platforms that support civic dialogue in New Jersey.

As you are aware, opposition to this rule change is bipartisan.

Thank you for considering this perspective. We share your interest in protecting workers but not at the expense of community participation, civic storytelling, and democratic engagement.

Sincerely,
John Migueis
Founder, NJ21st

https://nj21st.com/

From: Mike Kuczinski
To: Fish, David [DOL]
Subject: [EXTERNAL] RE: Opposition to Proposed Rule Change on Independent Contractor Status
Date: Saturday, August 2, 2025 1:37:44 PM

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Good afternoon Mr. Fish:

I am writing to let you know that I am vehemently against you changing the rules for Independent Contractor Status in the St of NJ. I am a Registered Tax Preparer and Certified financial Planner operating my own businesses in this state since I have been a resident now 25 years. As well, I have spent 15 years on my Towns governing body serving as a Township Committeeman, deputy Mayor and Mayor. I am fully aware and well versed on the rules and guidelines governing the Independent Contractor status as issued by the US DOL and the IRS. I believe these rules are more than sufficient and do not need any further restrictions. While I understand that there are abuses and you are supposedly looking out for people who are being denied employee status, your potential Rule change will ultimately hurt a significantly higher amount of people then you think it will help. There is, potentially more than a million and a half people that will be affected by this rule change, most of which will be punished and NOT HELPED.

Rather than punish the people who are abiding by the rule's and operating in a manner consistent with the current rules, May I suggest you concentrate your efforts on stepping up enforcement in those areas you may have doubts. Punishing all for the mishaps and abuses of the few, is not and has never been a winning strategy and will not be received well by the people affected. Please reconsider this horrible rule change. I would suggest instead, you institute a new pilot program of stepping up your enforcement efforts and weed out the bad characters in lieu punishing all.

Respectfully,

Mike Kuczinski

Michael T. Kuczinski, CLU,ChFC,RICP®,CFP®
Total Wealth Enhancement Group, LLC
24 Wagner Farm Lane / Rear
Millstone Township, NJ 08535
732-786-8415 / Fax 732-786-8416
E-mail - mtk@twegllc.com
Website - www.twegllc.com

Total Wealth Enhancement Group, is an independently-owned and operated registered branch location of Garden State Securities, Inc. (GSS). Securities are offered through GSS, Member FINRA/SIPC. Advisory Services offered through Garden State Investment Advisory Services, LLC, an SEC Registered Investment Advisor. Insurance products offered through Garden State Insurance Agency, Inc. For information regarding GSS, Garden State Investment Advisory Services, LLC, and Garden State Insurance Agency, Inc., including required disclosures, please visit the firm's website at gardenstatesecurities.com

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From: Lina Velez
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on PRN 2025-051: Please reject the proposed rule
Date: Saturday, August 2, 2025 10:17:49 PM

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Dear Mr. Fish,

I am writing to strongly urge the New Jersey Department of Labor and Workforce Development to reject a recently proposed rule that would drastically change how the state classifies independent contractors.

Specifically, Proposed New Rules: N.J.A.C. 12:11 would threaten the livelihoods of hundreds of thousands of people across the state by implementing an “ABC” test for independent workers, freelancers, and contractors.

We don’t need to guess at the consequences of passing such a rule. They have already played out in California under the state’s AB 5 law, which implements a similar ABC test. Almost overnight, hundreds of thousands of workers across industries, including music, journalism, and trucking, saw their livelihoods vanish.

Since AB 5’s passage, hundreds of carve outs have been made to the law to protect certain industries from harm – further proof that the law does not work. Now, research shows that AB 5 caused job losses across the board in California, not just for independent workers. We can't let that happen in New Jersey.

The reality is the vast majority of independent workers are happy with their employment status. 1 in 5 jobs in America are held by an independent worker including in industries like healthcare, financial services, logistics, and retail and about 75 percent of these workers chose their work arrangement.

Independent workers across the country have spoken up against efforts to reclassify them against their will. I implore you to listen to these workers, and reconsider this harmful rule.

Yours sincerely,
Lina Velez
454 Fay
, 07202
linavelezusa@gmail.com

From: AJ Sabath
To: Fish, David [DOL]
Subject: [EXTERNAL] ABC Test Comments
Date: Monday, August 4, 2025 8:32:57 AM
Attachments: NJBCTCABC Test.pdf

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Mr. Fish,

Please see the attached comments on behalf of the New Jersey Building and Construction Trades Council President, Bill Mullen, regarding proposed new rules: N.J.A.C. 12:11 - ABC Test; Independent Contractors.

Warm regards,
AJ

AMG
Advocacy & Management Group

AJ Sabath, President/CEO
Advocacy & Management Group
609.392.7553 – Work
609.468.9294 – Cell
609.392.2664 - Fax
aj@amg101.com

NEW JERSEY STATE BUILDING & CONSTRUCTION TRADES COUNCIL

- OVER 100 YEARS STRONG -

WILLIAM T. MULLEN
President

DAVID CRITCHLEY
Secretary-Treasurer

July 30, 2025

David Fish, Executive Director, Legal and Regulatory Services
New Jersey Department of Labor and Workforce Development
P.O. Box 110 – 13th Floor Trenton,
New Jersey 08625-0110
david.fish@dol.nj.gov

Re: Proposed New Rules: N.J.A.C. 12:11 - ABC Test; Independent Contractors

Dear Mr. Fish:

The New Jersey Building and Construction Trades Council applauds the Department of Labor's proposal to enshrine the ABC test at N.J.A.C. 12:11—a critical step toward putting an end to the rampant misclassification of construction workers as "independent contractors." Across New Jersey, unscrupulous contractors have systematically exploited loopholes in prevailing wage law, stripping working families of basic protections in order to pad their profit margins. By clarifying that individuals performing core construction duties must be treated as employees, the Department will restore fairness, safeguard worker safety, and ensure that public-works dollars are spent responsibly.

Misclassification is more than a technical violation—it is a direct assault on workers' livelihoods. In Princeton, Imperio Castillo Construction was halted by an NJDOL stop-work order after nine laborers were discovered to be misclassified and compensated at sub-prevailing rates; the resulting enforcement effort recovered over $75,000 in back wages, penalties, and interest. In Atlantic County, a routine audit of Coastal Paving, Inc. revealed that fifteen asphalt crew members—ostensibly "subcontractors"—should have been classified as employees. Coastal Paving ultimately paid more than $210,000 in retroactive prevailing wages, fines, and interest. And in Paterson, Elite Drywall LLC was fined $50,000 and forced to make whole ten finishers who had been denied their lawful benefits and wage differentials. These recent actions are just the tip of the iceberg: since January 2024, NJBCTC-supported prevailing-wage claims have recouped over $1 million in back pay for misclassified construction workers.

The human cost of these schemes is staggering. Workers driving rebar, pouring concrete, or framing homes under the Ironworkers Local 399 banner report crews organized under sham "independent contractor" agreements, denying them health-benefit coverage and workers' compensation in the event of injury. Carpenters Local 254 members recount non-union

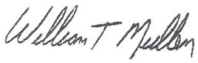
remodelers who advertise "independent subcontractor rates" to undercut union scale by as much as 25 percent—leaving journeymen to fend for themselves when accidents occur.

Adopting the ABC test will deliver tangible benefits to New Jersey's economy and public safety. When all contractors are held to the same standards, responsible employers will no longer be undercut by those who externalize payroll taxes, insurance, and benefits. Tax revenues will be protected, and the state will save millions in safety-net expenditures for injured workers who currently fall through the cracks. Moreover, clear, enforceable rules will free NJDOL to focus its resources on real violators, accelerating investigations and securing timely remedies.

To maximize the effectiveness of these new regulations, the Trades Council urges the Department to pair codification of the ABC test with a robust education campaign—multilingual outreach to small contractors, pre-construction workshops, and clear online guidance. We also recommend dedicated funding for NJDOL's Office of Strategic Enforcement and Compliance, ensuring that audit teams can swiftly identify repeat offenders. Finally, an annual reporting requirement on enforcement metrics—number of stop-work orders, back-wage recoveries, and penalties assessed—will foster transparency and allow all stakeholders to track progress.

By closing the misclassification loophole, New Jersey will protect its most vulnerable workers, preserve the integrity of prevailing-wage laws, and guarantee that public-works projects reflect the values of safety, fairness, and shared prosperity. We urge the Department to adopt the proposed rules without modification and stand ready to assist in outreach, enforcement, and ongoing monitoring.

Sincerely,



William Mullen, President
The New Jersey State Building and Construction Trades Council

NEW JERSEY LEGISLATURE
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24TH DISTRICT
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July 23, 2025

Commissioner Robert Asaro-Angelo
New Jersey Department of Labor & Workforce Development
PO Box 110
Trenton, New Jersey 08625-0110

Re: PRN 2025-051 – ABC Test; Independent Contractors

Dear Commissioner Asaro-Angelo:

We are writing to express our strong opposition to the proposed regulations concerning the application of the "ABC Test" to independent contractors. We respectfully urge that this proposal be withdrawn in its entirety.

This regulatory action represents a clear attempt to bypass the legislature, given that similar legislation has repeatedly failed to advance due to widespread opposition from independent contractors, small business owners, and the communities they serve. The overwhelming rejection of these measures should serve as a clear signal that New Jerseyans will not tolerate policies that jeopardize their livelihoods and economic freedom.

Independent contracting is not merely a business model—it is a lifeline for thousands of New Jersey residents. Many independent contractors are parents who rely on the flexibility of freelance work to balance raising their children with earning a living. Curtailing their ability to operate independently would devastate families, strain our already overburdened childcare system, and discourage couples from starting or expanding their families.

Beyond the human impact, these rules would effectively eliminate the ability for individuals to work as independent contractors in New Jersey. Such a drastic measure would reverberate throughout our economy, disrupting our supply chains, transportation networks, and countless other sectors that depend on these flexible working arrangements. The damage to small businesses and self-employed individuals alike would be profound, undercutting the diverse economic fabric that sustains our state.

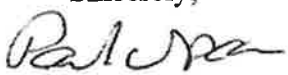
We fully support efforts to combat bad actors who engage in worker misclassification or evade taxes and wages. In fact, we and prior legislators from this district have supported legislative measures that provided your Department with additional enforcement tools to hold such violators accountable. However, this proposal goes far beyond addressing abuse—it is regulatory overreach that punishes legitimate businesses and workers rather than targeting those who deliberately break the law.

For these reasons, we urge the Department to withdraw PRN 2025-051 and work with the legislature to craft balanced solutions that protect workers without dismantling an essential component of New Jersey's workforce.

Thank you again.

Sincerely,

Dawn Fantasia
Assemblywoman



Parker Space
Senator

Michael Inganamort
Assemblyman

FPS/DF/MI/lc

NEW JERSEY 18TH LEGISLATIVE DISTRICT

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July 31, 2025

Commissioner Robert Asaro-Angelo
New Jersey Department of Labor & Workforce Development
PO Box 110
Trenton, NJ 08625

RE: Concerns regarding the proposed independent-contractor rule (N.J.A.C. 12:11)

Dear Commissioner Asaro-Angelo:

We are writing to express our strong concerns regarding the Department's proposed rulemaking to revise and codify the test for classifying independent contractors under multiple state labor laws. While we fully support the Department's mission to prevent misclassification of workers, we believe the current proposal will create far-reaching and unintended consequences for New Jersey's workforce and economy.

Our concerns with the proposed rule are wide-ranging and substantive. First, many freelancers and independent contractors intentionally choose this structure for the flexibility it provides, allowing them to balance their professional responsibilities with personal demands. As proposed, broadening the application of the "ABC test" risks forcing many of these workers to be reclassified as employees. Such a shift would significantly limit opportunities for individuals who rely on the autonomy of independent work, including working parents, students, retirees, and professionals in creative or consulting fields.

In addition to the impact on workers, business organizations have expressed concern that the rule would drive up compliance costs and create legal uncertainty. Small businesses, which often depend on independent contractors to remain agile and efficient, could face restricted access to the talent they need. This could ultimately reduce job opportunities across the state.

The question of how to classify workers has been considered repeatedly by the Legislature, and similar efforts to change the standard through statute have not gained approval. The decision to

implement such a major policy change through regulation, rather than legislation, and risks creating confusion among both workers and employers.

Given these factors, we strongly urge the Department to pause this rulemaking process and open the door for more inclusive stakeholder engagement. Taking additional time for review and discussion will allow the Department to better understand the real-world effects of the rule and to create a solution that protects workers without undermining the flexibility and economic vitality that independent work arrangements provide in New Jersey. With the public comment period now extended through August 6, 2025, there is a valuable opportunity to revisit this rule in a way that protects workers without harming the businesses and individuals who rely on independent work arrangements.

Thank you in advance for listening to and considering our concerns.

Sincerely,

Senator Patrick J. Diegnan

Assemblyman Robert J. Karabinchak

Assemblyman Sterley S. Stanley

From: Tim Davis
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment re: DOL Independent Contractor Proposed Regulation N.J.A.C. 12:11
Date: Monday, August 4, 2025 10:45:54 AM

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Dear David Fish,

I write to you today regarding the Department's Independent Contractor Regulation proposal. Applying this test to my profession as an independent financial advisor with Ameriprise Financial in New Jersey may impact my ability to continue operating independently in New Jersey, providing high quality service to people in my community and the state.

There are more than 150,000 independent financial advisors who have long been an integral part of the securities industry across the country. Independent broker-dealers and their affiliated independent financial advisors provide clients in their communities with personalized and comprehensive financial advice. We help our clients invest, save for retirement, pay for their children's education, and buy insurance to cover unexpected expenses.

Ameriprise offers me the option of being an employee or an independent contractor. Being an independent advisor is my choice and allows me the flexibility to determine how I manage my practice, which includes determining the level of staffing support to provide a high-quality client experience, our technology set, and real estate footprint. As an independent advisor, I set my own schedule, select my clients, and assume typical responsibilities of a small business owner including staff, technology and other costs.

Many financial advisors prefer the flexibility to operate within an independent channel to help serve clients well and help them plan for their future. Please help my clients and my small business continue to thrive in New Jersey by specifically excluding financial advisors and broker dealers from compliance with the ABC Test. This will allow me to continue operating as an independent contractor in New Jersey and serve my clients well now and into the future.

Sincerely,

Tim Davis
2021 New Rd
Linwood, NJ 08221-1045

timothy.j.davis@ampf.com
609-653-0052

From: Bradley Madsen
To: Fish, David [DOL]
Subject: [EXTERNAL] Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors
Date: Monday, August 4, 2025 10:56:23 AM

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To: David Fish, New Jersey Department of Labor & Workforce Development

Submitted via email to: david.fish@dol.nj.gov on **INSERT DATE HERE**

Dear Mr. Fish,

I am writing in opposition to Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors. I urge the Department to withdraw this proposal in full.

I am a freelance musician who also books musicians to work on various gigs.

As a side man, I work with a variety of different bands - many of which are competing with each other for the same work. Whether weddings, concerts, bar gigs, I often perform in many of the same venues over and over with different leaders, all of whom hire me on a first come first serve basis. I set my rate, and they choose to book me, negotiate other terms, or not book me.

As a leader, when I book performances, I choose to book the musicians to perform with me whom I wish to work with. Most are willing to accept the gigs I offer at the rates I can pay, but some will negotiate the rate due to varying circumstances, and if we can come to an agreement, I will book them. If not, then I book someone else. These musicians often work for other leaders who I am in competition with, and I don't hold this against them, as it's the nature of the business.

As an independent musician and leader for 20 years,
this arrangement has not only been the norm, but the preferred way to work for musicians. The few bands or offices that are w2 often place restrictions on us working for competing bands, as we are "their" employee and have non-competes in place. While it may or may not be enforced or enforceable in every circumstance, those non-competes create the effect of decreasing the amount of work an individual musician can or is willing to take as they don't want to risk losing jobs with those offices. Yet, those offices can, at the drop of a hat, fire those musicians, and they've lost out on opportunities to network and meet new band leaders on nights they aren't otherwise working to protect against that very issue. And you might argue, how would they know? The music business now lives and dies through the sharing of performance on social media - these musicians are seen working for competitors by these

offices through those posts, and bands have to do them to continue to build a fan base, get new bookings, etc. there are even offices that will accept if a member of one of their bands takes a last minute fill in gig for a band not on their roster - but they have to kick back a certain percentage of the income in order not to get fired, which is literally stealing money out of the hard working musician's pockets to line the agencies coffers when they had not booked the musician to work on their own. Remaining independent solves all of those issues as the bookings are per gig, with no guarantee of future bookings. We all end up performing for a lot of the same leaders over and over because we prove we can do the gig well, and they want us because of our proven professionalism.

The proposed rule threatens my ability to be an independent contractor. An attorney from Troutman Pepper Locke wrote that your proposal "almost entirely eviscerates any chance for most ICs and companies using their services from establishing the workers' IC status." Attorneys at Ogletree Deakins wrote that your proposal "could make it very difficult for businesses to demonstrate that workers are independent contractors." Attorneys at Littler wrote that your proposal would not consider a person to have independent-contractor status even if we have multiple clients, are licensed in our occupation, own a registered business, and even maintain liability insurance or workers' compensation.

At the June 23, 2025, public hearing about your proposal, witnesses from the Chamber of Commerce testified that it would "create substantial challenges for legitimate independent contractors," and that "virtually no work could be independent." The New Jersey Business and Industry Association's witness testified that the result of your proposal "won't be more jobs, it will be fewer jobs" – and your own proposal states that it will not create any jobs.

Testimony at the public hearing also pointed out that New Jersey's Legislature rejected a similar proposal in 2019-20 after it was met with "staunch opposition." Testimony at the recent public hearing was similar, with witnesses being 3-to-1 against your proposal.

Numerous Democratic Party and Republican Party legislators in Trenton have also written letters to the Department, stating that your proposal is likely to harm independent contractors.

Your proposal threatens my ability to be an independent contractor. I urge you to withdraw this proposed rule immediately and in full.

Bradley Madsen

From:	Liya Palagashvili
To:	Fish, David [DOL]
Cc:	Revana Sharfuddin; Duncan Schroeder; Susannah Petitt
Subject:	[EXTERNAL] Written Comment for N.J.A.C. 12:11: NJDOL"s proposal to codify the ABC test
Date:	Monday, August 4, 2025 11:22:47 AM
Attachments:	13818-palagashvili-nj-abc-test-pic-v1a.pdf

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Hello,

Please find attached a written comment in response to NJDOL's proposed regulation to codify its interpretation of New Jersey's ABC test into law.

We are economists who specialize in evaluating the impacts of ABC test laws. Our attached comment presents rigorous and causal empirical research about the likely effects of the proposed rule and is designed to aid the NJDOL as it considers the merits of the rule.

If you have any questions, please do not hesitate to contact us.

Best,
Dr. Liya Palagashvili
Senior Research Fellow, Mercatus Center at George Mason University

Revana Sharfuddin
Predoctoral Researcher, Mercatus Center at George Mason University

MERCATUS CENTER
George Mason University

PUBLIC INTEREST COMMENT

The Labor Market Effects of Codifying the New Jersey ABC Test

DR. LIYA PALAGASHVILI
Senior Research Fellow, Mercatus Center at George Mason University

REVANA SHARFUDDIN
Predoctoral Researcher, Mercatus Center at George Mason University

Codification of ABC Test for Independent Contractor Status (Proposed Rule N.J.A.C. 12:11)
Agency: New Jersey Department of Labor and Workforce Development
Comment Period Opens: May 5, 2025
Comment Period Closes: August 6, 2025
Comment Submitted: August 4, 2025

The New Jersey Department of Labor and Workforce Development (NJDOL) has proposed to codify its interpretation of New Jersey's ABC test (N.J.A.C. 12:11). The proposed regulation presents a narrow interpretation of the case law and creates a significantly more restrictive version of the state's current ABC test.

We are grateful for the opportunity to submit a comment to the NJDOL in response to its proposed rule. Our comment presents rigorous and causal empirical research about the effects of the proposed rule and is designed to aid the NJDOL as it considers the merits of the rule.

Executive Summary

Comprehensive empirical research analyzing the economic impacts of similar ABC test implementations across multiple states, including specific findings for New Jersey, indicates that the NJDOL's proposed rule is highly likely to negatively impact W-2 employment, self-employment, and overall employment in the state, with a pronounced adverse effect on working women. Findings from our research team demonstrate that restrictive ABC tests lead to significant unintended consequences that harm both workers and the broader economy, ultimately contradicting the stated policy objectives of protecting workers and ensuring fair competition.

In particular, our results show that in New Jersey the current ABC test has already caused decreases in employment across the board:

- a 3.81% decrease in W-2 employment (contrary to the goals of New Jersey policymakers)
- a 10.08% decrease in self-employment
- a 3.95% decrease in overall employment

For more information, contact
Mercatus Outreach, 703-993-4930, mercatusoutreach@mercatus.gmu.edu
Mercatus Center at George Mason University
3434 Washington Blvd., 4th Floor, Arlington, VA 22201

The ideas presented in this document do not represent official positions of the Mercatus Center or George Mason University.

More troubling, the New Jersey data reveal stark gender disparities: Women's traditional W-2 employment declined by 7.40%, while men's showed no significant change—raising concerns about disproportionate impacts on women following the policy change. This pattern suggests that the NJDOL's proposed rule—which creates a more restrictive version of the state's current ABC test—may inadvertently create gender-specific barriers in the labor market while failing to deliver its promised worker protections.

ABC tests appear to produce an overkill effect, in which legitimate independent contractors cannot maintain working relationships with hiring entities. While the policy may succeed in reclassifying some genuinely misclassified workers, any benefit is outweighed by the harm to properly classified independent contractors who lose their independent work opportunities without obtaining W-2 employment under the stricter criteria. The result is net job destruction not job protection.

Indeed, state audits that use random sampling methods consistently find that only 1–4% of workers across all industries are actually misclassified, with most cases concentrated in construction services as well as personal and care services. This means 95–99% of independent contractor relationships are legitimate and properly classified. Implementing sweeping ABC test regulations to address such a narrow problem concentrated in a handful of industries risks causing significant collateral damage to the overwhelming majority of properly classified work arrangements.

Worker-classification laws should strike a balance: strong enough to address bad-faith misclassification, but not so restrictive that they deny legitimate freelancers and entrepreneurs the opportunity to work independently. Unfortunately, ABC tests fall on the extremely restrictive end of the spectrum and therefore fail that balancing act. The NJDOL's proposal tips the balance further to the extreme.

Rather than codifying a more restrictive intrepretation of the ABC test across the board—which would harm legitimate workers in order to catch a small minority of violators—New Jersey could instead pursue targeted enforcement in industries with documented misclassification problems. This more precise approach would maximize enforcement effectiveness while protecting the 95–99% of independent contractors who are properly classified and choose this work arrangement. Such targeted policy would achieve the stated goals of combating misclassification without the devastating unintended consequences documented both in our research and by anecdotal evidence from workers in California.

Research Background and Methodology

As economists specializing in labor market policy, our research team has conducted the first causal empirical analysis of ABC tests across the United States from 1990–2024.[1] This research, currently under review for publication, analyzes employment outcomes in nine states that have implemented ABC tests: California, Hawaii, Illinois, Maine, Massachusetts, New Hampshire, New Jersey, New Mexico, and Nevada.

The study uses the Callaway and Sant'Anna Difference-in-Differences (DiD) approach along with an event-study framework tailored to settings with staggered policy adoption. This methodology isolates the causal effects of ABC test implementation on overall employment, traditional (W-2) employment, and self-employment.

[1] This research was conducted with Markus Bjoerkheim. A summary of the results can be found here: https://liyapalagashvili.substack.com/p/new-study-from-gig-to-gone-abc-tests.

We use monthly employment data from the Bureau of Labor Statistics and the Census Bureau's Current Population Survey (CPS). States that adopted the ABC test are treated as the treatment group, and states that retained right-to-control or common law classification standards serve as the control group. Our team also consulted with a law firm to confirm the identity and implementation timing of ABC test states.

Key Findings: ABC Tests Reduce Employment Across All Categories

Our comprehensive analysis reveals that restrictive ABC tests fail to achieve their intended policy objectives and instead produce significant unintended negative consequences for workers. The findings presented represent causal effects—not correlations—established through rigorous econometric analysis using a DiD methodology with multiple robustness checks. All key results are statistically significant at conventional levels, indicating that these outcomes are highly unlikely to have occurred by chance and instead represent systematic policy-induced labor market disruptions.[2]

The implementation of an ABC test led to the following statistically significant declines:

- a 4.73% decrease in W-2 employment (contrary to the goals of policymakers)
- a 6.43% decrease in self-employment
- a 4.79% decrease in overall employment

These numbers represent changes in employment in ABC test states relative to control states (those that retained the common law or right-to-control test). Occupations with high concentrations of independent contractors experienced the largest reductions in employment.

The findings demonstrate that ABC tests do not simply reallocate workers from independent contractor status to traditional employment, as intended. Instead, they reduce employment across all categories, exacerbating job insecurity and restricting access to meaningful work.

Below we present event study graphs that further illustrate the negative effects of the ABC test on traditional (W-2) employment, self-employment, and overall employment over time (see figures 1–3). These visualizations from our event study methodology support the main DiD results. In the graphs, the vertical dashed lines indicate the point at which the ABC test was implemented, and the y-axis coefficients represent the estimated change in employment relative to the pre-implementation period.

As illustrated, both overall employment and traditional (W-2) employment exhibit a significant and sustained decline following ABC test adoption, with effects worsening notably over the subsequent 5–15 years. In contrast, self-employment shows an immediate sharp drop, followed by a slight brief rebound and then a prolonged, pronounced decline.

While our data do not allow us to pinpoint the specific mechanisms at play, the empirical patterns suggest an overkill effect in which legitimate independent contractor relationships are systematically disrupted. Although the policy may succeed in reclassifying some genuinely misclassified workers as intended, any limited benefit is outweighed by a much larger negative impact on properly classified independent contractors who no longer meet the stricter legal criteria. This mechanism explains the declines—rather than the expected reallocation from independent contracting to payroll jobs—we observe in both traditional W-2 employment and self-employment,. The result is net job destruction not job protection.

[2] "Conventional levels" typically refer to p-values less than 0.05, with stronger significance indicated by lower thresholds. In this analysis, significance levels range from $p < 0.01$ to $p < 0.001$.

FIGURE 1. ABC test impact on traditional (W-2) employment

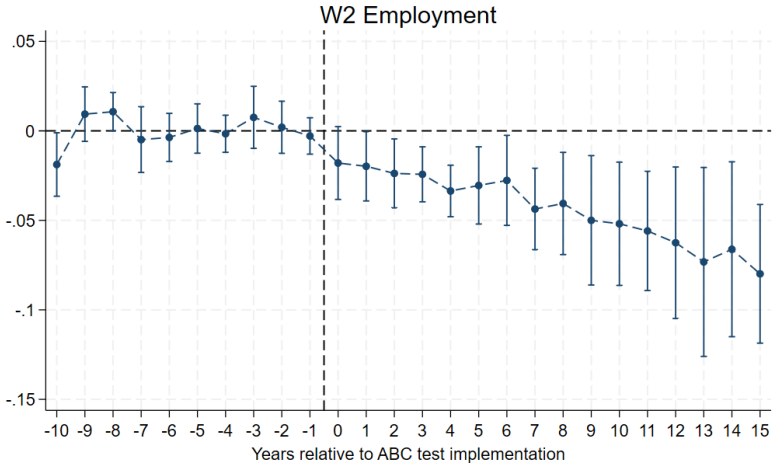


FIGURE 2. ABC test impact on self-employment

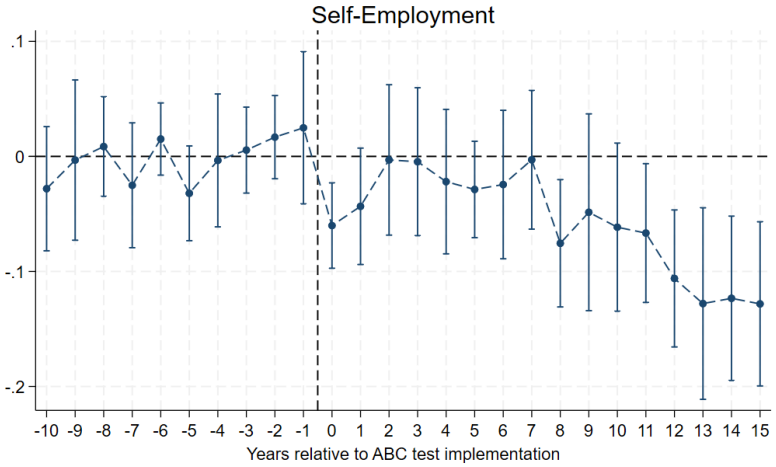
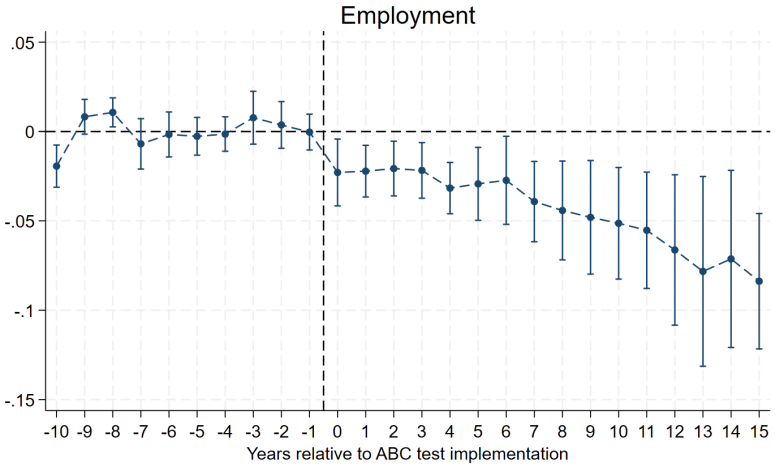


FIGURE 3. ABC test impact on overall employment



New Jersey–Specific Analysis: Significant Negative Impact on Workers

To generate the New Jersey–specific results, our research team conducted a targeted analysis isolating New Jersey as the sole treatment state, while maintaining the same control group of common law and right-to-control states to ensure methodological consistency with our broader multi-state study.

This approach leverages New Jersey's ABC test implementation period from 1995 to 2024, providing nearly three decades of data.[3] The findings represent true causal effects—not spurious correlations—all statistically significant at conventional levels.

Our analysis finds that New Jersey's current ABC test has caused the following employment declines:

- a 3.81% decrease in W-2 employment (contrary to the goals of New Jersey policymakers)
    - including a 7.40% reduction in female W-2 employment (indicating disproportionate harm to women's W-2 employment opportunities)
- a 10.08% decrease in self-employment
- a 3.95% decrease in overall employment

These numbers reflect changes in New Jersey employment outcomes under the ABC test relative to control states (those that maintained common law or right-to-control tests during this period), allowing for a clean comparison of policy effects. Consistent with our national findings, New Jersey's ABC test produced significant negative impacts on both W-2 employment and self-employment—contradicting the policy's stated objective of increasing traditional employment. Even more troubling is that the New Jersey data reveals stark gender disparities: Women's traditional W-2 employment declined by 7.40%, while men's showed no statistically significant change. This pattern suggests that the NJDOL's proposed rule—which creates a more restrictive version of the state's current ABC test—may inadvertently create gender-specific barriers in the labor market while failing to deliver its promised worker protections.

California's Experience: A Cautionary Tale

A separate study by our research team analyzing California's Assembly Bill 5 (AB5)—the most stringent implementation of the ABC test in the nation—provides compelling additional evidence of the harmful effects of such policies. After California codified the ABC test into law through AB5,[4]

- self-employment fell by 10.5% for non-exempt occupations,
- overall employment decined by 4.4% for non-exempt occupations, and
- no robust evidence emerged of increased traditional employment in those same non-exempt occupations.

Additionally, news outlets reported business closures and relocations following AB5's enactment. The real-world consequences proved severe enough that California faced significant political backlash, ultimately requiring the state to carve out exemptions for more than 100 occupations—a tacit acknowledgement that the policy was causing more harm than benefit. Even with these numerous

[3] The New Jersey ABC test has applied to wage and hour law since at least 1995, as documented in the New Jersey Supreme Court Case Hargrove v. Sleepy's (2015).

[4] Liya Palagashvili et al., "Assessing the Impact of Worker Reclassification: Employment Outcomes Post-California AB5" (Mercatus Working Paper, Mercatus Center at George Mason University, Arlington, VA, January 31, 2024).

carve-outs, the remaining non-exempt occupations continued to experience substantial economic disruption, without achieving the law's stated objectives of increased worker protections and traditional employment.

The California experience serves as a cautionary tale: Even the most aggressive ABC test implementation, initially backed by extensive political support and later modified with industry-specific exemptions, failed to deliver its promised benefits, while it created documented harm to workers. NJDOL's proposed regulation will likely have a more widespread and severe impact on workers because, unlike California's AB5—which included exempetions for over 100 industries—there are no indications of any exemptions under the proposed rule.

Policy Implications

According to state reports using a random audit approach, less than 5% of workers across all industries are misclassified, with most cases concentrated in construction services and personal and care services. Critically, state audit reports using random sampling methods—which provide the most statistically representative estimates—consistently find that only 1–4% of workers across all industries are misclassified.[5] This means 95–99% of independent contractor relationships are legitimate and properly classified. Implementing sweeping ABC test regulations to address such a narrow problem concentrated in only a handful of industries risks causing massive collateral damage to the overwhelming majority of properly functioning independent contractor arrangements.

Rather than adopting broad ABC test codification that harms legitimate workers while attempting to catch a small minority of violators, New Jersey could instead pursue targeted enforcement in industries with documented misclassification problems. This more precise approach would maximize enforcement effectiveness against actual violations while protecting the livelihoods of 95–99% of independent contractors who are properly classified and choose this work arrangement. Such targeted policy would achieve the stated goals of combating misclassification without the severe negative consequences documented in our research.

Conclusion

The empirical evidence strongly suggests that codifying NJDOL's interpretation of New Jersey's ABC test would have the following effects:

- Reduce overall employment, self-employment, and W-2 employment in the state
- Disproportionately harm women's W-2 employment prospects
- Fail to increase traditional employment as intended

These outcomes directly contradict the policy's stated objectives of protecting workers. Rather than helping workers, the proposed rules risk harming the very people they intend to protect, while

[5] We reviewed all accessible state audit reports on worker misclassification listed in the appendix of the National Employment Law Project's (NELP) 2020 study, *"Independent Contractor Misclassification Imposes Huge Costs on Workers and Federal and State Treasuries."* We also included newer reports not in the NELP study, such as Minnesota's 2024 and Maryland's 2025 audits. From these, we selected only those that used random audits, as they offer the most representative data on misclassification across industries. In contrast, targeted audits—based on referrals or complaints—are biased, since they disproportionately include employers or industries more likely to misclassify workers, thereby inflating misclassification rates. Random audits give every employer an equal chance of selection, ensuring far more accurate estimates.

imposing significant costs on New Jersey's economy. The weight of empirical evidence demonstrates that broad ABC test implementation creates more problems than it solves.

Worker-classification laws should strike a balance: strong enough to address bad-faith misclassification, but not so restrictive that they deny legitimate freelancers and entrepreneurs the opportunity to work independently. Unfortunately, ABC tests fall at the most restrictive end of the regulatory spectrum, and therefore fail to achieve that balance. The NJDOL's proposal tips the balance further to the extreme.

From: Kristi Howell
To: Fish, David [DOL]
Subject: [EXTERNAL] Codifying of ABC Test
Date: Monday, August 4, 2025 11:24:51 AM

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Mr. Fish
Please accept these comments on behalf the over 500 members representing over 35,000 employees of the Burlington County Regional Chamber of Commerce.
We strongly oppose to the New Jersey Department of Labor and Workforce Development's proposed regulations purporting to "codify" the ABC test for independent contractor classification. While framed as a restatement of existing law, the proposal is, in substance, a sweeping and unilateral redefinition of settled legal standards, one that would dramatically narrow the pathways to independent work in the state. The proposal raises profound legal, economic, and procedural concerns and should be withdrawn in its entirety.
NJDOL is attempting to codify a law that the NJ State Legislature has deemed inappropriate & has declined to entertian.
The Proposal Mischaracterizes Existing Law and Substantively Alters the ABC Test
Despite claiming to "codify" existing law, the proposed regulations make substantial changes to each prong of the ABC test:
· Prong A is redefined to treat basic compliance and safety practices as evidence of control, including the use of digital platforms, location tracking for customer transparency, or ensuring insurance coverage. These are standard, often legally required, business practices—not indicia of employer-employee control.
· Prong B is artificially narrowed by redefining "places of business" to include a worker's own vehicle when used in transportation services. This reinterpretation effectively eliminates a key avenue of independent work under current New Jersey law and contradicts the Third Circuit's prior holding that New Jersey's test remained lawful precisely because it left this option open.
· Prong C is restricted by declaring that hallmarks of independent work—such as professional licensure, servicing multiple clients, or receiving a 1099 form—are "irrelevant." This approach minimizes real-world evidence of independence in favor of a presumption of employment.
These changes are not codification—they are transformation. By reframing routine practices and markers of autonomy as insufficient or irrelevant, the Department's proposal effectively flips the ABC test into an "employment presumption" standard, which is inconsistent with New Jersey's judicial precedents.
The Proposal Conflicts with Federal Law
The proposal squarely conflicts with the Federal Aviation Administration Authorization Act (FAAAA), which preempts state laws that interfere with the services, routes, or pricing of motor carriers. The Third Circuit previously upheld New Jersey's ABC test

only because Prong B allowed motor carriers to classify drivers as independent contractors if they operated outside the “place of business.” By redefining a driver’s own vehicle as a “place of business,” the proposed rule closes that path, effectively preempting contractor models in the transportation industry and inviting a direct legal challenge.

Additionally, the proposed rule may place New Jersey in violation of federal unemployment compensation standards. Federal law limits unemployment benefits to eligible workers. App-based gig workers have repeatedly been deemed ineligible under federal guidance, including by the U.S. DOL and the NJDOL itself during the pandemic. By enabling payment of benefits to ineligible gig workers, the proposed regulation risks the loss of federal administrative funding and employer tax credits.

The Proposal Is Arbitrary, Capricious, and Unsupported by Evidence

The Administrative Procedure Act requires that rulemaking be evidence-based. The Department’s economic and equity justifications are threadbare and defy common sense.

· Jobs Impact: The Department’s claim that the proposal will have “no effect on jobs” is both logically and empirically false. Narrowing independent work pathways will inevitably lead to job losses—not just among contractors, but among traditional employees who benefit from the economic multiplier effect of gig-based businesses.

· Equity Analysis: The rule will disproportionately harm the very groups it purports to help. Women, caregivers, racial minorities, immigrants, and people with prior justice system involvement disproportionately rely on flexible, independent work. Eliminating these options will reduce—not enhance—their economic inclusion.

The Department fails to engage with extensive research documenting these effects and cites no countervailing data. This lack of justification renders the rule arbitrary and capricious under New Jersey law.

The Proposal Improperly Targets Specific Industries

Several provisions of the proposed rule appear designed to disadvantage specific sectors, including rideshare, trucking, and drywall installation. By preemptively declaring workers in these industries as employees, the rule eliminates fact-specific inquiry and substitutes a regulatory decree. This approach short-circuits individualized adjudication, undermines due process, and violates long-standing principles of employment law.

The Proposal Would Harm Workers, Public Safety, and New Jersey’s Economy

The proposal not only threatens the livelihoods of thousands of legitimate independent contractors—it also introduces perverse consequences:

· Loss of Flexible Work: Independent contracting allows workers to earn supplemental income on their own schedules. Converting these opportunities to employment—where flexibility is lost—will force many out of the workforce entirely.

· Public Safety Risks: The rule punishes companies for exercising oversight in the name of safety and compliance. Treating legal compliance or safety monitoring as “control” discourages responsible contracting.

· Business Uncertainty: The sweeping nature of this change, combined with its inevitable legal challenges, will create regulatory uncertainty that chills investment, disrupts services, and slows job creation.

This is yet another overstep on the part of NJ Government to over regulate the businesses that support economic vitality in our state.

Thank you,

-Kristi

Kristi M. Howell
President/ CEO
Burlington County Regional Chamber of Commerce
Connect. Grow. Succeed.
520 Fellowship Road, E 502
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O: 856-439-2520 ext. 103
C: 609-351-2893
Schedule a meeting with me

From:	Paul Rozenberg
To:	Fish, David [DOL]
Cc:	Paul Rozenberg
Subject:	[EXTERNAL] Shipping Assocation of NY & NJ - Comments on PRN 2025-051
Date:	Monday, August 4, 2025 12:02:59 PM
Attachments:	SANYNJ - PRN 2025-051 Comments.pdf

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Dear Mr. Fish,

I hope you had a good weekend. On behalf of the Shipping Association of New York & New Jersey, please find the attached comments on PRN 2025-051, Proposed New Rules N.J.A.C. 12:11.

At your earliest convenience, please confirm receipt of the comments. If you have any questions or need additional information, please let me know.

Thanks,
Paul

August 4, 2025

Robert Asaro-Angelo
Commissioner
New Jersey Department of Labor and Workforce Development
1 John Fitch Plaza
Trenton, New Jersey 08625

RE: PRN 2025-051 - Proposed New Rules N.J.A.C. 12:11

Dear Commissioner Asaro-Angelo:

These written comments are being submitted on behalf of the Shipping Association of New York & New Jersey ("SANYNJ"), which represents marine terminal operators, stevedore companies, ocean carriers, and port security companies that operate in the Port of New York & New Jersey (the "Port").[1] These written comments supplement the testimony that the undersigned provided to the Department of Labor and Workforce Development (the "Department") on June 23, 2025.

SANYNJ understands and supports the Department's intent to protect workers by ensuring their proper classification as employees or independent contractors with Proposed New Rules N.J.A.C 12:11 (the "Proposed Rules"). However, the Proposed Rules do the opposite and, instead, the proposal is a vivid example of good intentions gone awry that will, in fact, cause irreparable harm to the intended beneficiaries. Not only will the Proposed Rules rob an entire class of independent contractors from directly benefitting from their labors and entrepreneurial opportunities, but they will seriously challenge New Jersey's cargo logistics industry and threaten the state's and the nation's supply chain and economies that are dependent on independent owner-operator port truck drivers and other independent contractor service providers. Therefore, SANYNJ strongly opposes the Proposed Rules and urges the Department to reconsider the measure with full stakeholder participation.

[1] The Shipping Association of New York and New Jersey also has associate members that perform services ancillary to the transportation of cargo including container maintenance and repair, lashing, and depot operation.

The Port of New York & New Jersey

The Port is one of the largest cargo gateways in the United States; in fact, it was the busiest port in the country in March[2] and May 2025[3], based on cargo handled. According to Anne Strauss-Wieder, the former Director of Freight Planning at the North Jersey Transportation Planning Authority, the Port is an economic engine that propels economic prosperity in New Jersey, as well as the 31-county New York-New Jersey-Pennsylvania port region.[4] In her *2023 Report on the Economic Value of the New York-New Jersey Port Industry*, it was stated that in 2022, the Port supported over 470,000 jobs in New Jersey and generated more than $38 billion in personal income for New Jersey citizens, nearly $108 billion in business activity, and nearly $13 billion in federal, state, and local taxes.[5] Those numbers are even higher now as cargo volume at the Port has grown significantly since then.

Port Authority statistics show that in 2024, 13.5% of all cargo coming over water to the United States came through the Port.[6] Moving that cargo and keeping New Jersey's and the nation's supply chain flowing is dependent on the legions of truck drivers that load their chassis with containers and haul them to their next destination. According to recent Port Authority data, 75 percent of truck drivers operating at the Port are owner-operators and work as independent contractors because it allows these entrepreneurs to be their own bosses, work their own hours, and earn a living on their terms.[7]

Proposed Rules' Interpretation of the ABC Test

The livelihood and wellbeing of owner-operator port truck drivers, as well as other small business owners in New Jersey, are being put at risk by the Proposed Rules. The most troublesome aspect of the Proposed Rules is the articulated interpretation of the ABC test, particularly as they refer to Prongs A and B of this test. With all due respect, the interpretation is overly broad, confusing, and does not conform with established case law that the Proposed Rules are alleged to be derived from.

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[2] "Port of NY and NJ was the Busiest U.S. Port for Loaded Cargo in March," available at https://www.portbreakingwaves.com/port-of-ny-and-nj-was-busiest-u-s-port-for-loaded-cargo-in-march/

[3] "Port of NY & NJ is Nation's Busiest Cargo Gateway in May 2025," available at https://www.portbreakingwaves.com/port-of-ny-nj-is-nations-busiest-cargo-gateway-in-may-2025/

[4] Anne Strauss Wieder, *The 2023 Report on the Economic Value of the New York – New Jersey Port Industry,* available at: https://3ji587.p3cdn1.secureserver.net/wp content/uploads/2021/12/2023SANYNJEconomicImpactStudy.pdf

[5] Of the nearly $13 billion in total tax revenue, federal tax revenue was over $8.1 billion, and state and local tax revenue was over $4.5 billion.

[6] "2024 At A Glance," available at https://www.panynj.gov/content/dam/port/our-port/PONYNJ_AtAGlance2024.pdf

[7] April 2025 data from the Port Authority of NY & NJ and SeaLink Registration Database.

Prong A of the ABC Test is Overbroad, Lacks Clarity, and May Lead to Dangerous Consequences

N.J.A.C. 12:11-1.3, which implements Prong A of the ABC Test, is overbroad and gives the Department *carte blanche* in determining a worker's classification. For example, Prong A states that the list of factors used to determine "whether the putative employer has exercised control over the details and means by which the services are performed by the individual" is intended to be illustrative, not exhaustive,[8] and that additional factors may be considered.[9] However, Prong A further states that factors enumerated are not meant to be a checklist and that there are no set number of factors that will result in finding that a putative employer has either met or not met its burden under Prong A.[10] Thus, the Proposed Rules would give regulators unchecked authority in determining whether a business satisfies the threshold for the exercise of control that would be indicative of an employer-employee relationship with no actual notice provided to the potential employer. Department personnel, or perhaps an AI algorithm, could simply determine an employer-employee relationship exists under any given circumstance based on factors unknown and unannounced to the putative employer.

Further, one of the factors in the enumerated list indicating control is whether a putative employer provides training to an individual.[11] This articulated factor simply casts too wide a net and is not an accurate indicia of an employment relationship, particularly at safety-sensitive sites. Service providers, particularly those that access safety-sensitive marine cargo handling facilities in the Port, whether employees or independent contractors, would require some kind of training to ensure they are familiar with the facility's systems and processes, to ensure that they can safely provide their services. If the mere provision of training is indicative of control over an individual and designates an employer-employee relationship for purposes of the Proposed Rules, then virtually no one seeking access to a marine cargo handling facility to perform services could qualify as an independent contractor.

Finally, Prong A states that any control exercised or direction given by a putative employer for the purpose of maintaining compliance with a law or regulation will be considered in determining an employer-employee relationship.[12] Businesses would be disincentivized from ensuring their independent contractors comply with laws and regulations, including safety and security regulations, in order to maintain a worker's independent contractor classification. This can lead to overlooking risky and unlawful behavior just to ensure independent contractor status. Such a factor would be particularly dangerous for independent contractor service providers that would normally be required to provide proof of certain licenses held or credentialling standards

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[8] N.J.A.C. 12:11-1.3(c)(2)(i), 57 N.J.R. 894(a), 898
[9] N.J.A.C. 12:11-1.3(d), 57 N.J.R. 898
[10] N.J.A.C. 12:11-1.3(e). 57 N.J.R. 898
[11] N.J.A.C. 12:11-1.3(c)(2)(i)(9), 57 N.J.R. 898
[12] N.J.A.C. 12:11-1.3(f), 57 N.J.R. 898

attained before performing services. Thus, not only is this provision overbroad, but it will lead to situations that endanger workers, independent contractors, and others around them.

SANYNJ is concerned that the relationship between trucking companies that may contract with independent owner-operators to deliver cargo to, or retrieve cargo from, these facilities will be eliminated under the Proposed Rules, which will have a devasting impact on the availability of port drivers and cause significant disruption to port operations. While SANYNJ is confident that an employment relationship cannot be established between its member companies that operate marine cargo handling facilities in the Port and truck drivers seeking to pick up and drop off cargo at such facilities. It is concerned that issues regarding joint-employer status, though inappropriate, may be mistakenly argued or assumed given the overbroad nature and lack of clarity of the Proposed Rules.

Prong B Does Not Conform With Existing Case Law Cited in the Proposed Rules

Prong B of the ABC tests states, when it comes to determining a worker's status based whether the work is conducted at a putative employer's integral place of business, "[t]he locations where the putative employer conducts an 'integral part of its business,' include, but are not limited to, locations ***outside*** of the putative employer's physical plant, where the services performed by the individual are an essential component of, rather than ancillary to, the putative employer's business. ***This includes the residence or place of business of the putative employer's client or customer, when the services performed by the individual at such location are an essential component of, rather than ancillary to, the putative employer's business***."[13]

Not only is extending a place of business to include a private residence or customer-owned location overbroad by expanding a place of business to virtually anywhere, but it flies in the face of case law the Proposed Rules purport to follow, *see Carpet Remnant Warehouse, Inc. v. New Jersey Department of Labor*, 125 N.J. 567 (1991).[14] In that case, the then-Labor Commissioner found that independent carpet installers were employees of a carpet company, Carpet Remnant Warehouse ("CRW"), partly by finding that installing a carpet at a residence fell under the definition of a previous ALJ decision that "'installation service is not outside the usual course of [the carpet retailer's] business' and that the retailer's places of business "may broadly be said to extend to every geographical point of installation."[15]

However, the New Jersey Supreme Court (the "Court") disagreed and clarified by stating that , "[u]nder that definition of "places of business," for a person to satisfy the B standard's second alternative would be practically impossible. In our view, that phrase refers only to those locations where the enterprise has a physical plant or conducts an integral part of its business. Hence, we

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[13] Proposed N.J.A.C. 12:11-1.4(g) (emphasis provided), 57 N.J.R. 899

[14] In its summary, the Proposed Rules state, "[t]he Department's interpretation of the ABC test relies heavily on the New Jersey Supreme Court (Court) opinions in Carpet Remnant Warehouse, Inc. v. New Jersey Department of Labor, 125 N.J. 567 (1991)..." 57 N.J.R. 894

[15] *Carpet Remnant Warehouse, Inc. v. New Jersey Department of Labor*, 125 N.J. 567, 591-592 (1991)

find that the residences of CRW's customers are clearly "outside of all the places of business of [CRW]."[16] Prong B expressly violates the Court's findings by expanding the definition of "place of business" to include residences and customers' places of business.

Effects of the Proposed Rules on the Port

The Proposed Rules would not only be a major blow to the owner-operator truck drivers that service the Port but will harm all maritime business in the Port and present challenges to the supply chain. Independent contractors enjoy benefits that employees do not, including the ability to obtain higher earnings from their operations, scheduling flexibility, and controlling their work. Without the freedom and financial incentives that come from being independent contractors, many independent owner-operators will leave New Jersey for other ports in states that are not as restrictive. Fewer independent owner-operators means less drayage capacity to move goods and keep the supply chain moving. The Port is already facing significant headwinds, such as uncertainty from the federal government on tariffs. Adding the Proposed Rules to the mix will lead to a serious disruption of the economic engine that the Port has been to the state and national economy. Further, without reliable port drayage options, ocean carriers will divert shipments from the Port in favor of other ports with reliable drayage services. This will negatively affect the number of jobs the Port supports as well as the amount of tax revenue it generates.

As currently written, the Proposed Rules not only threaten the supply chain and New Jersey's economic vitality, but it harms the very people it meant to protect by creating uncertainty particularly with regard to the status of independent owner-operator truck drivers that service the Port, depriving them of the benefits that come with being independent contractors. We urge the Department to reconsider this proposal and restart the rulemaking process with the full participation of all stakeholders who may be affected by this, including those in the trucking and maritime industries.

Very truly yours,

Paul Rozenberg
Director of Governmental Affairs
Shipping Association of New York & New Jersey

[16] *Id.* at 592.

From: Brittany VanDerBill
To: Fish, David [DOL]
Subject: [EXTERNAL] Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors
Date: Monday, August 4, 2025 12:27:13 PM

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Dear Mr. Fish,

I am writing in opposition to Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors. I ask the Department to withdraw this proposal in full.

I've operated my own business for a decade. I have no employees, so you could call me a freelancer or independent contractor. My non-employer business has given me freedom and flexibility beyond anything I have ever found in a traditional W2 role.

Independent contracting isn't for everyone, just like being an employee isn't for everyone. The important thing is that right now, people can choose what type of role works best for them. The rule you are proposing will eliminate that freedom, forcing independent contractors in New Jersey out of business.

An attorney from Troutman Pepper Locke wrote that your proposal “almost entirely eviscerates any chance for most ICs and companies using their services from establishing the workers’ IC status.” Attorneys at Ogletree Deakins wrote that your proposal “could make it very difficult for businesses to demonstrate that workers are independent contractors.” Attorneys at Littler wrote that your proposal would not consider a person to have independent-contractor status even if we have multiple clients, are licensed in our occupation, own a registered business, and even maintain liability insurance or workers’ compensation.

At the June 23, 2025, public hearing about your proposal, witnesses from the Chamber of Commerce testified that it would “create substantial challenges for legitimate independent contractors,” and that “virtually no work could be independent.” The New Jersey Business and Industry Association’s witness testified that the result of your proposal “won’t be more jobs, it will be fewer jobs” – and your own proposal states that it will not create any jobs.

Testimony at the public hearing also pointed out that New Jersey’s Legislature rejected a similar proposal in 2019-20 after it was met with “staunch opposition.” Testimony at the recent public hearing was similar, with witnesses being nearly 3-to-1 against your proposal.

Numerous Democratic Party and Republican Party legislators in Trenton have also written letters to the Department, stating that your proposal is likely to harm independent contractors.

Your proposal threatens the ability to be an independent contractor in New Jersey. I urge you to withdraw this proposed rule immediately and in full.

Thank you for your time.

Brittany VanDerBill
Content Writer for Businesses, Agencies, & Publications
Portfolio | Testimonials | LinkedIn

From: Julianne Pepitone
To: Fish, David [DOL]
Subject: [EXTERNAL] Independent contractor comments re: ABC test/NJAC 12:11
Date: Monday, August 4, 2025 1:04:29 PM

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Dear Mr. Fish,

I am an independent contractor living in Lincroft, NJ, and I am writing to you about the Proposed Rule N.J.A.C. 12:11 and the proposed ABC test.

While I completely understand and appreciate the spirit behind the bills -- to protect constituents whom companies misclassify as "freelancers" but treat like full-time employees sans benefits -- as written the legislation would decimate my way of living.

I am not a misclassified worker. I resigned from my job as a journalist at NBC News in 2016 because I chose to go freelance, working with several clients over the course of 9 years on projects that I select and complete on my own schedule. I'm so proud to have built a successful business (which you can see on my site) for myself, my husband, and my three young children, with whom I can spend more time as a result of my status as a full-time freelancer.

The idea of losing my business fills me with so much fear and dread that I cannot overstate it. I beg you to consider the unintended consequences of the bill as written for those of us who choose to become freelancers in the true and lawful sense of the term.

Thank you so much for your consideration,
Julianne Pepitone Caughel, Lincroft, NJ

From: Thomas Bailey
To: Fish, David [DOL]
Cc: Rasma Zvaners
Subject: [EXTERNAL] American Bakers Association Submission of Written Comments on NJDOL Proposed Rule on Independent Contractor Status Proposal Number: PRN 2025-051
Date: Monday, August 4, 2025 1:23:15 PM
Attachments: image076879.png
ABA NJ ABC Test Comments - Final.pdf

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David,

Please find attached the American Bakers Association's written comments in response to the New Jersey Department of Labor and Workforce Development's proposed rule to codify its interpretation of the ABC test for determining independent contractor status, Proposal Number: PRN 2025-051.

ABA and its members are closely monitoring and engaging on this issue, given its potential impact on workforce flexibility and operations across the baking sector.

If you have any questions or would like to discuss further, please don't hesitate to reach out.

Best,
Thomas

THOMAS BAILEY
DIRECTOR, GOVERNMENT RELATIONS

202.796.3554 Office
302.222.9813 Mobile
AmericanBakers.org

AMERICAN BAKERS ASSOCIATION

August 4, 2025

By Electronic Submission

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
PO Box 110, 13th Floor
Trenton, NJ 08625-0110

RE: <u>Comments, Proposed Rule Implementing ABC Test</u>
PRN 2025-051, N.J.A.C. 12:11 (May 5. 2025)

Dear Mr. Fish:

The American Bakers Association ("ABA") appreciates the opportunity to provide our industry's perspective on the Department of Labor and Workforce Development's Notice of Proposed Rule Making ("Proposed Rule") regarding the applicable test for determining Independent Contractor Status under N.J.S.A. 43:21-19(i)(6)(A)-(C), commonly known as the ABC Test.

The American Bakers Association (ABA) is the largest, most established, and diverse trade association for the commercial baking industry in the United States. ABA's community includes more than 370 member companies representing over 1,200 commercial baking facilities and the extensive industry supply chain.

Since 1897, ABA has served as the voice of the baking industry, offering compelling advocacy, insightful thought leadership, and comprehensive research on industry trends. ABA members also benefit from extensive business services including premier networking events, impactful knowledge sharing, and effective workforce development programs and training resources. ABA is committed to enhancing its mission by growing the category and promoting the industry as the destination workplace.

As might be anticipated, wholesale baking companies need to ensure that their products are distributed to retail outlets in a safe, timely and efficient manner. Throughout the industry's history, many companies have utilized employees to accomplish this function, and many still do, successfully. A sizable number of employees who work in such positions are represented by labor unions and are covered by collective bargaining agreements. Other groups of employed driver-sales workers have not chosen union representation. The employee model for product distribution has been shown to work well for certain companies and certain groups of employees in certain locations. At the same time, for over seven decades, many companies in the baking industry outsource their distribution to third-party independent contractors – in whole or in

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combination with employee drivers (e.g., in different regions of their operations) – to sell, distribute, and merchandise the products of baking manufacturers, though notably, the use of such arrangements has been on the rise since the late 1990s and early 2000s.

In distribution agreements, a baking company will typically grant or sell to an Independent Distributor the right to distribute products within a sales area or territory and to market and sell those products to retailers and other accounts within that area. These Independent Distributors operate their own businesses, purchasing product from a bakery for resale in the Independent Distributor's territory. Independent Distributors invest in their own delivery vehicles, delivery routes, and hired personnel to create an alternative distribution method for wholesale bakeries. These Independent Distributors create jobs and allow individuals the opportunity to become small business owners who have the opportunity to sell and distribute nationally and regional known baked goods.

Independent Distributors can generate profits (or conversely, suffer losses) from their sales and distribution activities. An Independent Distributor's profits depend, again, upon an Independent Distributor's sales strategy, initiative, business plan, and management of its employees and vehicles, among other factors. An Independent Distributor's customer relationships, business development efforts, success in negotiating additional space and displays in its customers' stores, strategic use of employees, agents, and equipment, and good customer service – all factors within the Independent Distributor's control and dependent upon their business acumen – dictate the ultimate success of his or her business. And these businesses can be very successful: the value of distribution rights has led to the development of a robust marketplace wherein Independent Distributors can manage a successful business by buying, selling, and trading distribution rights.

The option to have meaningful income is not the only factor that draws Independent Distributors to this market; while independent distributorship requires significant investment, the reward for entrepreneurial drive and initiative is greater flexibility and economic rewards coming out of the manufacturer-distributor relationship. Overall, for those commercial baking companies that choose this independent contractor business model, it serves as a bridging mechanism connecting baking businesses to Independent Distributors to grow and sustain this portion of the economy.[1]

The standard for determining independent contractor status is, therefore, significant to many ABA members, who rely on distribution arrangements like those described above. Although the ABA appreciates New Jersey's efforts to regulate in this space – perhaps due to a desire to oversee relationships with different histories, features and characteristics that have emerged in recent years – the ABA has members who are concerned that the Proposed Rule defines

[1] The substantial investment of an Independent Distributor, coupled with significant opportunity for profit, distinguishes these independent contractors from many independent contractors more readily associated with the "gig" economy.

independent contractor relationships far too narrowly, which will harm those members and the Independent Distributors with whom they contract. The ABA respectfully urges New Jersey to allow New Jersey's current ABC test to remain intact.

I. The Proposed Revisions to New Jersey's ABC Test

As a general matter, New Jersey employment law distinguishes between employees and independent contractors using the ABC test.[2] The ABC test comes out of the State's Unemployment Compensation Law,[3] which establishes three criteria:

A. The worker has been and will continue to be free from control or direction over the performance of the service, both under the contract and in fact;

B. The worker's service is either outside the usual course of the business for which the service is performed, or the service is performed outside all the usual places of business of the enterprise for which the service is performed; and

C. The worker is customarily engaged in an independently established trade, occupation, profession, or business.

These criteria also have been incorporated into the New Jersey Wage Payment Law[4] and the New Jersey Wage and Hour Law.[5] Thus, under all three laws, workers are independent contractors only when they meet all three criteria. If they do not, they are employees. The Department's current proposal seeks to expand on the ABC test by rule.[6] The Proposed Rule purports to clarify the three criteria by "codifying" caselaw, including the New Jersey Supreme Court's opinions in *Carpet Remnant Warehouse, Inc. v. New Jersey Department of Labor*[7] and *East Bay Drywall, LLC v. Department of Labor and Workforce Development*,[8]as well as the Department's own interpretations, however, the revised approach it envisions would be problematic for baking companies and the small businesses who choose to enter into these Independent Distributor arrangements.

II. The Proposed Rule, Unfortunately, Exemplifies Regulatory Overreach

a. Misapplication of "Place of Business" as "Location of Performed Service"

[2] N.J.S.A. 43:21-19(i)(6)(A)-(C).
[3] N.J.S.A. 43:21-1 *et seq.*
[4] N.J.S.A. 34:11-4.1 *et seq.*
[5] N.J.S.A. 34:11-56(a)(4) *et seq.*
[6] N.J.A.C. 12:11.
[7] 125 N.J. 567 (1991).
[8] 251 N.J. 477 (2022).

Simply because Independent Distributors may transport baked goods to local retailers should not automatically mean they are employees working from a bakery remotely. Rather, such Independent Distributor arrangements reflect the mutual agreement of the individuals investing in the establishment of their own businesses – including the purchase of equipment and distribution rights to the routes they acquire – and the companies that conclude that their regions and customers can best be served through that structure. For the individuals, they can control their schedules and work activities (while meeting their contractual obligations) and consider additional opportunities, staffing support and customer expansion. But under the Proposed Rule, such Independent Distributors could be classified as employees, even if those Independent Distributors desire the flexibility of an independent contractor relationship, and multiple factors point to that independent status.

b. Federal Law Preempts the Proposed Rule

The Proposed Rule further conflicts with federal law. The Federal Aviation Administration Authorization Act (FAAAA) has a preemption provision that notes state laws generally cannot regulate the service of a motor carrier engaged in interstate commerce.[9] The Department's Proposed Rule, therefore, could conflict with federal law when applied to Independent Distributors, who are largely considered motor carriers subject to the jurisdiction of the U.S. Secretary of Transportation and whose "place of business" may be a delivery vehicle.[10] This issue, of course, directly concerns ABA members, who may utilize the services of Independent Distributors who typically distribute product that was baked outside of New Jersey but shipped into the state through a stream of interstate commerce. This is particularly true in New Jersey, where non-New Jersey bakeries ship product to New Jersey Independent Distributors for immediate distribution to the Independent Distributors' New Jersey customers.

III. Compliance with the Proposed Rule Is Impracticable

Of utmost importance to the ABA is the vitality of the commercial baking industry and its ability to provide jobs, sustain business, and contribute to the economy. While the Proposed Rule stated its intent was to clarify the statute[11], it could be argued that it narrows the scope from which businesses can elect to contract with specialized services.

The Proposed Rule is further problematic given how it differs from other state laws. Even if the Proposed Rule is not preempted, the Proposed Rule will contribute to a patchwork of laws, which makes compliance impracticable for employers. Specifically, the Proposed Rule will,

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[9] 49 U.S.C. § 14501.
[10] N.J.A.C. § 12:11-1.4(g)(iii)(c).
[11] N.J.S.A. 43:21-19(i)(6)(A)-(C).

unfortunately, make New Jersey a less desirable place to conduct business. It also would run afoul of Federal law and broader policy interests. See, e.g., *Schwann v. FedEx Ground Package Sys.*, 813 F.3d 429 (1st Cir. 2016) (purpose of the FAAAA's broad preemption provision is to make sure states "not undo federal deregulation" and "avoid 'a patchwork of state service-determining laws, rules, and regulations'"); *Bedoya v. Am. Eagle Express*, 914 F.3d 812 (3d Cir. 2019) ("[T]he FAAAA preemption provision's central objective is to avoid frustrating the statute's deregulatory purpose by preventing states from imposing 'a patchwork of state service-determining laws.'").

IV. Conclusion

The ABA appreciates the opportunity to provide its views for consideration on this important matter. Given the frequency with which ABA members engage in independent contracting to conduct regular business activities, ABA believes guidance is critical for members and the baking industry at large. Unfortunately, ABA believes the guidance in this Proposed Rule could have a negative impact on our members and a large number of Independent Distributors who choose to use this business model. Further, we believe that our members should have the flexibility to choose between the independent contractor and employee models in their businesses; individual workers also should have the opportunity to apply their efforts through Independent Distributor arrangements when and where they are available. The ABA urges the Department to consider the impacts on the commercial baking industry that this Proposed Rule would have. If you have any further questions, please reach out to Thomas Bailey who can be reached at tbailey@americanbakers.org.

Respectfully submitted,

Rasma Zvaners
Vice President, Government Relations

From:	Anthony Russo
To:	Fish, David [DOL]
Cc:	Kathy Agudo; Tracy Denora
Subject:	[EXTERNAL] CIANJ Comments (ABC Test: Independent Contractors) Rule Proposal
Date:	Monday, August 4, 2025 1:42:00 PM
Attachments:	image001.png image002.png image003.png IndependentContractorRuleComments2025(CIANJ).pdf

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Good afternoon David

I hope all is well. Attached please find the Commerce and Industry Association of New Jersey (CIANJ)'s comments on the referenced rule proposal. Please note we are also submitting comments on behalf of the New Jersey Warehouse and Movers Association. Thank you for the opportunity to comment and please call with any questions. Thank you.

Anthony Russo
President – Commerce and Industry Association of New Jersey
CEO/Publisher – COMMERCE Magazine
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August 5, 2025

Mr. David Fish
Executive Director
Office of Legal and Regulatory Services
NJ Department of Labor and Workforce Development
PO Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Re: Comments on Proposed New Rules: N.J.S.A. 34:1-20; 34:1A-3.e; 34:11-4.11; 34:11-56a5; 34:11D-11; and 43:21-7g
ABC Test: Independent Contractors
Proposal Number: PRN 2025-051

Dear Mr. Fish:

The Commerce and Industry Association of New Jersey (CIANJ) appreciates the opportunity to provide comments on the above referenced rule proposal. Established in 1927, CIANJ is a state-wide business association representing the interests of more than 900 businesses from virtually every sector. CIANJ prides itself in being the leading voice and advocate for our businesses in Trenton. CIANJ is committed to improving and advancing the cause of free enterprise and business in the Garden State while working to make our State a better place to live, work and conduct business.

These comments are also being submitted on behalf of the New Jersey Warehouse and Movers Association (NJWMA), representing more than 300 licensed movers in New Jersey.

Both CIANJ and the NJWMA believe this rule proposal should be withdrawn in its entirety given the fact that the New Jersey Legislature did not enact similar legislation which was introduced several years ago. Additionally, New Jersey residents will be electing a new Governor in November and a decision on regulatory matters of this magnitude should be deferred to the incoming Governor.

Regarding the rule proposal itself, CIANJ/NJWMA appreciates the intent of the rule, which is to ensure that both employees and employers, are protected against scenarios where employees are misclassified and where independent contractors can operate and do business. However, CIANJ/NJWMA are concerned with how the proposed rules are written and how the rules will be enforced. There are many real-life business scenarios and situations which arise, during the course of doing business, which cannot be anticipated, requiring the use of an independent contractor to

complete the job. Placing limitations and restrictions on how two business entities work together is contrary to the free-market principles on which this country was founded.

The rule specifically states that the burden of proof of complying with all three prongs (i.e., ABC test - "test") falls onto the employer. The rule language is vague and ambiguous as to how the Department will evaluate an entity's compliance with the test and gives sole discretion to the Department, with no recourse for the business to contest an adverse decision. As written, the rules place employers in an untenable position, subject to fines and penalties. This will have a deleterious effect on how business is conducted and will have a direct impact on our economy. The Department should include language on how a decision can be challenged and offer a grace period for a business to remedy any concerns which may arise.

The following are specific concerns with the prongs in the test:

- Regarding Prong B of the test, an employer must establish that an individual's services are outside the employer's usual course of business, or that such services are performed outside the employer's place of business. This requirement is particularly problematic for many business realities and scenarios where independent contractors who work in the industry are needed to complete projects and jobs. Many industries, such as the licensed moving industry, engage in specialized professional services on a project-by-project basis that is central to their business function. There are many situations where there is a need to engage in the services of an owner/operator of a moving truck to complete a job. However, the way the language is written in this section, it could potentially create a situation where a moving company would be in non-compliance by hiring an independent contractor to complete jobs. The Department should include language which exempts certain industries where the use of independent contractors have become integral to the industry and job performance.

  It is important to note that many owner/operators enjoy the independence that self-ownership brings in terms of flexibility in which jobs to choose. If unchanged, this rule will undoubtedly limit the ability of an owner/operator to earn a living.

- Regarding Prong C of the test, the rule again places an unfair burden on an employer when it comes to how many clients an independent contractor has, or how a contractor is compensated. This is outside the control of the employer and again, places the employer in an untenable position in terms of assuring compliance with the rule and it should be amended.

In conclusion, we respectfully request that the rules be withdrawn because if finalized, the rules will have an adverse impact on New Jersey's economy and people's ability to earn a living. Thank you for the opportunity to comment and we look forward to your response.

Sincerely,

Anthony Russo
President

From:	Amanda Stone
To:	Fish, David [DOL]
Subject:	[EXTERNAL] NJ ABC Rules - NJRHA Comments
Date:	Monday, August 4, 2025 2:05:40 PM
Attachments:	NJRHA Comments on ABC Test.pdf

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Mr. Fish,

Please see the attached comments from the NJRHA regarding the proposed changes to the ABC Rule.

Thank you for your consideration.

Amanda Stone
Vice President of Public Affairs
NJ Restaurant & Hospitality Association
Email: astone@njrha.org
Office: 609-359-2681

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New Jersey Restaurant and Hospitality Association

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August 4, 2025

Mr. David Fish
Executive Director, Office of Legal and Regulatory Services
New Jersey Department of Labor and Workforce Development
P.O. Box 110
Trenton, NJ 08625-0110

RE: New Rules to Address Statutory "ABC Test" for Independent Contractor Status

Dear Mr. Fish:

On behalf of the New Jersey Restaurant & Hospitality Association (NJRHA), we respectfully submit our opposition to the Department of Labor and Workforce Development's proposed regulations seeking to codify the ABC test for independent contractor classification.

While we support efforts to address worker misclassification, we believe these proposed rules go well beyond that intent and impose unnecessary restrictions that threaten legitimate business relationships. In particular, the restaurant and hospitality industries rely heavily on independent contractors, including musicians, marketing professionals, and third-party delivery drivers, to operate effectively.

A prime example is the relationship between restaurants and app-based delivery platforms. Reclassifying third-party delivery drivers as employees would disrupt these essential partnerships, raise costs, increase liability, and limit the flexibility many workers prefer. This shift could result in reduced service, higher prices, and fewer options for both businesses and consumers.

The broad and subjective nature of the proposed rules will create confusion, compliance challenges, and potential liability for operators – particularly small, independently-owned restaurants that already face workforce shortages, rising costs and narrow margins.

We urge the Department to reconsider this approach and instead work with industry stakeholders to establish practical, balanced guidance that protects workers without harming the businesses that employ and serve them. Should you have any questions, please contact me at 609-359-2681.

Sincerely,

Amanda Stone

Amanda Stone
Vice President of Public Affairs
New Jersey Restaurant & Hospitality Association

From: Hilary Chebra
To: Fish, David [DOL]
Subject: [EXTERNAL] CCSNJ Comments on Proposed New Rules: N.J.A.C. 12:11
Date: Monday, August 4, 2025 2:29:15 PM
Attachments: CCSNJ Comments on ABC Rule Proposal.pdf

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Good afternoon,

Please find the attached comments from the Chamber of Commerce Southern New Jersey on the Proposed New Rules: N.J.A.C. 12:11.

Thank you,

Hilary Chebra
Director, Government Affairs
Chamber of Commerce Southern New Jersey
220 Laurel Road, Suite 203
Voorhees, NJ 08043
Cell: 732.300.9737
P: 856.424.7776 ext. 121
hchebra@chambersnj.com | www.chambersnj.com

CHAMBER OF COMMERCE
SOUTHERN NEW JERSEY
Connecting the region since 1873

MEMORANDUM

TO: New Jersey Department of Labor and Workforce Development

FROM: Hilary Chebra, Director, Government Affairs, *CCSNJ*

RE: Testimony on Proposed Rule N.J.A.C. 12:11 – ABC Test Clarifications

DATE: August 6, 2025

The Chamber of Commerce Southern New Jersey (CCSNJ) is the region's largest and most influential business organization representing businesses in the seven most southern counties of New Jersey, as well as greater Philadelphia and northern Delaware. The CCSNJ has over 1,200 member companies, approximately 85 percent of which are small businesses that employ less than 50 people.

Thank you for the opportunity to submit comments regarding the proposed rule changes to N.J.A.C. 12:11 concerning worker classification under the ABC test. While we appreciate the Department's goal of clarifying worker classification, we respectfully submit that these proposed changes may have significant unintended consequences for New Jersey's workforce and economy.

As written, we are concerned that the proposed changes may create substantial challenges for legitimate independent contractors and the businesses that rely on them. Many professionals, particularly those in consulting, logistics, creative industries, and the gig economy, value the flexibility and autonomy that independent contracting offers. It's important that any regulatory changes preserve space for this kind of work while continuing to prevent misclassification.

Specifically, we are concerned about the proposal's approach to Prong A, which suggests that requiring a contractor to comply with laws or safety standards could be viewed as exercising control. This interpretation may have a chilling effect on safety and legal compliance, placing businesses in a difficult position. We believe there's an opportunity here to clarify that adherence to generally applicable laws should not, in and of itself, indicate an employer-employee relationship.

Regarding Prong C, we understand the Department's desire to ensure that contractors are operating true independent businesses. However, the proposed standard appears to require contractors to maintain ongoing, client-facing operations with branding, advertising, and multiple clients to qualify. In practice, this may disqualify many legitimate independent contractors who work on a project basis or within narrow specialties. We urge the Department to consider a more inclusive interpretation that recognizes the diverse ways independent professionals organize their work.

We also would like to respectfully raise concerns with the proposed subfactor that suggests the use of digital applications or software in the course of performing services constitutes evidence of control. This interpretation is overly broad and risks misclassifying countless independent workers who use digital platforms to connect with customers. In practice, digital tools vary widely in how

they support people who advertise or sell goods or offer services like transportation, delivery, personal services, child care, and home-based tasks. For example, some platforms operate solely as online directories, where service providers and clients independently arrange bookings without any involvement from the marketplace. To presume that use of such tools alone establishes control would be inappropriate. We strongly recommend that this subfactor be removed or, at a minimum, revised to reflect that each situation must be evaluated based on the full context of the relationship. As drafted, the provision could have the unintended effect of cutting off many flexible, part-time income opportunities, particularly for those using digital tools to supplement their income. In turn, families and small businesses across New Jersey who rely on these services would likely face reduced availability and increased labor costs.

Additionally, while the proposal states there would be no negative effect on employment or economic activity, available data from states with similar policies suggests otherwise. For instance, after California's implementation of AB5, studies documented a decline in self-employment and overall job numbers. We encourage the Department to fully consider this data and assess whether a more balanced approach might avoid these outcomes.

We also believe that the rulemaking process would benefit from expanded public engagement. Given the scope and complexity of the proposal, holding additional hearings throughout the state and extending the comment period would give businesses and workers more opportunity to weigh in and help shape a policy that works for everyone. Input from stakeholders in all regions, including South Jersey, is critical to crafting a regulation that reflects the full diversity of our workforce.

Lastly, given that there are evolving discussions at the federal level around worker classification standards. It may be prudent to align this proposal more closely with potential federal guidance to ensure long-term consistency and avoid conflicts down the road.

In closing, we share the Department's interest in ensuring workers are properly classified. However, we respectfully request that the Department revisit certain elements of this proposal and work with stakeholders across the state to develop a regulatory framework that balances worker protection with economic opportunity and workforce flexibility.

Thank you again for your consideration.

From: Chuck Smiley
To: Fish, David [DOL]
Cc: Tracy Denora
Subject: [EXTERNAL] Rule Proposal
Date: Monday, August 4, 2025 2:54:25 PM

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Good afternoon , David & Tracy, as a employee in the moving business for the last 23 years I have to say we support CIANJ and the NJWMA comments on the rule proposal. Thanks

Chuck Smiley
Residential Co-Ordinator, ASGS I EVOS

201.997.8034 | www.asgs.us | csmiley@asgs.us

From: James Donovan
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Monday, August 4, 2025 3:10:11 PM

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Dear Executive Director Fish,

As a New Jersey resident, independent financial professional, and small business owner, I'm writing to express concern about the proposed rules under N.J.A.C. 12:11, which would codify the ABC test for determining independent contractor status.

While I support protecting workers from misclassification, these rules could unintentionally harm legitimate, independently owned businesses like mine. As a financial professional affiliated with LPL Financial, I serve clients across the state and am part of a network of nearly 1,500 advisors managing over $66 billion in assets. As part of my relationship with LPL, I have the ability to become an employee of the firm; however, I have made the informed decision to keep my independent contractor status to better serve my clients.

Our independent status allows us to:

- Tailor services to client needs.
- Operate efficiently as small business owners.
- Maintain flexibility and high-quality service.

Reclassifying us as employees would disrupt our business model and reduce access to financial guidance for New Jersey residents.

I respectfully urge the Department of Labor & Workforce Development to consider an exemption for financial professionals. This would preserve our independence while maintaining our ability to provide personalized financial guidance to our clients.

Thank you for your attention to this important issue.

Sincerely,

James Donovan
56 Lafayette Pl
Lyndhurst, NJ 07071
jdonovan@lpl.com

From: Ana Barnett
To: Fish, David [DOL]
Subject: [EXTERNAL] Please Consider Exemption for Financial Professionals
Date: Monday, August 4, 2025 3:40:07 PM

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Report Suspicious

Dear Executive Director Fish,

As a New Jersey resident, independent financial professional, and small business owner, I'm writing to express concern about the proposed rules under N.J.A.C. 12:11, which would codify the ABC test for determining independent contractor status.

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Thank you for your attention to this important issue.

Sincerely,

Ana Barnett
1000 White Horse Rd Ste 910
Voorhees, NJ 08043
ana.barnett@lpl.com

From: Briamonte, Eileen on behalf of Flynn, Asw. D.O.
To: Fish, David [DOL]; Asaro-Angelo, Robert [DOL]
Subject: [EXTERNAL] New Rules: N.J.A.C. 12:11 written comments
Date: Monday, August 4, 2025 3:50:20 PM
Attachments: AswFlynnAsmScharfenbergerDOLRuleChange082025.pdf

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NEW JERSEY GENERAL ASSEMBLY

Victoria A. Flynn
Assemblywoman
13th Legislative District of New Jersey
1715 Route 35 N., Suite 307
Middletown, N.J. 07748
(732)856-9833

Gerry Scharfenberger
Assemblyman
13th Legislative District of New Jersey
1715 Route 35 N., Suite 306
Middletown, N.J. 07748
(732)856-9294

August 8, 2025

Commissioner Robert Asaro-Angelo
New Jersey Department of Labor and Workforce Development
1 John Fitch Plaza
P.O. Box 110
Trenton, NJ 08625-0110

RE: New Rules: N.J.A.C. 12:11

Dear Commissioner Asaro-Angelo,

We are writing to convey our significant apprehension regarding the proposed modification by the Department that aims to reinterpret the well-established "ABC test" utilized for determining the status of independent contractors in New Jersey. The suggested adjustment carries the potential to reclassify numerous independent contractors as employees, a shift that could have a notable impact on workers, small enterprises, and the overall state economy.

A comparable proposition was brought forward legislatively during the 2018–2019 term but did not progress due to staunch opposition from a diverse coalition of freelance laborers and business proprietors. It is disconcerting to witness the revival of this initiative through regulatory rulemaking, particularly without the participation of the Legislature or a thorough public process.

This alteration in regulation poses a threat to crucial industries and work arrangements that are essential for the sustenance of many New Jersey residents, including rideshare operators, freelance authors and artists, autonomous insurance agents, youth sports referees, truck drivers and others. The autonomy and flexibility these individuals have deliberately chosen stands to be jeopardized, as do the operational frameworks of numerous small enterprises reliant on contract-based employment.

Furthermore, we harbor profound concerns regarding the timing and broader repercussions of this rule

adjustment. Small businesses in New Jersey are already contending with inflation, workforce scarcities, and the enduring repercussions of the COVID-19 crisis. The proposed modifications would introduce additional constraints, possibly leading to escalated service costs such as food delivery, household repairs, and youth sports activities - expenses that would inevitably be transferred to consumers.

Additionally, executing such a substantial modification through regulatory channels, instead of through transparent legislative discourse, circumvents vital public feedback and obscures transparency. This rule has the potential to substantially transform the employment landscape in our state, necessitating careful and inclusive examination by the Legislature and all affected parties.

We vehemently implore the Department to reconsider this proposed rule change and to take into consideration the apprehensions of independent contractors and the myriad sectors reliant on their services. Furthermore, we urge the Department to prolong the public comment duration and explore the possibility of organizing public consultations to ensure that all impacted perspectives are given a platform.

We are grateful for your attention to this matter and anticipate ongoing discussions with the Department to guarantee that any policy adjustments are considerate, fair, and in the best interest of New Jersey's labor force and economy.

Thank you for your attention to this critical matter.
Sincerely,

_____
Victoria A. Flynn
Assemblywoman

_____
Gerry Scharfenberger
Assemblyman

NEW JERSEY GENERAL ASSEMBLY

Victoria A. Flynn
Assemblywoman
13th Legislative District of New Jersey
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August 8, 2025

Commissioner Robert Asaro-Angelo
New Jersey Department of Labor and Workforce Development
1 John Fitch Plaza
P.O. Box 110
Trenton, NJ 08625-0110

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Furthermore, we harbor profound concerns regarding the timing and broader repercussions of this rule adjustment. Small businesses in New Jersey are already contending with inflation, workforce scarcities, and the enduring repercussions of the COVID-19 crisis. The proposed modifications would introduce additional constraints, possibly leading to escalated service costs such as food delivery, household repairs, and youth sports activities - expenses that would inevitably be transferred to consumers.

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Thank you for your attention to this critical matter.
Sincerely,

Victoria A. Flynn
Assemblywoman

Gerry Scharfenberger
Assemblyman

NEW JERSEY LEGISLATURE

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facebook.com/nj24th

July 30, 2025

FROM

Mr. John Schlip
3 Green Hill Road
Chester, NJ 07930

8/4/25

Dear Mr. Schlip:

Thank you for taking the time to contact us regarding the proposed Department of Labor and Workforce Development (NJDOL) rules, which would severely restrict the ability of New Jerseyans to work as independent contractors.

We agree that these proposed rules would be a detriment to individuals like yourself and to our economy as a whole; they represent an intentional effort to bypass the Legislature, as a bill to implement these changes was never acted upon due to widespread opposition.

Enclosed, please find a letter we sent to Labor Commissioner Robert Asaro-Angelo, asking him to withdraw the proposal in its entirety.

If you have not done so already, you have until August 6 to submit comments to the NJDOL. Please send them to following:

TO: David Fish, Executive Director – Please withdraw this proposal in its entirety. I am a 1099 Real Estate Agent Thank You
Legal and Regulatory Services
Department of Labor & Workforce Development
Fax: (609) 292-8246 - Email: david.fish@dol.nj.gov
Re: PRN 2025-051 – ABC Test; Independent Contractors

Thank you for your advocacy to protect independent contractors and New Jersey's economy.

Sincerely,

Dawn Fantasia
Assemblywoman

Parker Space
Senator

Michael Inganamort
Assemblyman

John Schlip

From: valeriepiacenza@yahoo.com
To: Fish, David [DOL]
Subject: [EXTERNAL] Protecting Freelance Work in New Jersey
Date: Monday, August 4, 2025 4:28:11 PM

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Dear Mr. Fish,

I am writing to express my concern regarding the New Jersey Department of Labor's proposed rule changes, which would severely restrict the classification of independent contractors. These changes threaten the livelihoods of professionals across industries who depend on project-based work, including writers, artists, consultants, educators, and many more. This proposal risks classifying legitimate freelancers as employees, even when both parties agree on independent status. It would reduce opportunities and impose burdensome requirements that neither client nor contractor desires. The result would mean fewer contracts, a reduction in small businesses, and a halt to creativity.

It is difficult enough for people in New Jersey to make a comfortable living under the leadership of Governor Murphy, and now it will be even more difficult. I urge the Department to reconsider these rules. Protect independent contractors and do not eliminate flexible, honest work.

Thank you for your time and attention to this matter.

Sincerely,

Valerie Piacenza

From: Andy Shipe
To: Fish, David [DOL]
Subject: [EXTERNAL] PRN 2025-051: ABC Test; Independent Contractors
Date: Monday, August 4, 2025 4:33:04 PM
Attachments: image001.png
Raymond James August 2025.pdf

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Dear Mr. Fish:
On behalf of Raymond James Financial, Inc., I am submitting the attached letter from Shannon Reid, President of Raymond James Financial Services, Independent Contractors Division, regarding the above-referenced proposed regulations.
If you have any questions regarding this matter, please feel free to contact me at this e-mail address or at the number below.
Sincerely,
Andy Shipe

Andy Shipe, Esq.
Associate General Counsel, Private Client Group

Authorized House Counsel in Florida

Member of the New York and District of Columbia Bars

Raymond James Legal Department
T 727.567.8472 // F 866.205.4639 // raymondjames.com
880 Carillon Parkway, St. Petersburg, FL 33716

RAYMOND JAMES

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RAYMOND JAMES

August 4, 2025

Robert Asaro-Angelo
Commissioner
Department of Labor and Workforce Development
PO Box 110, 13th Floor
Trenton, New Jersey 08625-0110

Re: Proposal Number: PRN 2025-051
ABC Test; Independent Contractors

Dear Commissioner Asaro-Angelo:

On behalf of Raymond James Financial, Inc. ("Raymond James"), I appreciate this opportunity to provide comments on the Department of Labor and Workforce Development's ("the Department's") proposal to adopt new regulations that govern the analysis for determining employee or independent contractor status under the New Jersey Unemployment Compensation Law, N.J.S.A. 43:21-1 et seq., and other New Jersey statutes.[1]

Since 1974, Raymond James has been one of a small number of companies that allow individual financial advisors to choose between working either as employees or as independent contractors. Thus, we are uniquely qualified to provide perspective on the effects the proposal would have on the investment services industry and our clients.

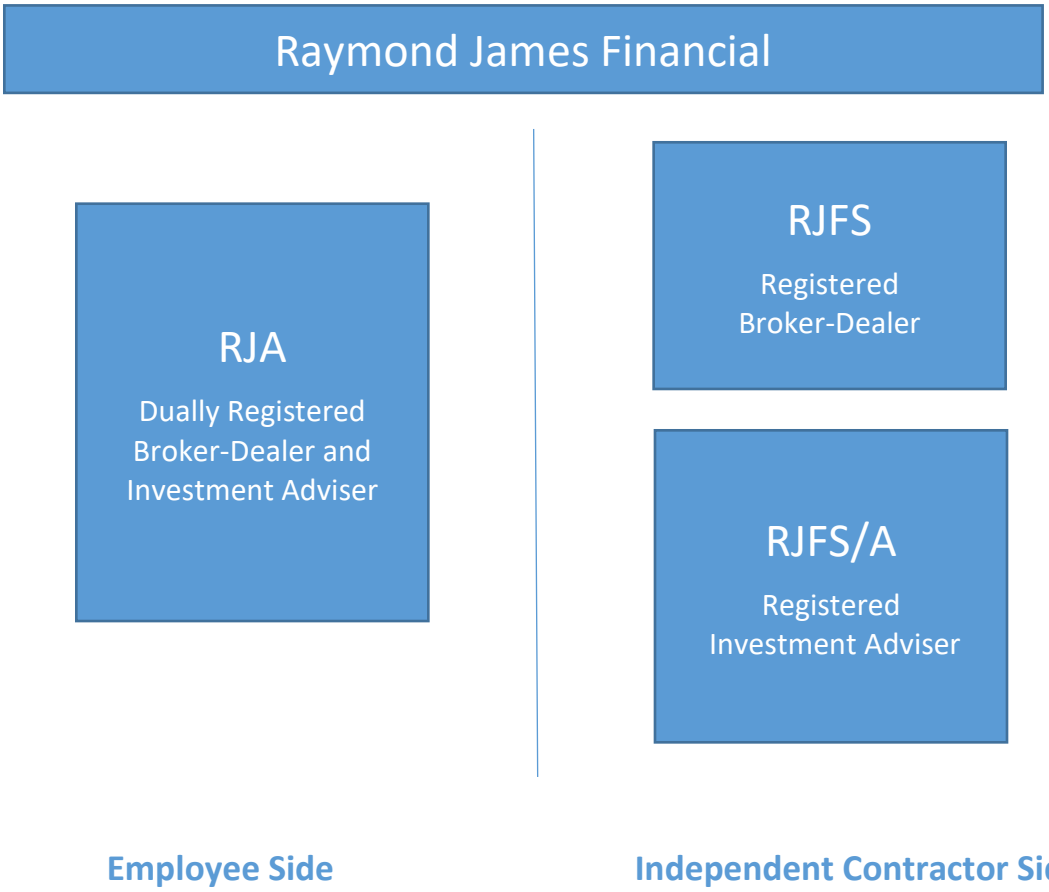
This letter provides a general overview of our different working models and how they serve investors. We have also described how the Department's proposed "ABC Test," in its current form, may reduce the total number of independent financial advisory firms in New Jersey. This would eliminate jobs, disrupt services, and reduce investor choices. We hope that after considering our comments the Department will preserve the ability of financial advisors to function as independent contractors.

I. Employees and Independent Contractors at Raymond James.

In the investment services industry, the individuals who provide investment advice, financial planning, and related services are known as "financial advisors." Financial advisors who join Raymond James have options: they may choose to work as employees or as independent contractors. For these purposes, Raymond James operates separate subsidiaries.

880 Carillon Parkway // St. Petersburg, FL 33716
T 800.248.8863 x72020 // D 727.567.2020 // F 727.567.8009
Securities offered through **Raymond James Financial Services, Inc.**, member FINRA/SIPC.
Investment Advisory services offered through Raymond James Financial Services Advisors, Inc.

[1] 57 N.J.R. 894(a), Vol. 57, Issue 9 (May 5, 2025) ("Proposal").



A. Employee Model: Raymond James & Associates.

If the individual wishes to be an employee, he or she may be hired by *Raymond James & Associates* ("RJA"). RJA is a securities broker-dealer and investment adviser, registered as such with the Securities and Exchange Commission ("SEC"), and a member of the main self-regulatory organization in the securities markets, the Financial Industry Regulatory Authority ("FINRA"). It is overseen by each of those regulators, and by the securities regulators of all U.S. states and territories.

RJA employs approximately 58 financial advisors in New Jersey. RJA determines their workplaces, working hours and remote work opportunities. RJA provides them with office space and equipment that it owns or leases, and otherwise covers all costs of operations (e.g., utilities). General liability and workers compensation insurance are covered by RJA. The employee financial advisors are supported by managers and administrative staff who are assigned and employed by RJA. They receive salaries and health and retirement benefits.

RJA prohibits these employee advisors from providing tax, accounting, and other services because RJA is not licensed or otherwise qualified to provide them. RJA also prohibits them from offering certain types of products (such as life insurance) other than directly through RJA.

B. Independent Contractor Model: Raymond James Financial Services and Raymond James Financial Services Advisors, Inc.

We have found that individual financial advisors most often begin their careers as employees of RJA, or as employees of other securities firms. But after a financial advisor has acquired years of experience and her own base of clients, she may choose to start her own business and become an "independent financial advisor." Depending on her business strategy, she may then choose to become an independent contractor of:

- *Raymond James Financial Services, Inc.* ("RJFS");
- *Raymond James Financial Services Advisors, Inc.* ("RJFSA"), or
- Both RJFS and RJFSA.

For these purposes, the financial advisor will enter into an "Independent Branch Owner Agreement" ("IBOA") with RJFS and/or RJFSA. In these arrangements, based on the choices of the individual financial advisor:

- RJFS provides and arranges for such services as trade execution, securities custody, trade clearing and settlement, margin lending, and similar.
  - RJFS is a securities broker-dealer. It is registered with the SEC and all states in that capacity. It is a member of FINRA, and other securities industry self-regulatory organizations.
- RJFSA provides and arranges for investment advice support, such as research, securities analysis, and portfolio modeling.
  - RJFSA is an investment advisor but not a broker-dealer. Unlike RJFS or RJA, it is not a member of FINRA, and is not regulated or overseen by FINRA. Instead, it is regulated and overseen by the SEC.

The IBOA explicitly states that the relationship is that of a company and an independent contractor, and not one of employment. It specifies the services that RJFS and/or RJFSA will provide to the independent contractor, and allocates revenues between the parties. Independent financial advisors do not receive minimum salaries or employee benefits, but the fees they receive from servicing their clients may be higher than what they would earn as an employee.

As specifically reflected in the IBOA, an RJFS independent financial advisor owns the relationship with his or her clients. Raymond James does not solicit these clients for itself. This gives the Independent Branch Owner freedom to switch from Raymond James to another firm and bring their clients with them – a concept known as "portability." After many years, these

enterprises often hold significant equity value. They can be passed to children as a family business, or sold to a new owner in order to fund a retirement.[2]

Independent Branch Owners also form and capitalize their own business entities to support their practices. They determine their office location, purchase or lease office space, maintain or improve their offices, pay utilities, create and use their own trademarks, determine their own working hours, and hire staff or even other financial advisors. They prepare and file their own business tax returns. Pursuant to the IBOA, they must carry their own general liability and workers compensation insurance. Independent Branch Owners also choose and fund their own health and benefit plans, and offer such plans to their employees. They also determine the amounts of revenue that they will allocate to business operations, salaries, any business expansions, and their own compensation.

Independent Branch Owners control the direction, cost, frequency and timing of their own marketing efforts. They may conduct certain other business activities, such as offering insurance products directly through carriers, independent registered investment advisory services, or accounting and tax services that are not permitted at RJA. Such products and services are not offered through or controlled by Raymond James.[3]

In New Jersey, the Firm contracts with approximately 40 independent financial advisors who own their own independent businesses. They retain an additional 60 financial advisors and others (whether as employees or independent contractors of the Independent Branch). RJFS's oldest New Jersey branch has been with us for 37 years, and six have been with us for over twenty.

Another 13 New Jersey financial advisors are independent contractors working through so-called "bank networking" arrangements with unaffiliated financial institutions. These individuals are employees of banks or credit unions that have entered into "Networking Agreements" that provide their customers with access to investment services pursuant to SEC Regulation R.[4] These individuals are also registered with FINRA, and are subject to all of the same standards, oversight, and compliance requirements as our other independent contractors.

* * *

Other financial firms work with employees or independent contractors in the general manner described above. But Raymond James has offered the *ability to choose* to become an independent contractor since RJFS was founded in 1974. Obviously, this predates the "gig economy," and the arrangement has worked well for 50 years.

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[2] The business model is so successful that independent financial advisors have formed their own industry association, the Financial Services Institute ("FSI"), which advocates for advisors with their firms, legislators, and regulators. FSI is independent of other organizations that represent the securities industry more generally.

[3] FINRA rules and securities regulations require RJFS and/or RJFSA to review such activities in order to ensure investors do not view them as part of Raymond James' business, and for potential conflicts of interest (*see* FINRA Rule 3270, "*Outside Business Activities of Registered Persons*"). The firm may have to prohibit or restrict the activity, and must ensure that it is properly disclosed on the advisor's public registration forms (*see e.g.,* FINRA Form U4, *Uniform Application for Securities Industry Registration or Transfer,* Question 13, "Other Business"; SEC Form ADV Part 2B, Item 4 "Other Business Activities").

[4] 17 CFR Part 247 ("Exemptions and Definitions Related to the Exceptions for Banks from the Definition of Broker").

A few of the benefits for the individual financial advisor are described above, but for Raymond James, the independent contractor business is also highly valuable. In the first place, RJFS and RJFSA increase and diversify our revenue streams. This permits Raymond James to expand its business, invest in new infrastructure, offer more services, and create jobs.

Also, it is often easier, faster, and lower-risk to enter a new market through an independent contractor than to establish a new office staffed with RJA employees. We have found that independent financial advisors tend to be very involved with their local communities. They use their local contacts and networks to grow their businesses, to the benefit of Raymond James and the community as a whole.

Raymond James independent financial advisors provide their services in some 40 cities and towns in New Jersey, including small cities and towns. RJFS has independent branches in small cities like Marlton (population 10,000), and in more rural Atlantic and Hunterdon Counties. This is consistent with a pattern in the investment services industry: the largest firms operate on an employee basis, and concentrate their offerings in more urban areas. The potential customer base in less-populated areas cannot justify a large firm's higher costs. At large investment advisory firms, in order to have an in-person, non-robotic financial advisor, the minimum balance to open an account can range above $250,000. Thus, in rural areas and small towns, investment services are more commonly found through independent financial advisors.

II. Preserving Consistency With Other Authorities and Market Practices.

We are confident the Department is most concerned with the protection of workers who cannot fend for themselves, as opposed to licensed, credentialed investment professionals with business savvy, years of experience and portable clients. Still, we are concerned that the Department's proposed ABC test may threaten the viability of the independent contractor model in the investment advisory business.

In this regard, we note that the proposal is inconsistent with the approaches of other jurisdictions and authorities. The most notable recent example of a State to adopt an ABC Test is the State of California. The State added the ABC Test to its Labor Code in 2020, but just eight months later, it created an exclusion for securities broker-dealers, investment advisers, their agents and representatives, and persons licensed by state insurance departments.[5] This swift action reflects the legislature's judgment that independent branch office arrangements in the financial advisory industry should not be subject to the same tests that may be appropriate in other cases.[6]

Likewise, the National Council of Insurance Legislators, in March of 2022, issued a unanimous resolution to "encourage states and federal entities that are debating worker classification policies and that are considering adopting a strict ABC test and or other similarly

[5] CA Labor Code § 2750.3(b)(4).

[6] This does not mean that such arrangements could *never* amount to employment relationships. Rather, the California Code applies a different test, formulated under California caselaw, to such cases. CA Labor Code § 2750.3(b)(4).

worker classification laws to continue issuing exemptions for, or exempting out, licensed insurance agents and other financial professionals."[7]

The proposal's treatment of control for purposes of legal compliance is especially troubling. Under the proposal, "any control or direction … in order to be in compliance with a law or rule shall be considered," and "given equal weight to what would be given any other control or direction that the putative employer has exercised or has reserved the right to exercise."[8] This approach would have significant consequences for financial advisors and is inconsistent with the approach taken by other authorities.

Federal and state securities laws, as well as rules and regulations adopted by the SEC, FINRA and state regulators, establish numerous requirements for financial advisors and securities firms. These standards do not distinguish between employee and independent contractor relationships. Regardless of status, a representative of a broker-dealer must be registered with FINRA as a representative of their firm, pass qualification examinations, pass background checks, and be subject to a mandatory supervision and compliance program.[9] These obligations reflect government control, and not control implemented by the broker-dealer.[10]

The investment services industry has long operated on the premise that control implemented to secure regulatory compliance does not indicate employee status. RJFS, RJFSA, and competing firms have grown and operated in reliance on this basic principle. Congress recognized the concept when it amended the Internal Revenue Code in 1997 to reflect that

> In determining … whether a registered representative of a securities broker-dealer is an employee … no weight shall be given to instructions from the service recipient which are imposed only in compliance with investor protection standards imposed by the Federal Government, any State government, or a governing body pursuant to a delegation by a Federal or State agency.[11]

In 2024, when it adopted new rules for determining employee or independent contractor status under the federal Fair Labor Standards Act, the U.S. Department of Labor ("USDOL") determined that "[a]ctions taken … for the sole purpose of complying with a specific, applicable Federal, State, Tribal, or local law or regulation *are not indicative of control*."[12] This reversed the

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[7] *Resolution Supporting Independent Contractor Status for Insurance Agents and Other Licensed Financial Professions* (Mar. 6, 2022) (https://ncoil.org/wp-content/uploads/2022/03/NCOIL-IC-Status-Resolution-Adopted-3-6-22.pdf).

[8] Proposal at 24.

[9] *See* FINRA Rule 1210, "Registration Requirements"; FINRA Rule 3110, "Supervision" ("Each member shall establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable FINRA rules.")

[10] *See, Taylor v. Waddell & Reed Inc*., 2013 WL 435907, *6 (Feb. 1, 2013) ("allegations of "control" pursuant to legal requirements are not employment indicia").

[11] Taxpayers Relief Act of 1997, Pub. L. No. 105-34, Title IX § 921(a), 111 Stat. 788, 879 (codified at 26 U.S.C. § 3121 note).

[12] *Employee or Independent Contractor Classification Under the FLSA*, 89 Fed. Reg. 1638, 1743 (Jan. 10, 2024).

USDOL's original proposal, which would have stated that control implemented for compliance purposes could indicate employee status.[13]

Set against these established practices and legal standards, the Department supports its proposition only by noting that the statutes do not forbid it.[14] But the statutes do not authorize it, either, and we do not believe that control for compliance purposes should be considered as proof of employment without legislative direction.

II. Impact of the Proposal on Independent Financial Advisors, Jobs, and Services.

Without modifications to reflect prevailing standards, the Department's proposed rules could unintentionally sweep independent financial advisors into the "employee" category. This would have significant negative consequences for independent financial advisors, their employees, the investment firms they work for, and retail investors.

Evaluation Costs

At the very least, the expansive ABC Test proposed by the Department would require a costly re-evaluation of all of RJFS's Independent Branch Owner Agreements in New Jersey. These agreements would then have to be renegotiated or terminated. For these purposes, each of the Independent Branch Owners would have to hire their own legal counsel. A low estimate of legal fees incurred by an Independent Branch Owner in this process would easily exceed $6,000, depending on local rates. To a small businessperson, this would be an exasperating waste of capital at the government's hands.

Business Losses and Loss of Jobs

In any event, it seems more likely that an ABC Test without some exclusion would cause our independent contractors to be deemed "employees." This would invalidate the business models of those 40 RJFS independent advisory firms. The business equity that the branch owners have built with years of hard work (and which they could have sold or passed on as a family business) would be destroyed at the stroke of a regulator's pen in Trenton. In addition to the loss of their equity, these advisors would have to wind down their small businesses. Winding down is a lengthy, expensive process that requires tax filings at the federal and state levels, filing for dissolution with the appropriate state, closing bank accounts, termination of office leases, termination of employee benefit plans, and paying associated fees. Surely, the State does not wish to permit such harm to small business owners.

Some previously independent advisors may be willing to become employees of a securities firm, like RJA. However, that firm would incur significant costs to absorb the former independent contractors and the limited number of their employees that could be retained. These costs would include salaries, higher insurance premiums, and the expenses of adding participants to healthcare, retirement, and other benefit plans. The process may require the former Independent Branch Owner to terminate personnel (such as support personnel) that the new employer could not retain.

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[13] *Employee or Independent Contractor Classification Under the FLSA*, 87 Fed. Reg. 62218, 62275 (Oct. 13, 2024).

[14] Proposal at 8.

As noted above, our Independent Branch Owners provide work for about 60 other independent contractors and employees.

The Department seems dismissive of this impact, writing one sentence on the issue: "The proposed new rules would have no impact on either the generation or loss of jobs."[15] We hope that the Department will consider how a reclassification of Independent Branch Owners as "employees" will lead to restructurings that may cost workers their jobs, health insurance coverage, and other benefits.

Loss of Advisory Services to Private Investors

The clients of a formerly independent adviser who becomes an employee would also face difficulties. As noted above, large investment firms that operate on an employee basis frequently require large minimum account balances. In today's increasingly consolidated market, this means that smaller investors can be left with few choices other than de-personalized discount brokers.[16] As detailed by NERA Investment Consulting, investors without personalized financial and investment advice typically do not invest enough of their cash, adequately diversify their portfolios, or properly rebalance their holdings. As a result, advised investors tend to have better investment performance.[17] Having an investment advisor also provides individuals with a person who can focus their attention on future needs, and identify investment products (e.g., 529 Plans), they may not know of. Thus, smaller investors will lose access to the individualized investment advice that an independent advisor can provide.

In addition to losing a personal advisor, a client who does not meet the minimum account standards of the advisor's new firm would have to find a firm that will accept them, and then transfer their accounts. An account transfer is expensive: firms may charge $100 or more to effect a single firm-to-firm transfer of assets (the "ACAT Fee").

Loss of FINRA and Firm Oversight

Another subset of independent financial advisors would not want to become employees, but could seek to preserve their business owner status by opening an independent advisory firm. This will lead to its own set of disruptions.

Independent advisory firms operate by advising clients whose accounts are held at unrelated securities broker-dealers. The securities broker-dealer provides custody, clearing and settlement services for these accounts, but does not supervise the independent advisory firm or the activities of its personnel. An independent advisory firm is responsible for its own compliance. It does not have a larger broker-dealer that would be responsible for, and liable for, compliance failings by its personnel.

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[15] Proposal at 19.

[16] The total number of FINRA member firms has declined by about 6% every year since at least 2006 (FINRA Media Center Statistics 2021, https://www.finra.org/media-center/statistics). In 2017 FINRA had 3,726 members. In 2024, that number fell to 3,249 (FINRA, *2025 FINRA Industry Snapshot*, at 14).

[17] NERA Investment Consulting, *The Role of Independent Contractors in the Finance and Insurance Sectors* (Nov. 2022), at 25-26 (citations omitted).

Further, independent advisory firms are not broker-dealers. Therefore, they are not members of FINRA and are not subject to FINRA's examination or oversight authority. They are only regulated by the SEC or by the states where they do business. If independent financial advisors in New Jersey determine that being an independent contractor of a broker-dealer is no longer viable, then a market shift to the independent advisory model may result, and place new burdens on the SEC or state authorities. Thus, the proposal may have the unforeseen effect of removing layers of oversight, to the detriment of investor protection.

Effect on Bank Networking

As noted above, RJFS associates with 13 New Jersey independent contractors who serve as financial advisors and who are employed by unaffiliated financial institutions in "bank networking" arrangements. If the Proposal were to go into effect without change (and especially if control for compliance purposes results in employment status), then these individuals could be deemed co-employees of both RJFS and their financial institutions. This would not only be wholly unnecessary: it would create serious disruptions for both firms as they struggle to coordinate hiring, compensation, benefits, tax reporting, and the like.

* * * * *

The independent contracting model has worked well in the financial advisory business, in New Jersey and nationwide, for many years. It provides investment services to clients, creates local jobs, serves communities, and allows people the satisfaction of owning their own business. It also pre-dates the "gig worker/ app-driven" economy that has come to the attention of the Department.

We believe that the Department's proposal would be too broad as applied to the investment advisory business. Still, the difficulties that we have outlined above could be addressed by implementing an exclusion similar to that adopted by the State of California, and as suggested by other commenters. This approach would preserve the benefits of a long-standing independent contracting model that is not associated with the abuses that an ABC Test seems intended to address.

Raymond James appreciates the Department's efforts and the opportunity to comment on the Proposal.

Sincerely,

Shannon Reid
President, RJFS Independent Contractors Division

NEW JERSEY SENATE

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COMMITTEES:

HEALTH, HUMAN SERVICES
& SENIOR SERVICES
EDUCATION
LAW & PUBLIC SAFETY

August 1, 2025

Hon. Robert Asaro-Angelo
NJ Department of Labor and Workforce Development
PO Box 110
Trenton, NJ 08625
Re: PRN 2025-051 – ABC Test; Independent Contractors

Dear Commissioner Asaro-Angelo:

I am writing to express my concerns regarding the New Jersey Department of Labor's proposed modifications to the rules governing the classification of independent contractors.

While I recognize the Department's intent to protect workers from exploitation and misclassification, the proposed changes risk harming independent contractors and the industries they seek help. The proposed rule is overly broad and appears likely to reclassify a large number of independent contractors as employees.

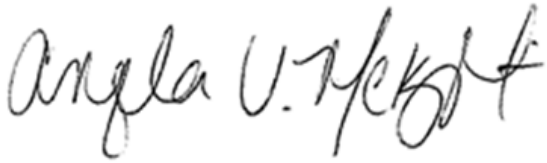
One concerning example is the suggestion that providing training to a worker could signify employer control. In practice, all service providers, whether employees or independent contractors, require basic training to safely and effectively conduct business. Penalizing such practices would make it virtually impossible for businesses to use independent contractors while meeting basic operational and safety standards.

The proposed rule could have serious unintended economic consequences, especially in sectors like transportation. At the Port of New York and New Jersey, where 75% of New Jersey-based truck drivers are independent contractors, reclassification could disrupt operations, reduce flexibility and earnings, and push drivers to relocate to less restrictive states, causing supply chain issues, empty shelves, and higher consumer costs.

Given these concerns, I urge the Department to reconsider and revise the proposed rule to preserve the independence of legitimate contractors while still preventing genuine misclassification. A more balanced approach would protect worker rights without jeopardizing economic stability or undermining the diverse workforce models that many industries rely upon.

Thank you for your attention to this matter. I would welcome the opportunity to engage further on this issue and help identify a path forward that ensures both worker protections and economic viability.

Forever care,



Angela V. McKnight
Senator, 31st District

From: Robin Shreeves
To: Fish, David [DOL]
Subject: [EXTERNAL] Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors
Date: Monday, August 4, 2025 9:17:09 PM

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Report Suspicious

To: David Fish, New Jersey Department of Labor & Workforce Development

Submitted via email to: david.fish@dol.nj.gov on **August 4, 2025**

Dear Mr. Fish,

I am writing in opposition to Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors. I urge the Department to withdraw this proposal in full.

My name is Robin Shreeves, and I am a freelance journalist focusing on wine, food, and travel, and I have been for over 15 years. I am, I believe, the most prolific wine journalist who covers the New Jersey wine industry. I have a handful of colleagues who do the same, but there aren't many of us. I have written about New Jersey wine for Wine Enthusiast, Philadelphia Magazine, Vine Pair, Vintner Project, Edible Jersey, Wine Industry Advisor, and I previously had a wine column specifically about NJ wine in the Courier Post newspaper. Every one of those articles I wrote, including my weekly wine column, was a freelance job. I also have a contract with the Garden State Wine Growers Association, writing its weekly newsletter, blog posts, and some marketing materials for the non-profit organization of New Jersey-based wineries, vineyards, and allied businesses.

I also write for various publications about wine, food, and travel that aren’t NJ-based, and they all fall under 1099 income.

I support myself and my family with the income from these writing jobs, and if the proposed new rules are passed, I will no longer be able to do so. I make good money. I set my own hours, am my own boss, and no one is taking advantage of me.

As a lifelong New Jersey resident who loves this state and promotes the Garden State through my journalism, I urge you to withdraw this proposal. The proposed rule threatens my ability to be an independent contractor and my ability to promote New

Jersey, its grape agriculture, its enotourism, and other aspects that draw people to the state.

An attorney from Troutman Pepper Locke wrote that your proposal “almost entirely eviscerates any chance for most ICs and companies using their services from establishing the workers’ IC status.” Attorneys at Ogletree Deakins wrote that your proposal “could make it very difficult for businesses to demonstrate that workers are independent contractors.” Attorneys at Littler wrote that your proposal would not consider a person to have independent-contractor status even if we have multiple clients, are licensed in our occupation, own a registered business, and even maintain liability insurance or workers’ compensation.

At the June 23, 2025, public hearing about your proposal, witnesses from the Chamber of Commerce testified that it would “create substantial challenges for legitimate independent contractors,” and that “virtually no work could be independent.” The New Jersey Business and Industry Association’s witness testified that the result of your proposal “won’t be more jobs, it will be fewer jobs” – and your own proposal states that it will not create any jobs.

Testimony at the public hearing also pointed out that New Jersey’s Legislature rejected a similar proposal in 2019-20 after it was met with “staunch opposition.” Testimony at the recent public hearing was similar, with witnesses being 3-to-1 against your proposal.

Numerous Democratic Party and Republican Party legislators in Trenton have also written letters to the Department, stating that your proposal is likely to harm independent contractors.

Your proposal threatens my ability to be an independent contractor. I urge you to withdraw this proposed rule immediately and in full.

Sincerely,

Robin Shreeves
Independent Journalist * Wine, Food, & Travel Writer * Certified Wine Professional
Writing Portfolio
Substack: Drink Local
LinkedIn: rshreeves

From: PETER LIEB
To: Fish, David [DOL]
Cc: Tracy Denora
Subject: [EXTERNAL] Independent Contract Rule
Date: Tuesday, August 5, 2025 7:31:18 AM

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As a licensed N.J. Mover and doing business within the state of New Jersey, HCB Distribution firmly supports CIANJ and NJWMA's comments on the rule proposal. Looking for your support regarding this matter.

Regards,

Pete Lieb

HCB Distribution

550 Walnut Street

Norwood, NJ 07648

201-767-7605 phone

PLIEB@HCBDISTRIBUTION.COM

From: Kevin Monaco
To: Fish, David [DOL]
Subject: [EXTERNAL] PRN 2025-051
Date: Tuesday, August 5, 2025 8:14:57 AM
Attachments: NJDOL_ICRule_NJAPA-NJCMA_Final_8.5.2025.pdf

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Report Suspicious

Good morning:

Please see attached comments submitted jointly on behalf of the NJ Asphalt Pavement Association and the NJ Construction Materials Association.

Thank you for your consideration.

Kevin P. Monaco, CAE
Executive Director
NJ Construction Materials Association
P.O. Box 641
Manasquan, NJ 08736
Cell: 732-620-6223

To:

Mr. David Fish
Executive Director Legal and Regulatory Services
Department of Labor and Workforce Development
PO Box 110, 13th Floor
Trenton, New Jersey 08625-0110
Email: david.fish@dol.nj.gov

Re: NJ Department of Labor Rule Proposal Number: PRN 2025-051

From: Kevin Monaco, Executive Director

Date: July 31, 2025

Re: Proposed NJ Department of Labor Rules on classification of Independent Contractors

Memo

The NJ Asphalt Pavement Association and the NJ Construction Materials Association together represent producers of asphalt, concrete, stone, sand, gravel and other construction materials which are critically important to the NJ economy and to our quality of life.

Our industry relies heavily on a network of independent contractors to help us produce and transport materials safely, efficiently and in a cost-effective manner to public and private construction projects across the state.

Our work is often seasonal and project based, with demand for products and service fluctuating significantly throughout the year. The only way we can meet these demands is by having flexibility provided by owner/operator trucking firms and other independent contractor firms. In addition, classification of legitimate independent contractors as employees would add significantly to the overhead costs of our members to include taxes, benefits and related costs of hiring employees. This has the potential to increase costs for public and private construction statewide. Not only would the proposal increase costs for our members, it would in turn limit the earning capability of these independent contractors if they are forced into an employee compensation structure.

While many of the new rules that are within proposed N.J.A.C. 12:11 reflect either a direct statutory mandate or a statutory interpretation that has been announced in published NJ court opinions, there remains several areas of potential concern which we would like to bring to your attention.

Prong A

- N.J.A.C. 2:11-1.3(f) provides that when evaluating under Prong A whether an individual has been and will continue to be free from control, control exercised to comply with government regulation is not given any special consideration and is to be given equal weight to any other type of direction or control. This interpretation may have a negative impact on safety and legal compliance, placing businesses in a difficult position in requiring a contractor to comply with laws or safety standards at the risk of this being viewed as exercising control. The rules should provide that adherence to generally applicable laws should not, in and of itself, indicate an employer-employee relationship.

- The proposed rule's non-exhaustive factor list lacks guidance on how these factors should be weighed. NJDOL may consider a presumptive weighting. For example, the core control factors could be seen as setting hours (factor 1), mandatory personal service (factor 3), and exclusive availability/on-call status (factor 7). Neutral factors can be seen as whether pay is fixed rate (factor 5), and whether the employer controls the "details and means" of the work (factor 2). Mitigating factors could be risk of loss (factor 6), ability to subcontract (factor 8), and absence of training provided by employer (factor 9). A tiered application of these proposed factors would reduce disparate outcomes and provide further clarity.

- Factor 9—whether the putative employer provides training to the individual—as proof of employment may penalize legitimate skill-based or safety training, especially for safety-critical roles. Federal Law requires MSHA training as a condition of accessing many of our facilities, providing this type of training by a putative employer should only be considered proof of control if such training imposes a standard of performance akin to employment.

- NJDOL should further clarify "services provided personally" in factor 3, and this factor should be limited to situations where the worker is prohibited from hiring or delegating tasks, rather than simply working personally.

Prong B

- The term "essential component of the putative employer's business" —which is used to characterize what constitutes an "integral part" of an employer's business—is undefined and susceptible to broad interpretation. NJDOL should replace "essential" with a clearer threshold, and provide additional examples specifying services that do not trigger Prong B when delivered at client locations.

- The term “usual course of business” should be further clarified to mean services that are *regularly and directly* offered or sold by the employer as part of its core operations, and not simply services that *support* those operations. For quarries, this could mean services relating to the production of aggregate and concrete materials, as opposed to subcontracted hauling services. Many of our firms utilize contracted crushing firms who operate at our facilities with their own equipment and at their own entrepreneurial risk. Providing a service at the facility or outsourcing one component of your manufacturing process to a specialized service provider should not be considered to trigger an employer-employee relationship.

<u>Prong C</u>

- The proposed rules provide non-exhaustive factors to satisfy Prong C, however the rule would benefit from explicit benchmarks, such as a *minimum* number of clients, a *defined level* of business expenditure or investment, or a *specified percentage* of renumeration from a single employer. These thresholds could serve as presumptive indicators of independent business status, which would ensure that Prong C assessments are consistent and predictable.

- Under the proposed rule, having only one client (i.e., a primary broker or quarry) can weigh heavily against the worker, even if the independent contractors work is project-based, sequentially with multiple clients. In other words, the proposed rules could effectively bar independent status unless multiple clients are served simultaneously. The rules should provide that multiple clients “over time” can satisfy the standard. It is common in our industry for an owner/operator to work for one client on a long-term basis based on project duration or geographic location. Alternatively, the rules should assign heightened weight to the extent of investment (factor #5) when evaluating Prong C for members in the aggregate industry, who often invest significant money in their own trucks, maintenance, fuel, insurance, etc.

From: Jaimie Freeman on behalf of Elissa Frank
To: Fish, David [DOL]
Cc: Elissa Frank
Subject: [EXTERNAL] NJBIA Comments on ABC Test Rule Proposal
Date: Tuesday, August 5, 2025 9:15:39 AM
Attachments: NJBIA Comments on ABC Test Rule Proposal.pdf

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Report Suspicious

Dear Mr. Fish:

I submit this comment in strong opposition to the New Jersey Department of Labor and Workforce Development's proposed regulations purporting to "codify" the ABC test for independent contractor classification. While framed as a restatement of existing law, the proposal is, in substance, a sweeping and unilateral redefinition of settled legal standards, one that would dramatically narrow the pathways to independent work in the state. The proposal raises profound legal, economic, and procedural concerns and should be withdrawn in its entirety.

The Proposal Mischaracterizes Existing Law and Substantively Alters the ABC Test

Despite claiming to "codify" existing law, the proposed regulations make substantial changes to each prong of the ABC test:

- **Prong A** is redefined to treat basic compliance and safety practices as evidence of control, including the use of digital platforms, location tracking for customer transparency, or ensuring insurance coverage. These are standard, often legally required, business practices—not indicia of employer-employee control.

- **Prong B** is artificially narrowed by redefining "places of business" to include a worker's own vehicle when used in transportation services. This reinterpretation effectively eliminates a key avenue of independent work under current New Jersey law and contradicts the Third Circuit's prior holding that New Jersey's test remained lawful precisely because it left this option open.

- **Prong C** is restricted by declaring that hallmarks of independent work—such as professional licensure, servicing multiple clients, or receiving a 1099 form—are "irrelevant." This approach minimizes real-world evidence of independence in favor of a presumption of employment.

These changes are **not codification—they are transformation**. By reframing routine practices and markers of autonomy as insufficient or irrelevant, the Department's proposal effectively flips the ABC test into an "employment presumption" standard, which is inconsistent with New Jersey's judicial precedents.

The Proposal Conflicts with Federal Law

The proposal squarely conflicts with the **Federal Aviation Administration Authorization Act (FAAAA)**, which preempts state laws that interfere with the services, routes, or pricing of motor carriers. The Third Circuit previously upheld New Jersey's ABC test only because Prong B allowed motor carriers to classify drivers as independent contractors if they operated outside the "place of business." By redefining a driver's own vehicle as a "place of business," the proposed rule closes that path, effectively preempting contractor models in the transportation industry and inviting a direct legal challenge.

Additionally, the proposed rule may place New Jersey in violation of **federal unemployment compensation standards**. Federal law limits unemployment benefits to eligible workers. App-based gig workers have repeatedly been deemed ineligible under federal guidance, including by the U.S. DOL and the NJDOL itself during the pandemic. By enabling payment of benefits to ineligible gig workers, the proposed regulation risks the loss of federal administrative funding and employer tax credits.

The Proposal Is Arbitrary, Capricious, and Unsupported by Evidence

The Administrative Procedure Act requires that rulemaking be evidence-based. The Department's economic and equity justifications are threadbare and defy common sense.

- **Jobs Impact**: The Department's claim that the proposal will have "no effect on jobs" is both logically and empirically false. Narrowing independent work pathways will inevitably lead to job losses—not just among contractors, but among traditional employees who benefit from the economic multiplier effect of gig-based businesses.

- **Equity Analysis**: The rule will disproportionately harm the very groups it purports to help. Women, caregivers, racial minorities, immigrants, and people with prior justice system involvement disproportionately rely on flexible, independent work. Eliminating these options will reduce—not enhance—their economic inclusion.

The Department fails to engage with extensive research documenting these effects and cites no countervailing data. This lack of justification renders the rule arbitrary and capricious under New Jersey law.

The Proposal Improperly Targets Specific Industries

Several provisions of the proposed rule appear designed to disadvantage specific sectors, including rideshare, trucking, and drywall installation. By preemptively declaring workers in these industries as employees, the rule eliminates fact-specific inquiry and substitutes a regulatory decree. This approach short-circuits individualized adjudication, undermines due process, and violates long-standing principles of employment law.

The Proposal Would Harm Workers, Public Safety, and New Jersey's Economy

The proposal not only threatens the livelihoods of thousands of legitimate independent contractors—it also introduces perverse consequences:

- **Loss of Flexible Work**: Independent contracting allows workers to earn supplemental income on their own schedules. Converting these opportunities to employment—where flexibility is lost—will force many out of the workforce entirely.

- **Public Safety Risks**: The rule punishes companies for exercising oversight in the name of safety and compliance. Treating legal compliance or safety monitoring as "control" discourages responsible contracting.

- **Business Uncertainty**: The sweeping nature of this change, combined with its inevitable legal challenges, will create regulatory uncertainty that chills investment, disrupts services, and slows job creation.

Conclusion

The proposed rule is legally flawed, economically unsound, procedurally deficient, and socially regressive. It upends settled law, contradicts federal standards, and undermines flexible work opportunities in a misguided attempt to expand employment classifications. We urge the Department to withdraw this rulemaking and engage in a more transparent, balanced, and evidence-driven process that supports both worker protections and economic freedom.

Respectfully submitted,

Elissa Frank, J.D.
Vice President of Government Affairs
New Jersey Business & Industry Association

ELISSA FRANK, J.D.
Vice President, Government Affairs
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Christopher Emigholz
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Raymond Cantor
Deputy Chief Government Affairs Officer

Althea Ford
Vice President

Elissa Frank
Vice President

Jack Ramirez
Economic Policy Research Analyst

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<u>The Proposal Mischaracterizes Existing Law and Substantively Alters the ABC Test</u>

Despite claiming to "codify" existing law, the proposed regulations make substantial changes to each prong of the ABC test:

- **Prong A** is redefined to treat basic compliance and safety practices as evidence of control, including the use of digital platforms, location tracking for customer transparency, or ensuring insurance coverage. These are standard, often legally required, business practices—not indicia of employer-employee control.
- **Prong B** is artificially narrowed by redefining "places of business" to include a worker's own vehicle when used in transportation services. This reinterpretation effectively eliminates a key avenue of independent work under current New Jersey law and contradicts the Third Circuit's prior holding that New Jersey's test remained lawful precisely because it left this option open.
- **Prong C** is restricted by declaring that hallmarks of independent work—such as professional licensure, servicing multiple clients, or receiving a 1099 form—are "irrelevant." This approach minimizes real-world evidence of independence in favor of a presumption of employment.

These changes are **not codification—they are transformation**. By reframing routine practices and markers of autonomy as insufficient or irrelevant, the Department's proposal effectively flips the ABC test into an "employment presumption" standard, which is inconsistent with New Jersey's judicial precedents.

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The proposal squarely conflicts with the **Federal Aviation Administration Authorization Act (FAAAA)**, which preempts state laws that interfere with the services, routes, or pricing of motor carriers. The Third Circuit previously upheld New Jersey's ABC test only because Prong B allowed motor carriers to classify drivers as independent contractors if they operated outside the "place of business." By redefining a driver's own vehicle as a "place of business," the proposed rule closes that path, effectively preempting contractor models in the transportation industry and inviting a direct legal challenge.

Additionally, the proposed rule may place New Jersey in violation of **federal unemployment compensation standards**. Federal law limits unemployment benefits to eligible workers. App-based gig workers have repeatedly been deemed ineligible under federal guidance, including by the U.S. DOL and the NJDOL itself during the pandemic. By enabling payment of benefits to ineligible gig workers, the proposed regulation risks the loss of federal administrative funding and employer tax credits.

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The Administrative Procedure Act requires that rulemaking be evidence-based. The Department's economic and equity justifications are threadbare and defy common sense.

- **Jobs Impact**: The Department's claim that the proposal will have "no effect on jobs" is both logically and empirically false. Narrowing independent work pathways will inevitably lead to job losses—not just among contractors, but among traditional employees who benefit from the economic multiplier effect of gig-based businesses.
- **Equity Analysis**: The rule will disproportionately harm the very groups it purports to help. Women, caregivers, racial minorities, immigrants, and people with prior justice system involvement disproportionately rely on flexible, independent work. Eliminating these options will reduce—not enhance—their economic inclusion.

The Department fails to engage with extensive research documenting these effects and cites no countervailing data. This lack of justification renders the rule arbitrary and capricious under New Jersey law.

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The proposal not only threatens the livelihoods of thousands of legitimate independent contractors—it also introduces perverse consequences:

- **Loss of Flexible Work**: Independent contracting allows workers to earn supplemental income on their own schedules. Converting these opportunities to employment—where flexibility is lost—will force many out of the workforce entirely.
- **Public Safety Risks**: The rule punishes companies for exercising oversight in the name of safety and compliance. Treating legal compliance or safety monitoring as "control" discourages responsible contracting.
- **Business Uncertainty**: The sweeping nature of this change, combined with its inevitable legal challenges, will create regulatory uncertainty that chills investment, disrupts services, and slows job creation.

Conclusion

The proposed rule is legally flawed, economically unsound, procedurally deficient, and socially regressive. It upends settled law, contradicts federal standards, and undermines flexible work opportunities in a misguided attempt to expand employment classifications. We urge the Department to withdraw this rulemaking and engage in a more transparent, balanced, and evidence-driven process that supports both worker protections and economic freedom.

Respectfully submitted,

Elissa Frank, J.D.
Vice President of Government Affairs
New Jersey Business & Industry Association

From:	Kristen Hoey
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Re: Proposed New Rules: N.J.A.C. 12:11 ABC Test; Independent Contractors
Date:	Tuesday, August 5, 2025 9:42:56 AM
Attachments:	image002.png image003.png image004.png image005.png

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Dear Mr. Fish,

I am writing you today to express my deep concerns over the proposed rule (N.J.A.C. 12:11) that could reclassify independent contractors like me as employees.

As an agent in New Jersey, I am subject to significant licensing, continuing education, and regulatory oversight that do not apply to many other industries. We are not the type of workers this rule is intended to protect—and yet, under its current framing, many of us could be forced into employment structures that don't fit the nature of our work. It would be highly disruptive to our industry and would limit the availability of important financial products we provide to families across New Jersey.

Licensed insurance and financial professionals have an established, successful history of appropriate classification as independent contractors and are not involved in the worker classification problems found in other industries. The majority of industry agents work as independent contractors and wish to continue doing so.

Most importantly, failure to exempt independent insurance producers and financial advisors from the DOLWD proposal severely limits the scope of insurance products consumers can access, thereby limiting their ability to protect themselves and their loved ones.

I strongly urge you to reconsider moving forward with the proposed rule, as it's incompatible with the distinct characteristics of our industry and jeopardizes the financial security we offer to our clients. Its implementation would not only adversely affect the livelihood of financial professionals like myself, but it would also limit consumer access in New Jersey.

Thank you for your consideration on this matter.

Kristen Hoey
Marlton, NJ

Kristen Hoey
Financial Planner | Prudential Advisors

BOOK APPOINTMENT

o: 856-574-9405

a: 525 Route 73 N, Suite 202, Marlton NJ 08053

e: kristen.hoey@prudential.com

Prudential

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From:	Bruce Shapiro
To:	Fish, David [DOL]
Subject:	[EXTERNAL] New Jersey Realtors® PRN 2025-051 Comments
Date:	Tuesday, August 5, 2025 9:48:01 AM
Attachments:	8.6.25 Letter to David Fish - Comment to DOLWD Proposed Rules re. ABC Test.pdf

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Good Afternoon,

On behalf of New Jersey Realtors® Chief Executive Officer Douglas Tomson, please find attached New Jersey Realtors® comments on the New Jersey Department of Labor and Workforce Development rule proposal PRN 2025-051.

If you have any questions or require any additional information, please do not hesitate to contact us anytime.

Bruce Shapiro

--
Bruce S. Shapiro
Director of Regulatory Affairs
New Jersey Realtors®
(609) 341-7113

The information contained in this email should not be construed as legal advice on any specific matter. The information provided herein may not be applicable in all situations and should not be acted upon without specific legal advice based upon particular circumstances. Each legal matter is unique, and prior results do not guarantee a similar outcome. Due to restrictions in New Jersey regarding the practice of law, all questions requiring a legal response should be directed to the NJ REALTORS® Legal Resource Library at legal.njrealtor.com.

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August 6, 2025

Via Email
David Fish
Executive Director
Legal and Regulatory Services
New Jersey Department of Labor and Workforce Development

RE: Proposed New Rules: N.J.A.C. 12:11 ABC Test/Independent Contractors

Dear Mr. Fish:

Thank you for the opportunity to provide comments on behalf of New Jersey REALTORS® ("NJ REALTORS®"), and its over 55,000 members, to the department's rule proposal PRN 2025-051, N.J.A.C. 12:11-1.1, et seq., which relate to the application of the ABC Test for purposes of determining whether an individual is classified as an independent contractor or an employee.

The Department of Labor and Workforce Development ("DOLWD") has indicated that the proposed rules are based on existing state statute and court decisions. However, a very important New Jersey Supreme Court case, Kennedy v. Weichert, 257 N.J. 290 (2024), was not mentioned in the rules summary or addressed in the rules. The Kennedy case is highly relevant because it involved the question of whether real estate salespersons are independent contractors or employees for purposes of the New Jersey Wage Payment Law.

In the Kennedy case, the New Jersey Supreme Court expressly rejected the application of the ABC Test to real estate salespersons where the salesperson has a written independent contractor agreement with a broker. The Court found that the relationship designated in the required written agreement between a broker and salesperson is dispositive and must be enforced, notwithstanding any other law, rule or regulation to the contrary, in accordance with Section 3.2 of the Brokers and Salespersons Act. N.J.S.A. 45:15-3.2. Thus, the Court held that, if a broker and a real estate salesperson have a written agreement which identifies their relationship as one of an independent contractor, the real estate salesperson is an independent contractor, and the ABC Test does not come into play.

The language in proposed N.J.A.C.12:11-1.6(c) does not address the holding in Kennedy because it provides that "[a] written or oral contract or agreement labeling an individual as an independent contractor is not dispositive of whether an individual is an independent contractor for purposes of the ABC test." While this may be accurate for most, if not all, other industries in the State of New Jersey, the proposed rule is not accurate for the real estate brokerage industry. In

order to rectify this issue, NJ REALTORS® proposes that N.J.A.C. 12:11-1.6(c) be amended as follows:

> (c) A written or oral contract or agreement labeling an individual as an independent contractor is not dispositive of whether an individual is an independent contractor pursuant to the ABC test, except as provided by statute.

This change maintains the DOLWD's objective reflected in this proposed rule, while also adhering to the binding precedent established by the New Jersey Supreme Court in Kennedy. With this proposed change, NJ REALTORS® aims to prevent confusion in the real estate industry by ensuring that salespersons who contract with the broker as independent contractors are in fact treated as independent contractors in accordance with the decision in Kennedy and the intent of the New Jersey legislature as set forth in the Brokers and Salespersons Act.

On behalf of NJ REALTORS®' over 55,000 members, thank you again for the opportunity to provide these comments and for your consideration of NJ REALTORS®' proposed changes. Please feel free to reach out to me directly if you would like to discuss this matter further.

Sincerely,

Douglas M. Tomson
Chief Executive Officer
New Jersey Realtors®

From: Michael Egenton
To: Fish, David [DOL]
Subject: [EXTERNAL] Proposed New Rules: N.J.A.C. 12:11 (ABC Test; Independent Contractors)
Date: Tuesday, August 5, 2025 9:49:18 AM
Attachments: image001.png
State Chamber Comments - NJ Department of Labor - Independent Contractor Proposed Rule 8.5.25.docx
State Chamber Comments - NJ Department of Labor - Independent Contractor Proposed Rule 8.5.25.pdf

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David: Hope all is well…

I have attached our final comments (in WORD and PDF format) -- basically identical to what I discussed at the June 23rd hearing in Trenton.

If you require anything else, please let me know.

Best, Michael

Michael Egenton
Executive Vice President, Government Relations
609-989-7888 x119
New Jersey Chamber of Commerce
216 West State Street, Trenton, NJ 08608

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Good morning. Attached for your information please find a Public Notice, which pertains to the Notice of Proposal for new rules at N.J.A.C. 12:11 (ABC Test; Independent Contractors).

The Public Notice indicates that the Department is providing an **additional 30-day period for the submission of comments** regarding the proposed new rules and will be **conducting a public hearing** regarding the proposed new rules.

Please read the attached for additional details.

Sincerely,

Andrea Fair
Executive Assistant
Legal and Regulatory Services
NJ Department of Labor and Workforce

New Jersey Chamber of Commerce
216 West State Street, Trenton, NJ 08608
njchamber.com | (609) 989-7888
#NJChamberNow

August 5, 2025

David Fish, Executive Director
Legal and Regulatory Services
NJ Department of Labor and Workforce Development
P.O. Box 110 - 13th Floor
Trenton, New Jersey 08625-0110

Dear Director Fish:

The New Jersey State Chamber of Commerce (the "State Chamber") is pleased to submit comments regarding the proposed rules regarding classification of independent contractors and employees that were published by the Department on April 3, 2025.

As the Department knows, the State Chamber has operated since 1911, advocating for initiatives that will improve New Jersey's business climate and enhance job creation. With a broad-based membership ranging from Fortune 500 companies to small mom and pop establishments, we represent every corner of the state and every industry sector. Virtually all of our members will be impacted by some degree to the by the Department's implementation of the proposed rules, particularly since virtually all businesses have people working for them, regardless of classification.

The State Chamber also joins in the comments of the New Jersey Business and Industry Association, other Chambers of Commerce, and many other trade organizations that have commented on the adverse impact that the rules will have on the New Jersey economy, without any real corresponding benefit, if the rules are adopted as proposed.

Our specific comments follow:

Inconsistency with the Current ABC Test.

As the Department acknowledges, New Jersey has a substantial body of case law addressing the distinction between employees and independent contractors. The case law reflects the considered opinions of the judiciary with regard to these issues after they were thoroughly briefed and argued before the courts. Current law essentially establishes a so-called ABC test, which provides for three categories of criteria to be analyzed in making a determination as to the correct classification of workers.

While the proposed rules purportedly constitute a mere codification of existing case law, that is simply not the case. We will only briefly touch on each of the three prongs, but we are aware that more comprehensive analysis of the legal issues involved have been submitted by other commenters. We join them in those other criticisms.

Prong A of the ABC test turns on the issue of the level of control that the putative employer has over the individual worker. While there may not be a realistic, bright line test as to how much control must be exerted, the proposed regulations go too far in their attempt to define control One of the most notable examples is the concept of requiring the worker to comply with applicable law, as if independent contractors need not comply with law. We recognize that is not the Department's position, but by using this expansive definition of control, it is effectively saying that requiring compliance with law is sufficient to establish control for purposes of prong A.

The Department's analysis of Prong B seems to misunderstand the nature of many businesses, again as others have pointed out. The Prong B standard that services be provided outside the usual course of the business of the putative employer and away from such company's place of business. The proposed rule turns that around to say that virtually anywhere that work is performed seems to be trying to make the point that wherever an individual works, however remote from the actual address of the company, is the place of business. As a result, virtually no worker could be independent since the work must be performed somewhere.

Prong C of the ABC test requires that the putative employee have an independent established trade, occupation, profession, or business. Some common indicia of such independence are a professional license, multiple clients or the receipt of a Form 1099. Yet the proposed rules establish a contrary position on this point.

Potential Impact of the Regulations if Adopted

We submit that virtually very few independent contractors will remain as such if the proposed regulation is adopted as written. Such a result serves no real purpose to the State, its economy or the interests of business or workers.

The New Jersey Administrative Procedures Act requires the Department to provide an analysis of the economic impact that a proposed regulation such as this would have as part of the proposal and comment process. The proposal devotes only a few sentences to this issue and does so with no more than conclusory statements and an observation that the new regulations provide greater certainty, thereby lowering the risk of noncompliance.

A theme that runs through the Department's commentary is that the proposed regulations, if adopted, would result in a greater certainty for New Jersey businesses in that they will have clearer guidelines as to employee classification issues. We submit, however, that the new regulations, in deviating from both case law and federal statutes, creates inconsistencies that will result in a greater degree of uncertainty for those businesses that need to address the issue of employee classification.

Another concern that the State Chamber has is the inconsistency of the proposal with federal unemployment law. The Department's commentary does say, in a single sentence without any support, that the proposed rule is consistent with federal unemployment law and hence no further analysis is necessary. Not only is there no support for that comment, but it is simply incorrect. The proposed regulations, if adopted, would deviate substantially from federal unemployment law, as well as, as noted above New Jersey's existing case.

Many businesses rely heavily upon individuals who were historically treated as independent contractors, and the plan seems to be to impede their method of operation. We note that the AAA has commented upon its use of independent contractors in virtually all geographic areas of the State to provide road service to its members, and the proposed regulations call into question their ability to do so. This is only one of many examples of an industry whose whole business model could be adversely impacted by the adoption of these regulations.

In summary, the State Chamber believes that the proposed regulations, if adopted, would create a greater degree of uncertainty for New Jersey businesses without a corresponding benefit either to these businesses or those individuals who work for them. Just as importantly, it would create a disincentive to start or grow businesses in this State when other options are available to business owners and decision-makers.

Thank you for your consideration of these comments.

Sincerely,

Michael A. Egenton
Executive Vice President
Government Relations

New Jersey Chamber of Commerce
216 West State Street, Trenton, NJ 08608
njchamber.com | (609) 989-7888
#NJChamberNow

August 5, 2025

David Fish, Executive Director
Legal and Regulatory Services
NJ Department of Labor and Workforce Development
P.O. Box 110 - 13th Floor
Trenton, New Jersey 08625-0110

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Our specific comments follow:

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While the proposed rules purportedly constitute a mere codification of existing case law, that is simply not the case. We will only briefly touch on each of the three prongs, but we are aware that more comprehensive analysis of the legal issues involved have been submitted by other commenters. We join them in those other criticisms.

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The Department's analysis of Prong B seems to misunderstand the nature of many businesses, again as others have pointed out. The Prong B standard that services be provided outside the usual course of the business of the putative employer and away from such company's place of business. The proposed rule turns that around to say that virtually anywhere that work is performed seems to be trying to make the point that wherever an individual works, however remote from the actual address of the company, is the place of business. As a result, virtually no worker could be independent since the work must be performed somewhere.

Prong C of the ABC test requires that the putative employee have an independent established trade, occupation, profession, or business. Some common indicia of such independence are a professional license, multiple clients or the receipt of a Form 1099. Yet the proposed rules establish a contrary position on this point.

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In summary, the State Chamber believes that the proposed regulations, if adopted, would create a greater degree of uncertainty for New Jersey businesses without a corresponding benefit either to these businesses or those individuals who work for them. Just as importantly, it would create a disincentive to start or grow businesses in this State when other options are available to business owners and decision-makers.

Thank you for your consideration of these comments.

Sincerely,

Michael A. Egenton
Executive Vice President
Government Relations

From: Thomas Fallon
To: Fish, David [DOL]
Subject: [EXTERNAL] N.J.A.C. 12:11
Date: Tuesday, August 5, 2025 10:10:15 AM

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Dear Executive Director Fish,

Thank you for the opportunity to comment on the Department of Labor and Workforce Development's proposed regulations on independent contractors.

As an independent financial advisor, I've built a business based on trust, personal service, and long-term relationships with my clients. These proposed rules threaten that foundation by forcing a reclassification that misrepresents the very nature of my work.

Though I'm affiliated with a registered broker-dealer for compliance and regulatory purposes, I remain a business owner — not an employee. I serve my own clients, make independent decisions, and carry the responsibility and risk of operating my own practice. The broker-dealer relationship is mandated under federal and state law and exists to protect investors — not to control or direct my work.

These regulations would upend this carefully balanced system, pushing me toward an employment model that undermines the freedom and flexibility my clients expect. This disconnect between the proposed state labor rules and financial regulations creates confusion, legal risk, and real harm to small business owners like me.

Please reconsider these rules and work toward a solution that recognizes and respects both the independence of our profession and the existing regulatory safeguards that already protect the public.

Sincerely,

Thomas Fallon
84 Park Ave Ste G209
Flemington, NJ 08822
tfallon@asset-wealth.com

From: Ryan Beliveau
To: Fish, David [DOL]
Subject: [EXTERNAL] N.J.A.C. 12:11N.J.A.C. 12:11
Date: Tuesday, August 5, 2025 10:20:09 AM

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Dear Executive Director Fish,

Thank you for considering feedback on the Department of Labor and Workforce Development's proposed independent contractor regulations.

I am a proud independent financial advisor and a small business owner here in New Jersey. I built my practice from the ground up — investing my own capital, taking on the risks, and serving my clients with personalized financial advice. These proposed regulations could undo all of that by reclassifying me as an employee, a designation that doesn't reflect the reality of my business and could force me to give up the autonomy I've worked hard to achieve.

Like other advisors, I must be associated with a broker-dealer to meet federal and state requirements — but this is a legal compliance measure, not an employment relationship. The broker-dealer actually provides me with services that help me meet my clients' needs — similar to how any business might use software, IT, or legal support. I control how I run my business, who I work with, and how I serve my clients.

Mischaracterizing this relationship as employment not only threatens my livelihood but could lead to fewer financial advisors operating in New Jersey — a blow to the local economy and to residents who rely on our expertise. If advisors are pushed out or driven to other states, clients here will suffer.

I urge you to carefully consider the ripple effects these regulations could have on small businesses like mine and on the people we serve every day.

Sincerely,

Ryan Beliveau
30 Broad St Fl 2
Red Bank, NJ 07701
rbeliveau@hudsonwm.com

From: Michael OConnell
To: Fish, David [DOL]
Subject: [EXTERNAL] N.J.A.C. 12:11N.J.A.C. 12:11
Date: Tuesday, August 5, 2025 10:20:09 AM

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Dear Executive Director Fish,

Thank you for considering feedback on the Department of Labor and Workforce Development's proposed independent contractor regulations.

I am a proud independent financial advisor and a small business owner here in New Jersey. I built my practice from the ground up — investing my own capital, taking on the risks, and serving my clients with personalized financial advice. These proposed regulations could undo all of that by reclassifying me as an employee, a designation that doesn't reflect the reality of my business and could force me to give up the autonomy I've worked hard to achieve.

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I urge you to carefully consider the ripple effects these regulations could have on small businesses like mine and on the people we serve every day.

Sincerely,

Michael OConnell
10 Fieldstone Ct
Mahwah, NJ 07430
michael.oconnell@lpl.com

From: Fred DaVeiga
To: Fish, David [DOL]
Subject: [EXTERNAL] N.J.A.C. 12:11N.J.A.C. 12:11
Date: Tuesday, August 5, 2025 10:20:09 AM

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Dear Executive Director Fish,

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Mischaracterizing this relationship as employment not only threatens my livelihood but could lead to fewer financial advisors operating in New Jersey — a blow to the local economy and to residents who rely on our expertise. If advisors are pushed out or driven to other states, clients here will suffer.

I urge you to carefully consider the ripple effects these regulations could have on small businesses like mine and on the people we serve every day.

Sincerely,

Fred DaVeiga
245 Plymouth Ct
Madison, NJ 07940
fdaveiga@regaladvisor.com

From: Louis Monaco
To: Fish, David [DOL]
Subject: [EXTERNAL] N.J.A.C. 12:11
Date: Tuesday, August 5, 2025 10:20:11 AM

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Dear Executive Director Fish,

Thank you for providing the opportunity to comment on the Department of Labor and Workforce Development's independent contractor regulations.

I am an independent financial advisor, and I am deeply concerned that the regulations will negatively impact the business I worked hard to build. The regulations would force me to become an employee, forfeiting the independence that I value and that is essential to my business and my clients.

As an independent financial advisor, I am required to be associated with a registered broker-dealer firm. But this association is in no way indicative of employment. My clients are mine and I make my own business decisions. In practice, the broker-dealer I am associated with is essentially a service provider for my business, providing me with the technology, compliance, marketing and other tools that help me effectively serve my clients and provide for their financial security and build wealth.

The regulations seem less concerned with whether my business is actually independent – it is – than with strictly applying inflexible indicators that may suggest an employment situation. This approach is poorly suited to assessing the actual independence of financial advisors. The arms-length arrangement that I and other financial advisors have with our independent broker-dealers cannot be structured in a way that fully satisfies these regulations without violating federal and state securities laws designed to protect investors.

Please reconsider these regulations in light of the unintended consequences for New Jersey's independent financial advisors and our clients.

Sincerely,

Louis Monaco
115.5 E Main St
High Bridge, NJ 08829
lmonaco@iacadvisor.com

From: Dina Trunzo
To: Fish, David [DOL]
Cc: senspace@njleg.org; Asminganamort@njleg.org; Aswfantasia@njleg.org
Subject: [EXTERNAL] PRN 2025-051: Please reject the proposed rule
Date: Tuesday, August 5, 2025 10:28:03 AM

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Dear Mr. Fish and Members of the New Jersey Department of Labor and Workforce Development,

I am writing to express my strong opposition to Proposed New Rules N.J.A.C. 12:11, which would fundamentally alter how New Jersey classifies independent contractors through the implementation of an "ABC" test. This proposed regulation poses significant risks to the economic well-being of hundreds of thousands of New Jersey workers and businesses, especially those who rely on this work as second jobs or in retirement. I know I certainly do.

California's similar AB 5 law provides a clear warning. It caused immediate job losses across many industries. The law has required hundreds of exemptions since passage, proving its fundamental flaws.

Independent contracting represents a vital and growing segment of New Jersey's economy. One in five American jobs involves independent work across healthcare, financial services, logistics, and retail. Approximately 75% of independent workers actively choose this arrangement. The vast majority oppose forced reclassification efforts—they want flexibility, not employee status.

Perhaps most importantly, the vast majority of independent workers oppose forced reclassification efforts. These are not workers seeking employee status—they are professionals who have deliberately chosen independent contracting for valid business and personal reasons. Imposing unwanted employment classifications against their will undermines worker agency and economic freedom.

I myself, as a retired individual, have chosen to work as an independent contractor to help municipalities, specifically parks and recreation departments, ensure compliance with the ADA and inclusion. This makes economic sense for these municipalities to not bring someone on as a W-2 employee when they will be working for a short time, for a minimal number of hours, or as an "as-needed professional".

I strongly urge the Department to:

1. **Reject Proposed Rule N.J.A.C. 12:11**
2. **Listen to independent workers who oppose reclassification and engage directly with independent workers**
3. **Learn from California's costly mistake, including the economic disruption. Don't**

repeat them.

I respectfully request that you prioritize the voices and economic interests of the independent workers who would be most affected by this rule. Protect worker choice, not eliminate it.

Thank you for your consideration of these concerns.

Sincerely,

Dina Trunzo, CTRS
Retired, Consultant for ADA compliance and Inclusion services

From:	Lebowitz, Todd
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Comments: Proposed Independent Contractor Rule, NJAC 12:11, ABC Test
Date:	Tuesday, August 5, 2025 10:31:05 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png AAA Comment to NJ DOL - Final 8.5.2025.pdf

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Dear Mr. Fish:

On behalf of the American Automobile Association (AAA) Clubs of New Jersey, enclosed please find comments in response to the proposed independent contractor rule, N.J.A.C. 12:11, Regarding ABC Test.

Sincerely,

Todd Lebowitz
Partner

BakerHostetler
Key Tower
127 Public Square | Suite 2000
Cleveland, OH 44114-1214
T +1.216.861.7899
M +1.216.390.4094

tlebowitz@bakerlaw.com
bakerlaw.com

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Any tax advice in this email is for information purposes only. The content of this email is limited to the matters specifically addressed herein and may not contain a full description of all relevant facts or a complete analysis of all relevant issues or authorities.

Clubs of
New Jersey

AAA Comments
Re. PRN 2025-051
ABC Test; Independent Contractors
August 5, 2025

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August 5, 2025

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Delivered via Email: David.fish@dol.nj.gov

Re: Comments to Proposed Rule at N.J.A.C. 12:11, Regarding ABC Test

Dear Mr. Fish:

The New Jersey club affiliates of the American Automobile Association ("AAA") respectfully submit these comments and proposed changes to the New Jersey Department of Labor and Workforce Development's ("Department") Proposed Rule at N.J.A.C. 12:11, which addresses the statutory ABC test used to determine independent contractor status.

A. Introduction

1. AAA Supports Two Million New Jersey Drivers.

AAA is a not-for-profit, fully tax-paying federation of motor clubs serving more than 65 million members in the United States and Canada. In New Jersey, AAA has more than two million members, accounting for approximately one of every three licensed drivers. AAA has 24 places of business in New Jersey, most of which are branch offices where various member services are provided.

AAA regards our commitment to the safety and mobility of our members and the public as the cornerstone of our identity as an organization. Aside from AAA's well-known roadside assistance services relied on by drivers, policymakers depend on AAA for our evidence-based research and nonpartisan approach to advocating for safer roads and vehicles to protect all road users.

Additionally, AAA strives to advance transportation safety by supporting public education campaigns addressing distracted and impaired driving and offering numerous educational programs to support child passenger safety, teens, and senior drivers to ensure they have the tools needed to be safe on the road.

2. The Proposed Rule Threatens AAA's Ability to Protect New Jersey Drivers.

AAA is the first call for millions of drivers who need emergency roadside assistance anytime, anywhere. In New Jersey alone, drivers made more than 885,000 calls to AAA in 2024 requesting emergency roadside assistance.

For more than 120 years, AAA has relied on a network of local, independently owned and operated businesses to provide these services.

This business model has proven beneficial for local towing companies and AAA members alike: The proximity of the towing companies helps to ensure timely service, and the towing companies gain an additional income stream to supplement their non-AAA work.

These small business owners are not employees of AAA. But the proposed changes to the ABC Test would make their status much less clear. The change would create uncertainty about whether the Department would consider these independent providers to be AAA employees, particularly under the proposed revisions to Prong B.

The AAA roadside assistance model simply does not work if the employees of these independent businesses are reclassified as AAA employees. Small independent businesses owners are not going to give up their independence to become employees of AAA. Instead, the relationships between the service provider and AAA will be severed and the referrals from AAA to these businesses will stop.

The result would effectively decimate the 100-plus year structure of AAA's network of roadside assistance provider relationships, and two million New Jersey drivers would lose access through AAA to the locally owned and operated businesses that provide emergency roadside assistance. The services provided by these small businesses are particularly needed in less populated areas of the state, where fewer options exist to obtain help.

B. Summary of Recommended Changes to the Proposed Rule

We write to address several aspects of the Proposed Rule that deserve clarification or revision. In summary:

- Prong B. The Department should clarify its revised guidance on Prong B, Part 2 to make clear that the highways, roadways, and driveways throughout New Jersey are not AAA's "places of business."

- Prong A. The Department should remove two provisions interpreting Prong A:

    - Proposed Section 12:11-1.3(f), which declares that control exerted to ensure a worker follows the law is relevant control and, therefore, is evidence of employment, and

    - Proposed Section 12:11-1.3(c)(2)(i)(3), which declares that requiring business to be transacted through the use of a digital application or software is relevant control and, therefore, is evidence of employment.

- Prong C. The Department should remove proposed Sections 12:11-1.5(g)(2) and (h), which would prohibit consideration of insurance and independent business registration as evidence of independence if having such insurance and registration was encouraged or required by the hiring party.

C. Recommended Changes to the Proposed Rule

1. Prong B: The Department Should Clarify that All of New Jersey's Highways, Roadways, and Driveways – Where Towing Companies Deliver Emergency Roadside Assistance – are not AAA's "Places of Business."

a. The Proposed Change to Prong B, Part 2 Is Contrary to the Statute and Case Law.

The legislature created an ABC Test that allows Prong B to be satisfied in either of two ways: Either the services are (1) "outside the usual course of business for which such service is performed," or (2) "outside of all the places of business of the enterprise for which such service is performed."[1]

The Proposed Rule would redefine "places of business" in Prong B, Part 2 in a way that the New Jersey Supreme Court, the Appellate Division, and at least one ALJ has rejected.

The Department proposes that "places of business" include "locations outside of the putative employer's physical plant," including "the residence or place of business of the putative employer's client or customer." [2]

To illustrate, the Department then provides the example of a drywall installer who installs drywall at "the residences of customers of the drywall installation business." Applying the Proposed Rule, the Commissioner concludes that a drywall installer who is installing drywall at the residence of customers would fail Prong B because "drywall installation is an essential component of … the putative employer's business."[3]

There are two problems with this proposed change.

***First*,** the proposed change conflates Parts 1 and 2 of Prong B. The legislature drafted Prong B so that it can be satisfied in either of two ways. Part 1 addresses whether the work performed is part of the usual course of the business. But even if the work is within the usual course of the business, Part 2 can still be satisfied if the work is performed "outside of all the places of business of the enterprise for which such service is performed."

The Proposed Rule diverges from the statutory text. Under the drywall example, if the work is essential to the nature of the putative employer's business (i.e., within the usual course), then the locations where such work is performed ***are*** the putative employer's places of business. The Proposed Rule would make it practically impossible to satisfy Part 2 if Part 1 applies. This change is inconsistent with the legislature's decision to provide two independent, alternative paths for complying with Prong B.

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[1] N.J.S.A. 43:21-19 (i)(6)(B).
[2] Proposed N.J.A.C. 12:11-1.4(g).
[3] Proposed N.J.A.C. 12:11-1.4(g)(ii).

Second, the Department's broad interpretation of Prong B, Part 2 has already been considered and rejected by New Jersey courts.

In the *East Bay Drywall* litigation, the Department took the same position as in the Proposed Rule. The Department argued that drywall installers failed Part 2 of Prong B because the drywall installation business conducted an integral part of its business at the residences of its customers, thereby converting those residences to the drywall company's "places of business."[4]

The Department's position, however, was **rejected** by the ALJ, **rejected** by the Appellate Division, and **not considered** by the New Jersey Supreme Court, which reached its ruling in *East Bay Drywall* based solely on its consideration of Prong C. The New Jersey Supreme Court recounted these rulings, each of which rejected the Department's argument that customers' residences are where the drywall installation company conducted an "integral part" of its business: "Regarding prong B, the Appellate Division also agreed with the ALJ, noting that places of business are only 'those locations where the enterprise has a physical plant or conducts an integral part of its business.'"[5]

The Department's proposed interpretation of Prong B, Part 2 was also **rejected** by the New Jersey Supreme Court in *Carpet Remnant Warehouse*, which **ruled against the Department** and held that places of business are limited to "those locations where the enterprise has a physical plant or conducts an integral part of its business."[6]

The New Jersey Supreme Court criticized the Department's broad interpretation of Prong B as infeasible and impractical, concluding that "under that definition of 'places of business,' for a person to satisfy the B standard's second alternative would be practically impossible."[7] Other New Jersey courts have also rejected the proposed expansion of Prong B, Part 2 as impractical and impossible to meet.[8] Courts in other jurisdictions concur that "places of businesses" in an ABC Test should not be interpreted in such a broad manner.[9]

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[4] *East Bay Drywall, LLC v. Dep't of Lab. & Workforce Dev.*, 251 N.J. 477, 492 (2022).
[5] *East Bay Drywall*, 251 N.J. at 491.
[6] *Carpet Remnant Warehouse, Inc. v. N.J. Dep't of Labor*, 125 N.J. 567, 592 (1991).
[7] *Id.*
[8] *See, e.g., Garden State Fireworks, Inc. v. N.J. Dep't of Lab. & Workforce Dev.,* No. A-1581-15T2, 2017 WL 4320819, at *5 (N.J. Super. Ct. App. Div. Sept. 29, 2017) (holding that a fireworks manufacturer using independent contractors for shows did not have a "place of business" at every show because that interpretation "would render this required Prong meaningless as the standard could never be met).; *Kismet Int'l, Inc. v. N.J. Dep't of Lab. & Workforce Dev.,* No. A-1424-21, 2023 WL 4926146, at *4 (N.J. Super. Ct. App. Div. Aug. 2, 2023) (rejecting the argument that a transportation company had a place of business in every drivers' cars because such an interpretation would make Prong B "practically impossible" to prove).
[9] *Standard Oil of Connecticut, Inc. v. Adm'r, Unemployment Comp. Act*, 134 A.3d 581, 607 (Conn. 2016) (refusing to extent Prong B to customer's homes because it would make it impossible to prove independent contractor status); *Burns v. Labor & Indus. Relations Comm'n*, No. WD 44749, 1992 WL 59736, at *3 (Mo. Ct. App. Mar. 31, 1992) (applying ABC test and concluding that roofers did not perform services at a "place of business" because the company has just one place of business); *Athol Daily News v. Bd. of Review*, 786 N.E.2d 365, 372 n.11 (Mass. 2003) (rejecting as "illogical" the argument that a company's "place of business" included delivery routes); *Metro Renovation, Inc. v. DOL*, 543 N.W.2d 715, 722 (Neb. 1996) (rejecting the argument that a construction company's "place of business" includes all worksites where

The Department's expansive interpretation of "places of business" is also inconsistent with the ordinary meaning of this phrase and is inconsistent with other New Jersey statutes interpreting the same phrase. Elsewhere in New Jersey law, "place of business" means a fixed geographic location where a business conducts activities.[10] There is no reason to believe that the New Jersey legislature intended this phrase to have a broader meaning in the unemployment statute than in other statutes.

The Proposed Rule would reinterpret "places of business" to include transient locations where a business has no fixed operations. This interpretation is inconsistent with the text of the ABC Test in N.J.S.A. 43:21-19(i)(6)(B), inconsistent with case law, and inconsistent with how New Jersey interprets the same phrase in its other statutes.

b. The Proposed Change to Prong B, Part 2 Could Invalidate the Independent Business Status of Roadside Assistance Providers.

The Department's proposed expansive view of "places of business" creates enormous uncertainty about AAA's ability to continue to work with local towing companies to provide service to New Jersey drivers.

The Proposed Rule creates a substantial risk that AAA's "places of business" could be interpreted to include every location where a tow truck rescues a stranded driver. AAA certainly does not consider all of the highways, roadways, and driveways of New Jersey to be its places of business. But under the Proposed Rule, the Commissioner might; and a court applying the Proposed Rule might.

Further adding to the confusion, the Proposed Rule says that a "truck" could be a "place of business" for a trucking company.[11] Even if the side of the road is not AAA's place of business, what about the tow truck that arrives at the side of the road to help a stranded driver? The answer is unclear.

The unintended consequences of this proposed change extend beyond AAA. The proposed change could also convert independent towing operators into employees of the New Jersey Turnpike Authority ("NJTA"). Like AAA, the NJTA contracts with independent towing operators to provide roadside assistance to stranded drivers.[12] The NJTA's

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workers render construction services) d*isapproved of on other grounds by State v. Nelson*, 739 N.W.2d 199 (Neb. 2007); *Barney v. Dep't. of Emp. Sec.*, 681 P.2d 1273, 1275 (Utah 1984) (refusing interpretation of Prong B that would result in all workers at a construction site qualifying for unemployment as employees); *McPherson Timberlands, Inc. v. Unemployment Ins. Comm'n*, 1998 ME 177, 714 A.2d 818, 823 (Me. 1998) (requiring an employer to have "a significant and business-related presence at the location to constitute a "place of employment").

[10] *See* N.J.S.A. 56:10-26 ("'Place of business'" means a fixed geographical location at which the motor vehicle franchisor's motor vehicles are offered for sale and sold, but shall not include an office, a warehouse, a place of storage, a residence or a vehicle."); N.J.S.A. 12A:9-307(a), (a)(2) ("In this section, 'place of business' means a place where a debtor conducts its affairs…. A debtor that is an organization and has only one place of business is located at its place of business."); N.J.A.C. 13:55A-2.5(a) (clarifying that "places of business" refers to a company's "offices, sub-agencies, [and] branches").

[11] Proposed N.J.A.C. 12:11-1.4(g)(3)(ii).

[12] *See* Roadside Assistance, Garden State Parkway, N.J. Turnpike Auth., https://www.njta.com/travel-resources/roadside-assistance-gsp (last visited July 30, 2025); N.J. Tpk. Auth., Prequalification of Contractors, https://www.njta.com/media/6907/routine-towing-prequal-final.pdf (last visited July 30, 2025).

function is to operate the New Jersey Turnpike, including protecting the safety of those who drive on it. If its "places of business" include all of the places where tow truck drivers provide roadside assistance (i.e., all of the Turnpike), then the Proposed Rule would seem to convert these towing contractors into NJTA employees under Prong B, Part 2.[13] That cannot be the Department's intent. For purposes of roadside assistance, a narrower definition of "places of business" should remain in effect.

The towing companies providing roadside assistance are independent businesses dispersed throughout the state. They are not directed or controlled by AAA. They operate on their own and provide services independently of their relationship with AAA. They choose when and where to work. They are licensed, registered, and insured as independent businesses. They pay taxes as independent businesses. All of these traits are emblematic of a legitimate independent contractor relationship, and these facts support contractor status under Prongs A and C.

Despite all of the indicia of independent contractor status, failing to meet Prong B is determinative, which is precisely why the Proposed Rule's broad expansion of Prong B is so problematic for AAA. Under the proposed change to Prong B, Part 2, the fact that these towing companies receive referrals from AAA and then aid stranded drivers wherever their vehicles are stranded could mean that they are aiding drivers in AAA's places of business, as bizarre as that sounds. This interpretation would make it impossible for a roadside assistance provider to operate its own independent business if it receives referrals from any third party, including AAA – merely because it conducts its business alongside the highways, roads, and driveways throughout New Jersey. The change would threaten the ability of independent roadside assistance providers to operate as independent businesses if they receive calls from anyone other than the stranded driver directly.

The Proposed Rule would create uncertainty, not reduce it.

c. The Confusion Created by the Proposed Rule Would Impair Public Safety for New Jersey Drivers.

The Proposed Rule threatens the viability of AAA's business model in New Jersey, which will jeopardize public safety on New Jersey roadways.

If AAA cannot confidently contract with independent businesses that provide roadside assistance to stranded drivers, AAA's network of independent providers will shrink substantially, response times will increase dramatically, and the safety of stranded drivers will be placed at greater risk.

The side of the road is a dangerous place, particularly on high-speed thoroughfares or in adverse weather conditions. AAA prides itself on responding as quickly as possible to ensure the safety of our members, and we rely heavily on our relationships with local tow companies to facilitate that level of service.

[13] The definition of "employer" in the Wage and Hour Law includes the State and "any agency, authority, department, bureau, or instrumentality thereof." N.J.S.A. 34:11-56a1(g).

The Proposed Rule places those relationships – and public safety – at risk.

d. AAA Cannot Simply Reclassify Independent Tow Companies as Employees.

It would be neither practical nor desirable for AAA to simply make all roadside assistance providers its employees.

Roadside assistance providers engaged by AAA are independent businesses, and they are not inclined to give up their livelihoods to become someone else's employee. Many have their own employees. They own their own trucks and equipment. They own and/or lease the real property from where they operate. These local companies value their independent contractor status because it allows them to maintain control over day-to-day operations and serve multiple clients. Reclassification would prompt them to stop accepting referrals from AAA, severely damaging AAA's network and leaving fewer roadside assistance providers on the road – particularly in rural areas.

e. A Simple Clarification in the Text Can Resolve This Issue for Roadside Assistance.

There is a simple fix that would resolve our concerns as they relate to New Jersey drivers and public safety.

The Proposed Rule offers two sets of examples to illustrate services that are inside and outside a company's "places of business":

- Section 12:11-1.4(g)(3) ("Subsection (g)(3)") identifies three locations <u>within</u> places of business: (i) an airplane for airline businesses, (ii) a truck for trucking companies, and (iii) a vehicle operated by a driver for the purpose of transporting people or goods.

- Section 12:11-1.4(g)(4) ("Subsection (g)(4)") identifies two places <u>outside</u> of places of business: (i) certain public buildings, and (ii) personal homes for remote work.

The examples in Subsection (g)(3) are geared towards the transportation and delivery industry. They create uncertainty about whether AAA's "places of business" could extend to a stranded driver's vehicle or a towing company's truck. But this uncertainty can be resolved with a simple edit.

The Department can – and should – remove this uncertainty by adding a third example to Subsection (g)(4). AAA recommends adding the underlined text below:

Section 12:11-1.4(g)

4. Other examples of locations that are outside of the putative employer's physical plant, and are also not included among the putative employer's places of business, because they are not locations where the putative employer conducts an integral part of its business, include, but are not limited to, the following:

i. Public buildings, such as the county clerk's office, where a title abstractor performs abstracting services, or a public library or archive, where a title abstractor performs research;

ii. An individual's personal residence where they perform remote work and;

iii. Any location where roadside assistance is provided to a driver.

This simple classification would remove the confusion surrounding Prong B, Part 2 as it relates to AAA and independent roadside assistance providers and would allow AAA to continue to partner with local towing companies to rescue drivers in need.[14]

2. Prong A: The Department Should Delete the Proposed Instruction That Legal Compliance and Use of Digital Platforms are Relevant Evidence of Control.

Prong A focuses on control. It requires courts to consider whether the worker "has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact."[15] The control test focuses on the putative employer's right to control the manner and means of the worker's performance.[16] It does not focus on the putative employer's right to control the result of the work.

The Proposed Rule would adopt two new interpretations of Prong A that are inconsistent with case law and that would have unintended consequences adverse to the safety of New Jersey drivers.

The first change would instruct that requiring compliance with the law is relevant evidence of control, tending to support employment status. The second change would instruct that requiring the use of a digital application or software is relevant evidence of control, tending to support employment status.

We respectfully request that the Department remove these provisions in the final rule.

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[14] Excluding roadside assistance from a stringent classification test is also consistent with the approach taken in California, which by statute exempts motor clubs from its ABC Test. *See* Cal. Lab. Code § 2784.
[15] *See* N.J.S.A. 43:21-19(i)(6)(A).
[16] *Estate of Kotsovska ex rel. Kotsovska v. Liebman*, 221 N.J. 568, 592–93 (2015).

a. The Reference to Control That Is Exercised "to Be in Compliance with a Law" Should Be Removed from the Prong A Analysis.

Under proposed Section N.J.A.C. 12:11-1.3(f), directives issued "in order to be in compliance with a law or rule" would be deemed relevant evidence of control, weighing in favor of employment status:

> (f) When evaluating, pursuant to Prong A of the ABC test, whether an individual has been, and will continue to be, free from control or direction over the performance of services, any control or direction that the putative employer has exercised, or has reserved the right to exercise, **in order to be in compliance with a law or rule** shall be considered; that is, it shall be given equal weight to what would be given any other control or direction that the putative employer has exercised or has reserved the right to exercise.[17]

(Emphasis added.)

This provision is contrary to case law and if implemented, would have a chilling effect, encouraging businesses to avoid taking steps designed to ensure compliance with public safety laws. From AAA's perspective, the direct effect would be to increase risks to stranded drivers.

i. Proposed Subsection (f) is Contrary to Case Law and Standard Business Practices.

Responsible businesses should require their vendors and contractors to follow the law. Following the law is not evidence of employment status, and requiring others to follow the law is not the kind of control that should be relevant to the Prong A right-to-control analysis.

First, when the government passes a law and a business requires a contractor to follow that law as a condition of doing business together, it is the government that is exercising control over that contractor, not the business. There exists a long, virtually uninterrupted line of case law supporting this proposition, both in New Jersey[18] and elsewhere throughout the country.[19]

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[17] Proposed N.J.A.C. 12:11-1.3(f).

[18] *See, e.g., Law Office of Gerard C. Vince, LLC v. Bd. of Review*, A-5441-17T2, 2019 WL 4165066, at *3 (App. Div. Sept. 3, 2019) (holding that a company satisfies Prong A when it exercises control over a paralegal that was required by the state rules of professional conduct); *Trauma Nurses, Inc. v. Bd. of Review*, 242 N.J. Super. 135, 147 (N.J. Super. Ct. App. Div. 1990) (holding that a company exercised "no control or direction" because the policies and rules controlling the worker's conduct were implemented by a third-party institution, not the company).

[19] *See, e.g., Parrish v. Premier Directional Drilling, L.P.*, 917 F.3d 369, 382 (5th Cir. 2019) ("Nor were plaintiffs employees because of safety training and drug testing. To the contrary, requiring everyone working at an oil-drilling site to be educated on safety protocol, and not be under the influence of illegal drugs, is required for safe operations."); *Iontchev v. AAA Cab Serv., Inc.*, 685 F. App'x 548, 550 (9th Cir. 2017) (finding that taxicab drivers were independent contractors under the FLSA and disregarding alleged control by the hiring party because its "disciplinary policy primarily enforced the Airport's rules and regulations governing the Drivers' cab operations and conduct"); Ye*llow Taxi Co. of Minneapolis v. N.L.R.B.*, 721 F.2d 366, 375–

Second, the Department should be encouraging New Jersey businesses to ensure that their vendors comply with applicable law, not creating disincentives for doing so. In business-to-business contracts, it is routine and expected for each party to require the other party to comply with all applicable laws in their business dealings, without suggesting an employment relationship.

Third, this proposed change does not advance the purpose of the ABC Test. The purpose of the ABC Test is to help determine whether a worker is acting in the capacity of an employee under New Jersey law. But requiring compliance with applicable law is not characteristic of an employment relationship or a non-employment relationship. In business-to-business contracts, it is routine and expected for each party to require the other party to comply with all applicable laws in their business dealings. "Compliance with Applicable Law" is a standard contract term in almost every business agreement. The notion that this requirement suggests an employment relationship is not correct.

ii. Retaining Subsection (f) Would Jeopardize Drivers' Safety.

AAA believes in contracting only with towing companies who are knowledgeable about and committed to following New Jersey's traffic laws. AAA therefore requires its third-party vendors to agree that they will comply with applicable laws when providing roadside assistance to AAA members.

It would help no one for AAA to remove this requirement when seeking responsible towing companies to contract with. Yet that would be the likely effect of this subsection. New Jersey drivers deserve to know that the independent roadside assistance providers being sent to help them have been screened and have agreed to follow applicable laws as a condition of being engaged by AAA.

For these reasons, we respectfully request that subsection (f) be removed.

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76 (D.C. Cir. 1983) ("Courts have consistently held that regulation imposed by governmental authorities does not evidence employer control… Reasonable efforts to ensure compliance with governmental regulations do not evidence control unless pervasive control by the employer exceeds to a significant degree the scope of the government control."); *Razak v. Uber Techs., Inc.*, No. CV 16-573, 2024 WL 3584324, at *9 (E.D. Pa. July 30, 2024) ("As the Department of Labor has made clear, "[a]ctions taken by the potential employer for the sole purpose of complying with a specific, applicable Federal, State, Tribal, or local law or regulation are not indicative of control" for the purposes of a misclassification claim."); *Santangelo v. New York Life Ins. Co.*, No. 12–11295–NMG, 2014 WL 3896323, *9 (D. Mass. Aug. 7, 2014) ("A company does not exercise the requisite control necessary to create an employer-employee relationship merely because it restricts the manner or means of their work in order to comply with statutory and regulatory requirements.").

b. The Reference to "Digital Applications and Software" Should Be Removed from the Prong A Analysis.

In proposed Section 12:11-1.3(c)(2)(i)(3), requiring use of a digital application or software would be deemed relevant evidence of control, weighing in favor of employment status. The Proposed Rule states:

> i. The following sub-factors may be considered when determining whether the putative employer has exercised control over the details and means by which the services are performed by the individual. It is intended to be illustrative and is not exhaustive:
>
> …
>
> (3) Whether the putative employer requires the individual to use a digital application or software in the course of performing the services that are primarily or unilaterally controlled by the putative employer…

The problem with this provision is that it focuses on <u>whether</u> digital software is used, rather than <u>how</u> it is used. The mere use of digital software is not indicative of either employment status or independent contractor status. Instead, it is indicative of the digital age we live in. Across all industries, employees and independent contractors use connected digital platforms to provide services. Discouraging the use of modern technology will do nothing to reduce worker misclassification.

In fact, the required use of digital software is often consistent with independent contractor status. For example, a motor club contracting with towing companies might use a digital platform to: (1) post roadside assistance opportunities that a vendor can accept or reject, or (2) identify the location of a driver needing assistance, once a job has been accepted. Neither of these uses of technology is evidence of control over how the work is performed.

As to the first example, the relevant legal question is whether the contractor is free to accept or reject proposed jobs.[20] The fact that the available jobs are posted digitally, rather than via a phone call, makes no difference in the employee vs. contractor analysis. The use of a digital platform here promotes the ability of independent towing companies to operate their businesses efficiently.

As to the second example, the relevant legal question is whether AAA directs and controls the route the tow truck driver takes to reach the stranded driver. The fact that AAA may communicate the drivers' location through a digital platform, rather than by telephone is not evidence that the tow truck driver is an employee of the motor club whose app is being used to help locate the stranded driver. The technology directly improves response time. The use of a digital application protects drivers; it is not evidence of employment.

The Proposed Rule would discourage the use of available technology, which would do nothing to prevent true worker misclassification. Discouraging the use of technology

[20] *Carpet Remnant Warehouse,*125 N.J. at 590–91 (finding insufficient evidence of control because installers were free to accept or reject any job posted on the company's scheduling board).

would only increase response times, increase the chances that the tow truck driver cannot find the stranded driver, and decrease public safety.

3. Prong C: The Department Should Remove or Revise Two Provisions that Deem Insurance and Business Registration Irrelevant.

Prong C requires courts to determine whether the worker "is customarily engaged in an independently established trade, occupation, profession, or business."[21] This Prong focuses on whether the worker has a business or trade that can exist independently from the putative employer.[22]

Two sections of the Proposed Rule, however, would create biases that weigh in the wrong direction.

Unquestionably, the existence of a separate business entity and the procurement of insurance are evidence of independence under Prong C. In *East Bay Drywall*, for example, the New Jersey Supreme Court held that "a certificate of insurance could be a significant indication of independence" and "[b]usiness registration information may bolster this inference…."[23] Of course, neither is determinative, as we saw in *East Bay Drywall*, but both do weigh in favor of contractor status.

In the Proposed Rule, the Department seeks to remove these facts as evidence if the putative employer required the contractor to obtain insurance or have a separate entity. Proposed Sections 12:11-1.5(g)(2) and (h) provide:

> (g)(2). Where the putative employer requires or encourages the individual to establish a business entity, this may suggest a business in name only and does not suggest independent contractor status.
>
> (h) … Where the putative employer requires or encourages the individual to obtain such insurance, the existence of such insurance does not suggest independent contractor status.

East Bay Drywall draws no such distinction. If registration as an independent business and procurement of insurance are evidence of independence, it should make no difference what led to the contractor establishing such independence.

Furthermore, the Proposed Rule is sufficiently vague that it risks punishing responsible businesses that will only contract with independent contractors who have insurance and independent entities. Under the Proposed Rule, requiring these indicia of independence could be viewed as a subterfuge and, ironically, as evidence of noncompliance. In reality, businesses impose these requirements to ensure that they are engaging only legitimate independent contractors.

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[21] *See* N.J.S.A. 43:21-19(i)(6)(C).
[22] *East Bay Drywall*, 251 N.J. 477 at 496–97.
[23] *Id.* at 499.

In *East Bay Drywall*, several of the workers had business entities and insurance, but the New Jersey Supreme Court weighed other factors as well in making its ultimate determination. The tools are already in the toolbox for courts to follow *East Bay Drywall* and apply the same analysis. The Proposed Rule would change the calculus and would introduce confusion, including for law-abiding businesses who insist that their vendors have insurance and are independent business entities.

The Department's assumption that underlies the Proposed Rule – that companies act in bad faith by mandating insurance and business registration – finds no support in *East Bay Drywall*. The Court in that case listed several facts that raised doubt about the workers' independence, but mandatory insurance or independent business registration was not one of them.[24] The Court condemned companies that require workers to *falsely* assume the appearance of an independent business entity.[25] But it did not suggest – let alone hold – that requiring insurance and business registration was inherently deceptive.

East Bay Drywall does not support the Department's position that requiring the existence of business entities or the acquiring of insurance should cause these factors to be ignored as evidence of independence. Yet, the Proposed Rule would **prohibit** consideration of these indicia of independence if they originated after encouragement by the hiring party.

For these reasons, we respectfully request that the Department remove Proposed Sections 12:11-1.5(g)(2) and (h).

D. <u>Conclusion</u>

As discussed herein, well-intentioned rules can have unintended adverse consequences. That is precisely the concern AAA has with the Proposed Rule in its current form. The Proposed Rule, if adopted, will jeopardize the ability of AAA to provide prompt emergency roadside assistance throughout the State of New Jersey, thereby increasing the danger to stranded drivers across the state.

We respectfully request that the Department:

- Insert the proposed clarification to Prong B Section 12:11-1.4(g)(4) to clearly state that an employer's place of business **shall not be "any location where roadside assistance is provided to a driver"**; and

- Make the other changes proposed with respect to Prong A and Prong C as discussed herein.

We thank the Department for the opportunity to comment on this important issue.

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[24] The following facts raised doubts about the workers' independence: (a) the insurance certificates showed coverage for just one year; (b) the registrations revealed a single individual in the ownership structure of nearly every entity; (c) most registrations were revoked for failure to submit paperwork prior to the Department's audit; and (d) the company supplied no evidence that the entities had business locations, employees, or advertisements. *Id.* at 498–500.

[25] *Id.* at 500–501.

Sincerely,

/s/

John Galvin
President & CEO, **AAA Northeast**

/s/

Tom Wiedemann
CEO, **AAA Club Alliance Inc.**

/s/

David Antrilli
CEO, **AAA South Jersey**

and

Todd H. Lebowitz
William S. Weber
BakerHostetler
tlebowitz@bakerlaw.com
wsweber@bakerlaw.com

Attorneys for AAA Northeast,
AAA Club Alliance Inc. and AAA South Jersey

From:	Ahmann, Matthew
To:	Fish, David [DOL]
Cc:	justin.zimmerman@dobi.nj.us
Subject:	[EXTERNAL] Transamerica / Letter re N.J.A.C. 12 11 - ABC Test
Date:	Tuesday, August 5, 2025 10:34:18 AM
Attachments:	image001.png Transamerica Letter re N.J.A.C. 12 11 - ABC Test.pdf

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Dear Executive Director Fish:

Please see attached Transamerica's comment letter. Thank you in advance for the Department's consideration.

Matt Ahmann
Senior Director, State Government & Policy Affairs

C 515-360-7140
matthew.ahmann@transamerica.com

Transamerica
6400 C St. SW
Cedar Rapids, IA 52499
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Transamerica℠

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, New Jersey 08625-0110

August 5, 2025

RE: Proposed New Rules: N.J.A.C. 12:11 (ABC Test/Independent Contracts)

Dear Executive Director Fish:

Transamerica Life Insurance Company (Transamerica) appreciates this opportunity to provide comments in response to the Department's proposed new N.J.A.C. 12:11 (the Proposal), which would reinterpret the "ABC test" regarding independent contractor status under New Jersey law. We share the concerns raised by others in the insurance and financial services industry, including trades such as ACLI, NAIFA, and Finseca, and we would ask that the Proposal be withdrawn or amended.

Transamerica has significant business in New Jersey – with roughly 370,000 insurance customers and retirement plan participants, and almost $140 billion of insurance in force and nearly $2 billion in retirement plan assets under management, as of 2023. We would submit that the classification of insurance producers and financial advisors as independent contractors is supported by current New Jersey law, is preferred by those producers and advisors, and is to the benefit of New Jersey consumers.

The Proposal, as exposed, is a deviation from New Jersey law and would be a departure from other states, like Delaware, who have considered the ABC Test and recognized the independent contractor status of insurance producers and financial advisors. Amongst various other business and distribution models, independent contractor status allows those individuals independence and flexibility in how and how much they work, and it frees them to provide products and advice from multiple companies.

Transamerica respectfully requests that the Department withdraw the Proposal. In the alternative, if the Proposal is adopted, we would ask that an exemption is inserted recognizing the appropriate independent contractor classification for producers and advisors, similar to the exemption for insurance producers under New Jersey unemployment law (N.J.S.A 43:21-1 et seq.).

Sincerely,

Todd Buchanan
President, World Financial Group
C 813-830-1856
todd.buchanan@transamerica.com

CC: Justin Zimmerman, Commissioner New Jersey Department of Banking and Insurance

From: Robert Johnson
To: Fish, David [DOL]
Subject: [EXTERNAL] N.J.A.C. 12:11N.J.A.C. 12:11
Date: Tuesday, August 5, 2025 10:40:11 AM

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Dear Executive Director Fish,

Thank you for considering feedback on the Department of Labor and Workforce Development's proposed independent contractor regulations.

I am a proud independent financial advisor and a small business owner here in New Jersey. I built my practice from the ground up — investing my own capital, taking on the risks, and serving my clients with personalized financial advice. These proposed regulations could undo all of that by reclassifying me as an employee, a designation that doesn't reflect the reality of my business and could force me to give up the autonomy I've worked hard to achieve.

Like other advisors, I must be associated with a broker-dealer to meet federal and state requirements — but this is a legal compliance measure, not an employment relationship. The broker-dealer actually provides me with services that help me meet my clients' needs — similar to how any business might use software, IT, or legal support. I control how I run my business, who I work with, and how I serve my clients.

Mischaracterizing this relationship as employment not only threatens my livelihood but could lead to fewer financial advisors operating in New Jersey — a blow to the local economy and to residents who rely on our expertise. If advisors are pushed out or driven to other states, clients here will suffer.

I urge you to carefully consider the ripple effects these regulations could have on small businesses like mine and on the people we serve every day.

Sincerely,

Robert Johnson
19 Cranbrook Rd
Hamilton, NJ 08690
rjohnson@newcentis.com

From: Amy VO Snyder
To: Fish, David [DOL]
Subject: [EXTERNAL] Public comment on Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors
Date: Tuesday, August 5, 2025 10:43:12 AM

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To: David Fish, New Jersey Department of Labor & Workforce Development

Submitted via email to: david.fish@dol.nj.gov on August 5, 2025

Dear Mr. Fish,

Today I am contributing to the public comment and writing in opposition to Proposed New Rules: N.J.A.C. 12:11, ABC Test; Independent Contractors. I urge the Department to withdraw this proposal in full.

I'm sure you have received a good number of these letters, so I won't cut and paste every point. I'd just like to express that our own state audits have shown misclassification in very few cases, at most 4%. With the cost of living in this state at 20% higher than the national average, I feel this will harm those who fairly and correctly and essentially add to household employment to flourish here, particularly women with W-2 employment.

At the June 23, 2025, public hearing, witnesses from the Chamber of Commerce testified that it would "create substantial challenges for legitimate independent contractors" and that "virtually no work could be independent." The New Jersey Business and Industry Association's witness testified that the result of your proposal "won't be more jobs, it will be fewer jobs"; your proposal states that it will not create jobs.

Democratic and Republican Party legislators in Trenton have stated that this proposal is likely to harm independent contractors. I ask that the Department reconsider the Proposed New Rules.

Sincerely,

Amy Snyder

Fyrefly68@yahoo.com

606 Chestnut Street

Twp of Washington, NJ 07676

From:	Egee, Edwin
To:	Fish, David [DOL]
Cc:	John Holub; French, David; Straczewski, Jason
Subject:	[EXTERNAL] Comments from NJRMA and NRF
Date:	Tuesday, August 5, 2025 10:51:09 AM
Attachments:	image001.png IC New Jersey Comments FINAL.pdf

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Mr. Fish-

Please find attached (also linked HERE) comments from the New Jersey Retail Merchant Association (NJRMA) and the National Retail Federation (NRF) regarding the proposed rule published on May 5, 2025, by the New Jersey Department of Labor and Workforce Development (NJDOL or "Department") regarding independent contractor status under the New Jersey labor laws.

Thank you,
Ed Egee

Edwin W. Egee, V
Vice President
Government Relations & Workforce Development
National Retail Federation
Office: 202-495-7226
Mobile: 703-967-6654

NRF
National Retail Federation

August 5, 2025

David Fish
Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110
13th Floor
Trenton, New Jersey
08625-0110
VIA email: david.fish@dol.nj.gov

RE: N.J.A.C. 12:11

Dear Mr. Fish:

The New Jersey Retail Merchant Association (NJRMA) and the National Retail Federation (NRF) respectfully submit the following comments regarding the above-referenced rule.

A. Introduction

NJRMA and NRF oppose the proposed rule published on May 5, 2025, by the New Jersey Department of Labor and Workforce Development (NJDOL or "Department") regarding independent contractor status under the New Jersey Unemployment Compensation Law, the New Jersey Wage and Hour Law, and the New Jersey Wage Payment Law, among other New Jersey laws. The rule would significantly narrow the definition of independent contractor. As a result, many New Jerseyans would lose the ability to work independently. For those with family or other commitments or medical conditions that do not allow them to work regular schedules, the rule will leave them with far fewer opportunities to earn income. At the same time, New Jersey businesses and consumers who regularly rely on independent contractors will face rising costs and fewer services in the wake of the rule.

Independent contractors are vital to the economy in New Jersey. Not only does independent contracting provide individuals with opportunities to earn income on their schedule, but it is also a proven pathway to the American Dream. In addition, retailers, restaurants, other businesses, and consumers rely on independent contractors for a wide range of services, including billing, facility maintenance, data analysis, transportation, delivery, and marketing. This is particularly the case for smaller businesses and consumers with mobility challenges.

The rule, however, narrows who can qualify as an independent contractor and would effectively force workers into employment relationships. It will result in unnecessary complexity for New Jersey businesses' operations, hinder innovation, increase costs across all industries, and

exacerbate existing inflationary pressures. The rule will result in considerable economic disruption for the numerous individuals and entrepreneurs who currently choose independent contractor arrangements and the businesses and consumers that depend on these contractors' services and expertise.

In sum, NJRMA and NRF oppose the NJDOL's proposed change in this key area of law, which is both detrimental and unnecessary. Contrary to the Department's statement that "the proposed new rules would have no impact on either the generation or loss of jobs," the proposed changes threaten the livelihoods of hundreds of thousands of independent workers and will drive up costs for businesses and consumers reliant on these contractors, creating a chain reaction of business closures, job losses, and diminished services. For these reasons, which are set forth in greater detail below, NJRMA urges the NJDOL to abandon its proposal and instead provide clear guidelines to encourage individuals to establish and manage their own independent businesses.

B. NJRMA and NRF

The New Jersey Retail Merchants Association was founded in 1967. NJRMA is the voice of the retail industry in New Jersey and provides the critical link between retailers and government. NJRMA operates as a nonprofit organization.

The National Retail Federation passionately advocates for the people, brands, policies, and ideas that help retail succeed. From its headquarters in Washington, D.C., NRF empowers the industry that powers the economy. Retail is the nation's largest private-sector employer, contributing $5.3 trillion to annual GDP and supporting more than one in four U.S. jobs — 55 million working Americans. For over a century, NRF has been a voice for every retailer and every retail job, educating, inspiring, and communicating the powerful impact retail has on local communities and global economies.

C. Summary of Proposed Rule

The Department is proposing to codify its interpretation of the ABC test used to determine whether an individual is considered an independent contractor under the New Jersey Unemployment Compensation Law, the New Jersey Wage and Hour Law, the New Jersey Wage Payment Law, the Temporary Disability Benefits Law, the Earned Sick Leave Law, and the Call Center Jobs Act. Under the ABC test, the burden of proof to establish independent contractor status is on the putative employer. For an individual to be considered an independent contractor, the putative employer must satisfy all three of the test's prongs, proving:

A) "that it does not exercise control or direction over the individual's work in fact, and that it does not reserve the right to control or direct the individual's work;"
B) "either that an individual's services are outside of the putative employer's usual course of business or that such services are performed outside of all of the putative employer's places of business;" and
C) "that an individual is customarily engaged in an independently established trade, occupation, profession, or business."

The proposed rule sets forth specific factors and sub-factors that the department will consider when evaluating whether a putative employer satisfies each prong of the test. In some instances, the proposed rule also identifies examples of services that would or would not satisfy the test.

D. Analysis

1. The Proposed Rule Should Be Withdrawn as It Will Disrupt the Economy, Is Untenable as Applied to the 21st Century Workforce, and Raises Constitutional Concerns.

Independent contractors are an important part of the workforce and economy in New Jersey, especially after the COVID-19 pandemic and the growth of the gig economy. Many individuals choose independent work arrangements, because they offer more control over work hours and assignments as well as entrepreneurial opportunities. That flexibility and additional source of income may be critical to their personal or family needs. At the same time, businesses across the economy depend on the skills, expertise, and innovation of independent contractors to meet various operational needs. Retailers and other businesses engage independent contractors for a wide range of services, such as billing, facility maintenance, data analysis, delivery, marketing, and other essential tasks. Independent workers are therefore critical to prosperity throughout the economy.

If finalized, the Department's proposed rule would be devastating to the individuals and businesses – particularly those that are small and mid-sized – who rely on the independent contractor model. The NJDOL should look at other states that have implemented similar policies before moving forward with this policy. The consequences of those states' policies should serve as red flags for the Department.

Perhaps most notably, California's experience codifying the ABC test is well-documented and proof of the test's inadequacies. The state's enactment of Assembly Bill 5 ("AB 5") in 2019, which adopted the ABC test for purposes of the state's wage and hour, unemployment insurance, and labor codes, set the nation's most stringent standard for worker classification determinations. In the six years that have since passed, it is irrefutable that AB 5 has proven to be a failure. The test proved so unworkable that the legislature was forced to exempt over one hundred occupations and industries. Moreover, in 2020, a majority of California voters passed Proposition 22, which exempted app-based drivers from AB 5's reach.

A recent study by the Mercatus Center[1] found that state implementation of the ABC test reduces work opportunities for both independent contractors and employees and does not convert contractors into traditional employees, despite claims from the test's proponents who argue that the policy increases employment. Mercatus found that after AB 5 was implemented in California, self-employment dropped 10.5% in occupations subject to the law, while total

[1] Mercatus Center, "Assessing the Impact of Worker Reclassification: Employment Outcomes Post-California AB5," January 31, 2024, available at https://www.mercatus.org/research/working-papers/assessing-impact-worker-reclassification-employment-outcomes-post.

employment in those same occupations fell 4.4%. In other words, W-2 employment, or traditional employment, not only failed to increase, but it also actually shrank. More generally, Mercatus found that when states adopt the ABC test, W-2 employment falls 4.7% and self-employment falls 4.8% compared to states that use a common-law standard to determine worker classification. They found that these drops are directly caused by the ABC test.

In 2022, the Chamber of Progress issued a report[2] that predicts the impact of nationwide adoption of the ABC test, and the findings are deeply concerning. The report found that nationwide implementation of the ABC test could result in 4.4 million workers being involuntarily reclassified as traditional employees, while 3.4 million of these workers could suffer "substantial, direct income losses." This would come with a $31 billion price tag borne by the nation's most vulnerable communities.

Moreover, there are Constitutional concerns about the ABC test as the policy violates the Commerce Clause and the 5th and 14th Amendments of the U.S. Constitution. Under the Commerce Clause, states cannot interfere with interstate commerce. The ABC test directly imposes undue burdens on interstate commerce by forcibly reclassifying workers vital to commerce that crosses state lines. The 5th Amendment, or the "Takings Clause," prohibits the government from taking private property without compensating the individual. The ABC test deprives independent contractors of their property – their independent business – without any compensation. The 14th Amendment covers due process and equal protection under the law as well as the freedom to contract. The ABC test infringes on individuals' ability to enter into contracts on their own terms (*i.e.*, as independent contractors) even if both parties prefer the independent contractor arrangement. The 14th Amendment also guarantees all individuals will be treated equally under the law, but the ABC test treats certain workers – those classified as and choosing to be independent contractors – differently than traditional employees, discriminating against them for choosing a work arrangement that may not be traditional but works better for their individual circumstances and needs.

Additionally, the ABC test violates the Federal Aviation Administration Authorization Act (FAAAA), which expressly preempts any state law or regulation related to the price, route, or service of motor carriers. The FAAAA was intended to prevent a patchwork of state regulations that could undermine federal deregulation of interstate trucking. As our national association, the National Retail Federation, explained in its amicus brief challenging California's AB 5, the ABC test "frustrates Congress's aims [for the FAAAA] by prohibiting motor carriers from hiring the independent owner-operators they have historically relied on to transport property in American commerce, with drastic impacts on carriers' prices, routes, and services."[3]

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[2] Chamber of Progress, "The Many Ways Americans Work and The Costs of Treating Independent Contractors As Employees," April 2022, available at https://progresschamber.org/wp-content/uploads/2022/04/The-Many-Ways-Americans-Work-Chamber-of-Progress-Shapiro-Sonecon.pdf.

[3] Amicus Brief filed by U.S. Chamber of Commerce, Retail Litigation Center, and NRF, *California Trucking Association v Xavier Becerra*, U.S. Court of Appeals for the 9th Circuit, May 2020, available at http://d22f3d5c92fe72fd8ca1-d54e62f2f7fc3e2ff1881e7f0cef284e.r22.cf1.rackcdn.com/Memo%20Attachments/Nos.%2020-55106%2052%20CTA%20Chamber%20amicus%20brief.pdf.

Despite the evidence reflecting the detrimental impact that the ABC test would have on the economy and workforce and the clear constitutional issues associated with the policy, the Department is considering a proposal that would not only adopt the ABC test but would do so in a manner that is more expansive than the test California adopted in AB 5.

2. The Department's Interpretation of the ABC Test's Three Prongs Are Unworkable and Inappropriate for Today's Economy.

a. Prong A: Freedom from Control

To meet its burden of proof under Prong A of the test, the proposed rule states that a putative employer must establish that it does not exercise control over the individual's work nor does it reserve the right to control or direct the individual's work. The proposal also notes that the putative employer need not control every facet of a person's work for that person to be an employee. The department identifies a number of factors that are relevant to evaluating whether or not the putative employer meets its burden of proof under Prong A. These include whether the individual is required to work during set hours and whether the putative employer has the right to control the details and means by which the services are performed by the individual. Many of these factors and their respective sub-factors ignore certain realities that are commonplace in many business-to-business relationships.

For example, some scheduling limitations may be unavoidable – particularly those that stem from hours of operation. If an independent contractor agrees to sell goods or services within a retail store, that individual's schedule is limited by the retailer's operating hours. Individuals that contract with restaurants for food delivery may only service that restaurant during operating hours. Or a business may hire an after-hours cleaning service where the work is performed after normal operating hours are complete. Such limitations are not a result of the business exercising control over a contractor.

Moreover, Prong A fails to account for the difference between "control" and "quality control." A retailer or restaurant – like many other consumer-facing businesses – will often require service providers to conduct work in a manner that meets the quality assurance standards that the business has deemed necessary. These standards are in service of a variety of objectives, including maintaining product integrity, upholding customer service practices, ensuring products are not damaged, and adhering to safety, health, and other legal standards or best practices. These are "quality control" requirements that are common in contractual relationships and are not evidence of the "control" that is inherent to a traditional employment relationship. Moreover, control that is necessary to ensure compliance with federal or state laws and regulations should not be considered evidence of control for purposes of determining whether an individual is an independent contractor.

b. Prong B: Integrality to Business

The proposed rule specifies that Prong B of the ABC test will analyze whether the individual's services are outside of the putative employer's usual course of business or the services are performed outside all of the putative employer's places of business. The putative

employer's usual course of business includes "activities that the putative employer regularly engages in to generate revenue or develop, produce, sell, market, or provide goods or services." The putative employer's "places of business" refer to locations where the enterprise has a physical plant or conducts an integral part of its business.

This Prong inappropriately equates "integral" with "important." As currently drafted, Prong B would provide little value in determining whether a worker is truly in business for themself, as the question of whether the work is important to the business does not sharpen any understanding of the working relationship between the putative employer and the individual. As a practical matter, businesses do not spend time or money on work that is unimportant. As a U.S. Circuit Court judge explained in 1987, "Everything the employer does is 'integral' to its business – why else do it?"[4] Under the proposed rule, essentially any service for which a business contracts could be deemed integral to the business. A retailer who hires an independent contractor for IT support, for example, could trigger an employment relationship, because computer systems are important to the retailer's ability to sell their merchandise. This clearly defies common sense.

It is unclear how courts should determine whether work is integral to the business. It is an ambiguous criterion that does not naturally lend itself to clear rules of the road for the regulated community. Focusing on the importance of the work rather than its integration into the business's production will result in more inconsistencies, less predictability, and more litigation over the worker classification analysis.

The proposal's location criteria are excessively broad and goes beyond even California's AB 5. The NJDOL specified that a putative employer's customer's residence or place of business would be considered part of the putative employer's places of business when "(1) a service is performed by the worker at the residence or place of business of the putative employer's customer; and (2) the service performed by the worker is an essential component of the putative employer's business." This is an extreme interpretation. No state has gone this far in expanding what constitutes an employer's place of business, and no employers would consider such locations as part of their business. Such an interpretation would upend the economy and dramatically increase litigation over the worker classification analysis. The supply chain ramifications are of particular concern for retailers who rely on a network of trucking and logistics partners to transport inventory and merchandise across their entire business network – from facilities and brick and mortar stores to a customer's doorstep. Moreover, retailers and restaurants are able to reach a broader range of consumers through independent contractors that provide on-demand delivery services and frequently engage in these business-to-business relationships to grow their customer base.

c. Prong C: Independently Established Business

Prong C of the proposed rule specifies that an employer must establish that an individual is "customarily engaged in an independently established trade, occupation, profession, or business" to qualify as an independent contractor. The proposal specifies that what is relevant to

[4] *U.S. Dept of Lab. v. Lauritzen*, 835 F.2d 1529, 1541 (7th Cir. 1987) (Easterbook,J., concurring)

the analysis "is not whether an individual was free to work for others" but whether they performed services – and received remuneration for services performed – for others during the relevant period. The proposed rule also states that a putative employer must establish that an individual's independently established business can exist and continue to exist independent and apart from the service relationship with the putative employer such that "the enterprise must be stable and lasting and able to survive termination of the relationship with the putative employer."

Whether or not an individual is a bona fide independent contractor and truly in business for themself should not turn on the business decisions and practices that the individual makes or chooses to adopt on their own terms. Rather than focusing on whether or not the individual has the opportunity and freedom to make these decisions independent of the putative employer, the proposed rule wrongly focuses on the decision itself as somehow being indicative of a worker's classification. In doing so, the Department itself is prescribing the business practices that an individual must adopt in order for a putative employer to meet the burden of proof under Prong C.

For example, the proposed rule appears to assume that an independent contractor with a singular client or customer cannot be considered an independent contractor. An individual may develop a long-term relationship with a retailer, restaurant, or other customer and choose to devote all or the majority of the time they dedicate to their independently established business servicing that entity for any number of reasons. Or the individual may choose to engage in their independently established business for a minimal amount of time per week to supplement other employment. The proposed rule's discussion under Prong C undermines the choices of countless individuals who turn to independent work to supplement existing income streams or get them through a gap in traditional employment. The decision to service one client, devote the majority of resources to one client, or work independently on a short-term basis is irrelevant to whether or not an individual is in business for themself.

Likewise, the proposed rule's emphasis on evaluating "the number of customers of the individual's business and the volume of business from each respective customer," "the number of employees of the individual's business," and "the amount of remuneration the individual receives from the putative employer compared to the amount of remuneration the individual receives from others in the same industry" is irrelevant to determining whether an independent contractor relationship exists. Bona fide independent contractors have the opportunity to grow their businesses and serve as many or as few customers as they choose. Because one individual chooses to pursue and secure contracts with a number of clients while another individual chooses to serve a single customer does not speak to whether or not either is in business for themselves or engaged in an independently established business. Nor does the decision to increase headcount, presumably in service of meeting a broader customer base. From a predictability standpoint, retailers need certainty when determining a worker's classification without having to consider the choices those individuals make around matters concerning their independent business. From a practicality standpoint, an independent contractor may be reluctant to provide granular information to a putative employer regarding additional business streams and client relationships.

The proposed rule also emphasizes that a putative employer must consider "the extent of the individual's investment in their own tools, equipment, vehicles, buildings, infrastructure, and

other resources." First, the department provides no further guidance on how a putative employer is expected to assess "the extent" of an investment. More importantly, this factor is completely out of step with contemporary economic and market realities. In the 21st century economy, technological innovation and advances in connectivity make it possible for a worker or business to provide meaningful and impactful services with either low-cost investments or through leveraging equipment and materials they already own for personal use, such as a car, smartphone, laptop, and high-speed internet connection. This reality has made independent contracting opportunities more accessible to more people than ever before. Indeed, retailers have engaged with independent contractors who provide services that require little additional investment on their part, such as delivery, social media management, and marketing expertise. These services have helped retailers and restaurants reach a wider range of consumers. That there are fewer barriers to entry for those who want to start and operate their own businesses is irrelevant to the question of whether someone is customarily engaged in an independently established trade, occupation, profession, or business and should not be a factor in determining independent contractor status.

The proposed rule additionally identifies "whether the individual advertises, maintains a visible business location, and is available to work in the relevant market" as important to determining whether or not an independent contractor relationship exists. While some individuals may identify traditional advertising as a worthwhile expenditure of their time and resources, others may opt to forego advertising entirely, prefer word-of-mouth advertising, or rely solely on customer referrals. Or some individuals may choose to invest in advertising during one period of time and discontinue such activity in another. These distinctions derive from the preferences and choices of the independent contractor based on a host of factors that are specific to the individual. The decision to engage or not engage in certain advertising and business development practices does not speak to whether an individual is in business for themself unless the putative employer restricts their ability to advertise. Moreover, the proposed rule's suggestion that an individual must maintain a visible business location to be considered an independent contractor is out of step with the realities of the modern economy. As noted above, 21st century technology has made running a business out of one's own home possible and commonplace. However, the proposed rule does not elaborate on what precisely constitutes a visible business location. Even if a visible business location is understood to be digital in nature (*e.g.,* website or social media account), the decision to establish and maintain a digital presence is the choice of the individual and not relevant to their classification as an independent contractor.

d. Additional Factors

Finally, the proposal also specifies that the factors outlined in the proposal for each of the Prongs of the ABC test "are not exhaustive and additional factors may be considered." This injects even more uncertainty and ambiguity into the analysis. Independent workers and the regulated community are not only required to try to decipher the ambiguous Prongs and relevant factors listed in the proposal, but they must also try to read the future to identify which factors of their relationship may be considered relevant by some unknown individual conducting the analysis.

E. Conclusion

The ABC test has been routinely rejected by Congress, state legislatures nationwide, and even the Biden administration's Labor Department, largely because millions of workers enjoy the freedom and flexibility that independent contractor status provides. California has proven the disastrous results of implementing the ABC test, including massive confusion and reduced employment opportunities across a state's economy. The test articulated in the proposal makes it difficult – if not impossible – for the vast number of current independent contractors to continue to work independently. This will destroy the livelihoods of hundreds of thousands of independent workers and will drive up costs for businesses and consumers reliant on these contractors, creating a chain reaction of business closures, job losses, and diminished services.

In summary, the Department should change course immediately. The NJDOL should recognize, encourage, and protect the innovative ways workers participate in the labor market and sustain their families. These qualities embody the American Dream and should be encouraged, not hindered.

Sincerely,

John Holub

s/ John Holub

President and CEO
New Jersey Retail Merchant Association

David French

Executive Vice President
National Retail Federation

From: Amirah Hussain
To: Fish, David [DOL]
Subject: [EXTERNAL] Chamber Alliance Coalition Letter - Proposed changes to the ABC Test
Date: Tuesday, August 5, 2025 10:52:54 AM
Attachments: Outlook-nqc5bdcc.png
Chamber Alliance Opposition Letter - DOL Proposed Rules ABC Test.pdf

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Good Morning,

On behalf of the Chamber Alliance, a coalition of over 150 Chambers of Commerce across the state, we submit the following comments in opposition to NJ Department of Labor's proposed rule changes to the ABC test for independent contractor status. If you have any questions or concerns, please feel free to reach out.

Best,

Amirah Hussain
Director of Government Relations
(O) 609-989-7888 x104
(M) 609-712-1996
New Jersey Chamber of Commerce
216 West State Street, Trenton, NJ 08608

Web | **Facebook** | **Twitter** | **LinkedIn**

NEW JERSEY CHAMBER of COMMERCE

New Jersey State Chamber of Commerce
216 W. State Street, Trenton, NJ 08608
609-989-7888 | njchamber.com

August 6, 2025

Commissioner Robert Asaro-Angelo
New Jersey Department of Labor and Workforce Development
1 John Fitch Plaza
PO Box 110
Trenton, NJ 08625-0110

Commissioner Asaro-Angelo,

The Chamber Alliance, a coalition convened by the New Jersey Chamber of Commerce and consisting of the state's local and regional chambers of commerce, write to express our strong opposition to the proposed rule that seeks to codify and further expand the application of the "ABC test" for worker classification under New Jersey's Unemployment Compensation, Wage and Hour, and Temporary Disability Benefits law – proposed on April 3, 2025. The combined membership of the cosigned chambers encompasses a large share of the New Jersey business community.

While we agree that worker protections are important and that misclassification should be addressed when abuse occurs, the proposed rules go far beyond reasonable regulation. By codifying the most rigid and expansive interpretation of the ABC test, this rule will disqualify a wide range of legitimate independent contractor relationships across dozens of industries—from freelance media and creative professionals to consultants, real estate agents, rideshare drivers, and IT specialists.

New Jersey's economy increasingly relies on flexible work models to respond to shifting market needs. The proposed rules will harm small businesses, startups, and gig economy participants that depend on project-based talent. Codifying a narrow interpretation of the ABC test undermines entrepreneurial independence and forces a one-size-fits-all employment model that is not reflective of today's dynamic labor force.

The inconsistency of the proposal with federal unemployment law is another major concern. The Department's commentary states the proposed rule is consistent with federal unemployment law and hence no further analysis is necessary. However, the proposed rules *ARE* inconsistent with federal worker classification standards, creating regulatory confusion and legal risk for New Jersey employers that operate across state and federal lines. Employers operating in multiple states will have to navigate a patchwork of inconsistent classification rules, and New Jersey's proposal makes it among the most restrictive in the country.

We respectfully request the Department pause the rulemaking process to conduct further economic impact analysis, engage in a stakeholder dialogue with the business community to develop a more balanced classification framework and consider adopting a more appropriate test to ensure independence of legitimate contractors. If the current proposal is adopted, it would create a greater degree of uncertainty for New Jersey employers and a disincentive to start or grow businesses in this State.

Best,

Tom Bracken
President and CEO
New Jersey Chamber of Commerce

Michael A. Egenton
Executive Vice President, Government Relations
New Jersey Chamber of Commerce

Cosigned Organizations:

Burlington Mercer Chamber of Commerce
African American Chamber of Commerce
Allendale Chamber of Commerce
Asbury Park Chamber of Commerce
Asian Indian Chamber of Commerce
Atlantic Highlands Chamber of Commerce
Avalon Chamber of Commerce
Bayonne Chamber of Commerce
Bergen County Chamber of Commerce
Bernards Township Regional Chamber of Commerce
Bernardsville Chamber of Commerce
Bridgeton Area Chamber of Commerce
Brielle Chamber of Commerce
Brigantine Beach Chamber of Commerce
Burlington County Regional Chamber of Commerce
Camden County Regional Chamber of Commerce
Cape May County Chamber of Commerce
Capital Region Minority Chamber Of Commerce
Central New Jersey Regional Chamber of Commerce
Chamber of Commerce of Greater Cape May
Chamber of Commerce of Old Bridge, Sayreville, South Amboy
Chamber of Commerce Southern New Jersey
Cliffside Park Chamber of Commerce
Cranford Chamber of Commerce
Dover Area Chamber of Commerce
East Brunswick Regional Chamber of Commerce
East Orange Chamber of Commerce
Eastern Monmouth Area Chamber of Commerce
Edison Chamber of Commerce
Elmwood Park Chamber of Commerce
Essex County Latino-American Chamber of Commerce
Fair Lawn Chamber of Commerce, Inc.
Fort Lee Chamber of Commerce
Franklin Lakes Chamber of Commerce
Franklin Township Chamber of Commerce
Gateway Regional Chamber of Commerce
Glen Rock Chamber of Commerce
Gloucester County Chamber of Commerce
Gold Coast Chamber of Commerce
Greater Atlantic City Chamber
Greater Burlington Chamber of Commerce
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Greater Pitman Chamber of Commerce
Greater River Dell Chamber of Commerce
Greater Sea Isle City Chamber of Commerce
Greater Spring Lake Chamber of Commerce
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Roselle Chamber of Commerce
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Rutherford Chamber of Commerce
Salem County Chamber of Commerce
Sea Girt Chamber of Commerce
Sea Isle City Chamber of Commerce & Revitalization

Somerset County Business Partnership
Southern Ocean County Chamber of Commerce
Springfield Patriot Chamber of Commerce
Stafford Chamber of Commerce
Stone Harbor Chamber of Commerce
Suburban Chamber of Commerce
Suburban Essex Chamber of Commerce
Sussex County Chamber of Commerce
Teaneck Chamber of Commerce
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Tri-County Chamber of Commerce
Turkic American Chamber of Commerce
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Vernon Chamber of Commerce
Verona Chamber of Commerce
Waldwick Chamber of Commerce
West Milford Chamber of Commerce
West New York Chamber of Commerce
Westwood Chamber of Commerce
Wildwood Chamber of Commerce
Woodbridge Metro Chamber of Commerce
Wyckoff Chamber of Commerce

From:	Bruce Linderman
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Comments on Proposed New Rules: N.J.A.C. 12:11 ABC Test; Independent Contractors
Date:	Tuesday, August 5, 2025 10:58:29 AM
Attachments:	IWLA NJ Independent Contractor Rule Comments 08052025.pdf

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Good day David,

Attached please find written comments submitted by IWLA President & CEO Jay Strother regarding the proposed new rules: N.J.A.C. 12:11 on ABC Test and Independent Contractors.

Thank you for the opportunity to comment and please feel free to reach out if you have any questions at all.

Thank you, and have a great day,

Bruce

Bruce W. Linderman
Government Affairs Coordinator
International Warehouse Logistics Association
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847.813.4698
blinderman@IWLA.com
www.IWLA.com

IWLA
The Resource for Warehouse Logistics

Join us August 7-8, 2025, in beautiful downtown Toronto, Canada for the 2025 IWLA Fulfillment Forum at the Doubletree by Hilton – Downtown Toronto. Registration is open Here for the IWLA Fulfillment Forum. Don't Miss Out on this immersive two-day experience of collaboration, learning, and forward-thinking strategy!

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August 5, 2025

David Fish
Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
PO Box 110, 13th Floor
Trenton, NJ 08625-0110

Submitted Electronically to: david.fish@dol.nj.gov

RE: Comments Opposing Proposed Rule at N.J.A.C. 12:11 – ABC Test; Independent Contractors

To Whom It May Concern:

On behalf of the International Warehouse Logistics Association (IWLA), I submit these comments opposing the proposed rule at N.J.A.C. 12:11, which would apply the rigid ABC Test to determine worker classification in New Jersey.

About IWLA and Our Presence in New Jersey

IWLA is the only U.S. trade association exclusively representing third-party logistics (3PL) warehouse operators – businesses that provide storage, inventory management, distribution, and fulfillment services critical to every link in the modern supply chain. Our member companies handle goods for manufacturers, retailers, and consumers across nearly every sector of the economy.

In New Jersey, IWLA represents 24 member companies headquartered in-state, and approximately 30 more warehousing locations and logistics facilities run by companies outside the Garden State. These facilities serve as essential logistics hubs for the Northeast Corridor and beyond, employing thousands of New Jerseyans in high-value supply chain jobs.

The ABC Test: An Overly Rigid Framework

The proposed rule would adopt the ABC Test, an overly restrictive standard that presumes all workers are employees unless the hiring party can satisfy three stringent conditions. While well-intentioned in its effort to prevent misclassification, this test fails to reflect the realities of modern logistics operations – and it would disqualify many legitimate, long-standing independent contractor relationships.

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Most problematic is **Prong B**, which requires that a contractor perform work "outside the usual course of business" of the hiring entity. For 3PL warehouses, nearly all contracted services – including inventory unloading, equipment repair, packaging, sanitation, transportation, and seasonal order fulfillment – are central to operations. That means even experienced, independently operated businesses providing these services would no longer qualify as contractors, even if they prefer to remain independent and meet all other criteria.

The Role of Independent Contractors in 3PL Warehousing

IWLA-member organizationss rely on a mix of full-time employees and independent contractors to meet business and customer demands. This is especially important in warehousing, where labor needs can fluctuate significantly based on season, commodity type, or supply chain disruptions.

Examples include:

- **Temporary warehouse labor** to manage peak inventory periods;
- **Specialized contractors** who maintain complex warehouse machinery;
- **Sanitation and environmental service providers** that operate across multiple client sites;
- **IT and robotics consultants** who configure and troubleshoot warehouse automation;
- **Freight brokers and dispatchers** hired on a contract basis to streamline inbound/outbound cargo; and
- **Owner-operator truck drivers**, who contract with warehouses for individual loads but maintain independent businesses serving multiple customers.

These contractor relationships often are highly specialized, fully voluntary, and function within the bounds of current law. For many service providers – particularly small business owners – independence is a business model of choice.

The Broader Economic Impact

Eliminating flexible contracting options would have ripple effects across New Jersey's supply chain, raising operational costs and constraining the ability of warehouses to respond quickly to demand. This is not a hypothetical concern: Similar efforts in other states, particularly California, led to immediate disruption and were followed by a wave of court challenges and legislative carveouts to fix unworkable outcomes.

While the proposed rule intends to protect workers, it could instead jeopardize the livelihoods of many who prefer the flexibility, autonomy, and income potential of

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independent work. For IWLA warehouse companies and their contractor partners, the rule would impose uncertainty and legal risk without a corresponding benefit to workforce protection.

IWLA Supports Balanced, Flexible Worker Classification Standards

IWLA strongly supports fair labor practices and opposes worker misclassification. However, we also believe that **one-size-fits-all frameworks** like the ABC Test are not suitable for complex industries such as logistics, which depend on nuanced, evolving workforce models.

We urge the Department to instead consider adopting more balanced and time-tested standards – such as the common law or economic realities tests – already in use by the IRS and other federal agencies. These frameworks provide flexibility, protect workers, and account for the true nature of the working relationship, rather than categorically banning entire forms of contract work.

Conclusion and Request for Withdrawal

The proposed rule would disrupt legitimate contractor relationships and limit the ability of New Jersey's logistics sector to operate efficiently and competitively. IWLA respectfully requests that the Department withdraw this rule and engage with stakeholders to develop a more practical, industry-informed approach.

Thank you for the opportunity to comment. IWLA stands ready to assist the Department in understanding the real-world impact of the proposal and looks forward to continued dialogue.

Sincerely,

Jay D. Strother
President & CEO

From: Robert Rafano
To: Fish, David [DOL]
Subject: [EXTERNAL] N.J.A.C. 12:11
Date: Tuesday, August 5, 2025 11:00:07 AM

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Dear Executive Director Fish,

Thank you for the opportunity to comment on the Department of Labor and Workforce Development's proposed regulations on independent contractors.

As an independent financial advisor, I've built a business based on trust, personal service, and long-term relationships with my clients. These proposed rules threaten that foundation by forcing a reclassification that misrepresents the very nature of my work.

Though I'm affiliated with a registered broker-dealer for compliance and regulatory purposes, I remain a business owner — not an employee. I serve my own clients, make independent decisions, and carry the responsibility and risk of operating my own practice. The broker-dealer relationship is mandated under federal and state law and exists to protect investors — not to control or direct my work.

These regulations would upend this carefully balanced system, pushing me toward an employment model that undermines the freedom and flexibility my clients expect. This disconnect between the proposed state labor rules and financial regulations creates confusion, legal risk, and real harm to small business owners like me.

Please reconsider these rules and work toward a solution that recognizes and respects both the independence of our profession and the existing regulatory safeguards that already protect the public.

Sincerely,

Robert Rafano
32 Fairview Ave
East Brunswick, NJ 08816
rob@ffsadvisor.com

From:	MacDonald, Alex
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Comments of the Workplace Policy Institute re: Proposed Rules to Implement the ABC Test (PRN 2025-051)
Date:	Tuesday, August 5, 2025 11:01:31 AM
Attachments:	image001.png image002.png FINAL Comments re New Jersey ABC Test 8.5.2025.pdf

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Good afternoon:

Please find attached our comments in response to notice of proposed rulemaking PRN 2025-051.

Best,

Alex MacDonald
Co-Chair, Workplace Policy Institute
202.772.2505 direct, 202.717.6987 mobile, 202.478.5139 fax
AMacDonald@littler.com

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David Fish, Executive Director
Legal and Regulatory Services
New Jersey Department of Labor and Workforce Development
P.O. Box 110, 13th Floor
Trenton, NJ 08625-0110

VIA E-MAIL

August 5, 2025

Re: Proposed Rule Implementing ABC test

Thank you for the opportunity to comment on the Department of Labor and Workforce Development's proposed rule implementing the "ABC" test. We welcome any effort to clarify the test in the context of the modern workplace. More and more, workers are choosing digital, remote, and flexible work. That work has provided a low-friction pathway into the workforce for millions of Americans. And for millions more, it has offered a degree of independence undreamed of by earlier generations.

We are concerned, however, that the rule may put that independence at risk. The rule takes many positions that are incompatible with independence and flexibility. These positions are unjustified by caselaw or statutory text. They conflict with federal law. And perhaps worse, they threaten work opportunities in high-growth industries. Together, they pose an existential threat to flexible, independent work. If they are adopted as written, they could chase whole industries out of the Garden State.

We therefore urge the Department to reconsider the rule. The rule would be bad law and worse policy. It needs serious rework. Nothing less than a total rewrite will preserve independence and flexibility in New Jersey.

About WPI

Littler's WPI advocates for the interests of employers on a global scale. As the government-relations and public-policy arm of Littler—the world's largest employment-

and labor-law practice representing management—WPI focuses on defining and shaping workplace policy at the national, international, and local levels.

Through our policy work, we have learned about the harms caused by overly restrictive worker-classification rules. Strict classification rules reverberate across the governmental landscape, distorting fiscal, legal, and social policy. The Department's proposed rule poses many of those same dangers. We therefore write to call those dangers to your attention.

The ABC Test in New Jersey

In general, New Jersey employment law distinguishes between employees (who are covered) and independent contractors (who are not) using a version of the so-called ABC test. The ABC test comes from the New Jersey Unemployment Compensation Law, which sets out three criteria:

A. The worker has been and will continue to be free from control or direction over the performance of the service, both under the contract and in fact;

B. The worker's service is either outside the usual course of the business for which the service is performed, or the service is performed outside all the usual places of business of the enterprise for which the service is performed; and

C. The worker is customarily engaged in an independently established trade, occupation, profession, or business.[1]

These criteria have been incorporated into the New Jersey Wage Payment Law and the New Jersey Wage and Hour Law.[2] So now, under all three laws, a worker is an independent contractor only when she meets all three criteria. If she does not, she is an employee.[3]

Now, the Department proposes to expand on the ABC test by rule. The proposed rule purports to clarify the three criteria by "codifying" caselaw and the Department's own interpretations.[4] But as explained below, the Department's interpretations raise serious legal, practical, and economic questions.

Analysis

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[1] N.J. REV. STAT. § 43:21-19(i)(6).

[2] Hargrove v. Sleepy's, LLC, 220 N.J. 289, 313–14 (2015).

[3] *Id.* at 305.

[4] Proposed Rule at 2 (preamble).

The Department describes the rule as, in part, an effort to codify existing caselaw.[5] But in fact, the rule would stretch the caselaw in significant ways. It would contradict controlling decisions. It would narrow compliance options. It would restrict novel work arrangements. And in total, it would make it harder for independent workers to pursue or find opportunities in New Jersey.

1. The proposed rule misinterprets prong B by effectively eliminating "places of business" as a compliance option for flexible work models.

The rule would effectively eliminate the "places of business" option. Under prong B, a worker can be an independent contractor when she works outside the hiring entity's (a) usual course of business, or (b) places of business.[6] The has long been understood to protect the independence of remote or ambulatory workers—installation crews, delivery drivers, salesmen going door to door, and so forth.[7] These people satisfy the second prong-B option because they do not report to any fixed place of business, where they could be managed or supervised. Instead, they work in the field or locations of their own choosing, away from any direct oversight.[8]

The rule proposes to narrow that approach. It asserts that when companies do not have fixed places of business, their places of business are wherever their services are performed.[9] Their places of business are wherever any "essential" or "integral" services are performed. For example, the rule says that for some app-based companies, like

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[5] *Id.*

[6] N.J. Rev. Stat. § 43:21-19(i)(6)(B).

[7] *See* Carpet Remnant Warehouse, Inc. v. N.J. Dep't of Lab., 125 N.J. 567, 584–85 (1991) (installation crews) (citing cases). *See also* Schomp v. Fuller Brush Co., 124 N.J.L. 487, 491 (N.J. Sup. Ct. 1940) (salesman worked outside places of business), *aff'd,* 126 N.J.L. 368, (1941); N. Am. Builders v. Unemployment Comp. Div., Dep't of Emp't Sec., 453 P.2d 142, 145 (Utah Sup. Ct. 1969) (installation workers)

[8] *Compare* Trauma Nurses, Inc. v. Bd. of Rev., 242 N.J. Super. 135, 146 (App. Div. 1990) (nurses not employed at any place of business of alleged employer when they performed all services in hospitals not owned or controlled by the employer), *and* Leach v. Bd. of Review, 260 P.2d 744 (Utah 1953) (dealers not employees when, among other things, they did not report to any office of the alleged employers), *with* William H. Goldberg & Co. v. Div. of Emp't Secur., 21 N.J. 107, 121 A.2d 12 (1956) (solicitor found to be an employee when, among other things, he regularly reported to company's office).

[9] *See* Proposed Rule 9–10 (preamble). *See also id.* § 12:11-1.4(g), (d)(1).

rideshare or delivery-network companies, the places of business include a worker's car.[10] That means a driver invariably fails the "places of business" option.[11]

That is not, however, what the statute says. The statute sets out two options for workers who want to work independently: a worker can be independent when she works outside the normal course of business *or* the usual places of business.[12] And under normal rules of statutory interpretation, each option must mean something. The Department cannot read one option out of the statute under the guise of interpreting it.[13] It cannot delete words from the statute and rewrite the law.[14]

The rule tries to avoid that result by looking at a company's business model. It asserts that while many companies contract with workers who perform services off-site, only some of those companies contract with workers for "essential" work. And it is companies who contract out "essential" work who cannot use the second prong-B option. So for example, while a carpet retailer with a physical store can contract out installation services, a drywall company with no physical store cannot.[15]

That revision would contradict the statute itself. To be faithful to the statute, the rule must make room for the possibility that an independent contractor can be hired to do work that is within a company's usual course of business as long as the work is performed outside the company's usual places of business. But the rule would write that possibility out of the law. It would inflate the boundaries of a company's places of business to encompass anywhere work is performed. The only exception would be for work "ancillary to . . . the putative employer's business." As a result, under this rule, prong B would permit

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[10] The rule also fails to grapple with the differences among app-based delivery networks. Not all such networks facilitate deliveries by independent drivers. Some of them also facilitate deliveries by employees of restaurants or other retails. Others facilitate pickup by consumers. The rule does not even try to explain how those activities would slot into the Department's analysis. Would a restaurant employee's car become the delivery platform's place of business? For that matter, would the consumer's car? The rule does not say, likely because the Department failed to appreciate these distinctions among platform companies.

[11] *See id.* at 9–10 (explaining that the rule will treat off-site services as performed at the employer's place of business if the service is an "essential component" of the employer's business).

[12] N.J. Rev. Stat. § 43:21-19(i)(6)(B).

[13] *See* GE Solid State, Inc. v. Dir., Div. of Tax'n, 132 N.J. 298, 306–07 (1993) ("[A]n administrative agency may not, under the guise of interpretation, extend a statute to give it a greater effect than its language permits. . . . Accordingly, we have invalidated regulations that flout the statutory language and undermine the intent of the Legislature.").

[14] *See* Smith v. Dir., Div. of Tax'n, 108 N.J. 19, 26 (1987) ("[A]dministrative regulations are not binding on the courts and a regulation will fall if a court finds that the rule is inconsistent with the statute it purports to interpret."). *See also* Cast Art Indus., LLC v. KPMG LLP, 209 N.J. 208, 222, 36 A.3d 1049, 1057 (2012) ("[W]e must presume that every word in a statute has meaning and is not mere surplusage . . . ." (quoting In re Attorney General's Directive, 200 N.J. 283, 297–98 (2009))).

[15] *See* Proposed Rule at 9–10 (preamble). *See also id.* § 12:11-1.4(g).

a company to hire an independent contractor in only two circumstances: to perform work outside its usual course of business or to perform work ancillary to its business.

That approach distorts the statute by collapsing the two prong-B options. Under the statute, the options are disjunctive; a worker can pass prong B by satisfying either.[16] But under the Department's approach, the worker can use the second option (providing services outside the usual places of business) only if she performs nonessential tasks (i.e., tasks outside the company's usual course of business). In other words, she can use the second option only when she satisfies the first. The second option adds nothing; it effectively disappears[17]

That result would clash not only with the statutory text,[18] but also with the leading judicial decision under prong B—*Carpet Remnants Warehouse, Inc. v. N.J. Department of Labor*.[19] In *Carpet Remnants*, the alleged employer was a carpet retailer. The retailer sold customers both carpets and installation services. For installation, it contracted with independent installers. The Supreme Court of New Jersey held that the installers satisfied prong B. The installers did not report to any office, plant, or other location where the company did business. Instead, they worked in customers' homes. And while they installed the retailer's products in those homes, that wasn't enough to convert the homes into the retailer's places of business. The homes were at most temporary external worksites. They fell outside the retailer's usual places of business, and the installers could work as independent contractors.

Similarly, in *Trauma Nurses, Inc. v. Board of Review*,[20] the alleged employer was a nurse employment broker. The broker matched independent nurses with shifts at hospitals. The nurses worked entirely at the hospitals, not in any office or worksite owned by the broker. And while the broker earned money from the work that the nurses did in the hospitals, that revenue didn't transform the hospitals into the broker's places of business. If it had, the court explained, the statutory scheme would have been "nugatory": no business could have satisfied the second prong-B option.[21]

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[16] *See* Garden State Fireworks, Inc. v. N.J. Dep't of Lab. & Workforce Dev., No. A-1581-15T2, 2017 WL 4320819, at *5 (N.J. Super. Ct. App. Div. Sept. 29, 2017) (noting that prong B can be satisfied by either method).

[17] *See* Proposed Rule § 12:11-1.4(g) (treating as part of a company's usual places of business any place where an essential component of its work is performed).

[18] *See* N.J. Rev. Stat. § 43:21-19(i)(6)(B). *See also In re Freshwater Wetlands Prot. Act Rules*, 180 N.J. 478, 489 (2004) ("[I]f the regulation is plainly at odds with the statute, we must set it aside.").

[19] 125 N.J. 567 (1991).

[20] 242 N.J. super. 135 (App. Div. 1990).

[21] *Id.* at 144.

Now, the rule claims to be faithful to both *Carpet Remnants* and *Trauma Nurses*.[22] Yet under its approach, neither case would come out the same way. The retailer in *Carpet Remnants* regularly offered installation services, and the broker in *Trauma Nurses* regularly referred nurses to hospitals. In both cases, the work performed off site was an "essential" part of the companies' business models. So under the rule, both the retailer and the broker's places of business would have followed the services: both would have failed prong B.

That result would not only clash with caselaw, but also single out vulnerable workers for unique burdens. Today, the independent workforce includes both white-collar professionals, who provide services from behind a computer and a desk, as well as blue-collar workers, who provide services from behind the wheel. By singling out work in a car, the rule would allow the former to continue their independent professions while restricting the independence of the latter. Independent work would become the special privilege of white-collar knowledge workers; blue-collar workers would be consigned to a fate of fixed-schedules and strict supervision. Nothing in the caselaw, statute, or common sense justifies that kind of rank discrimination.

The rule therefore clashes with the leading cases. While those cases recognize the "places of business" option as a viable alternative, the rule would effectively eliminate that alternative for many businesses. That result cannot be squared with precedent.[23]

Eliminating the "places of business" option would be unprecedented. The ABC test has a long history in unemployment-compensation law. At least one state, Maine, has used the test for unemployment purposes since the 1930s.[24] But in unemployment law, the test has traditionally included the "places of business" option. The first state to use the test without that option was Massachusetts, which adopted a new, narrower ABC test in

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[22] *See* Proposed Rule at 2, 7 (preamble) (citing both cases and claiming to merely "codify" existing law).

[23] *See Garden State Fireworks*, 2017 WL 4320819, at *5 (applying *Carpet Remnants* and rejecting Department of Labor's arguments that fireworks company's places of business included every place where it staged a fireworks display); Kismet Int'l, Inc. v. N.J. Dep't of Lab. & Workforce Dev., No. A-1424-21, 2023 WL 4926146, at *4 (N.J. Super. Ct. App. Div. Aug. 2, 2023) (rejecting argument that "places of business" under prong B included a worker's car), *cert. denied,* 256 N.J. 194, 307 A.3d 535 (2024)

[24] *See* Jon O. Shimabukuro, *Worker Classification: Employee Status under the National Labor Relations Act, the Fair Labor Standards Act, and the ABC Test*, CONG. RES. SERV. (April 20, 2021), https://www.congress.gov/crs-product/R46765 (citing Me. Stat. tit. 26 § 1043.11.E)).

2004.[25] But that new test applied only to Massachusetts's wage-and-hour laws.[26] It did not apply to Massachusetts's unemployment law, which kept the traditional prong B.[27]

The first state to eliminate the "places of business" option for unemployment purposes was California. In 2020, California enacted AB 5, which established a strict ABC test for most purposes, including unemployment.[28] But even in California, the legislature collected feedback from the business community, realized that its rules could harm legitimate contractors, and exempted dozens of industries from the harshest effects of its new test. What's more, voters overwhelmingly rejected the narrow test for certain app-based drivers, who work mainly in their cars.[29] California also made numerous exceptions to the general rule, providing a more lenient test for certain referral businesses, independent professionals, and others. So even California—until now the strictest state in the country—allows some off-site workers to provide services as independent contractors.

No such exceptions appear in the rule. So if the rule were passed, New Jersey would stand alone. It would be the only state to classify a worker as an employee under prong B merely because the worker provides services in a place often associated with those services (though outside the business's control), such as a car or customer's home or business. That result would be unprecedented, unjustified, and unwarranted.[30] Sections 12:11-1.4(b)–(e) and 12:11–1.4(g) should be removed from the rule entirely.

2. The rule misinterprets prong A by introducing novel forms of "control."

Legal compliance as "control." Under prong A, a worker may be an independent contractor when she is free from control under her contract and in fact. This "control" factor is based on common-law principles: it incorporates a context-based approach on longstanding agency law.[31] Under those principles, the relevant "control" is control exercised by the hiring entity: the entity is an employer when it dictates how the work is

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[25] *See* Attorney Gen. of Mass., An Advisory from the Attorney General's Fair Labor Division on M.G.L. c. 149, s. 148B, 2008/1, https://www.mass.gov/doc/attorney-generals-advisory-on-the-independent-contractor-law/download (describing history of adoption of ABC test into Massachusetts law).

[26] *See* MASS. GEN. L. ch. 149, § 148B.

[27] *See* MASS. GEN. L. ch. 152, § 2.

[28] AB 5, Reg. Sess. (Cal. 2019 – 20).

[29] *See* CAL. BUS. & PROF. CODE §§ 7448–7467. *See also* Kate Conger, *Uber and Lyft Drivers in California Will Remain Contractors*, N.Y. TIMES (Nov. 4, 2020), https://www.nytimes.com/2020/11/04/technology/california-uber-lyft-prop-22.html.

[30] *See* Kingsley v. Hawthorne Fabrics, Inc., 41 N.J. 521, 528 (1964) ("An administrative agency may not under the guise of interpretation extend a statute to include persons not intended, nor may it give the statute any greater effect than its language allows.").

[31] *Carpet Remnants*, 125 N.J. at 579 (citing Restatement of (Second) Agency § 220 (Am. L. Inst. 1954)).

done.[32] The rule, however, would turn that principle on its head. It would consider not control resulting from the entity's own decisions, but also control resulting from legal requirements.[33] The result would be both illogical and unprecedented.

Logically, legal compliance has nothing to do with a worker's status. That's because the law often requires a company to take the same precautions for both its employees and its contractors. Contractors and employees have no different status under the law; both must follow the same rules. Courts, therefore, have consistently disregarded legal compliance in their analysis. For example, in *Iontchev v. AAA Cab Services*,[34] the Ninth Circuit held that a dispatch company had not controlled certain taxi drivers merely by requiring them to follow local airport regulations.[35] Similarly, in *Chao v. Mid-Atlantic Installation Services*,[36] the Fourth Circuit found that a cable company had not controlled certain installation providers by requiring them to follow "various local regulations." And more recently, in *Rezak v. Uber Technologies, Inc.*,[37] the Eastern District of Pennsylvania held that a rideshare company had not controlled drivers by requiring them to follow local transportation regulations. These decisions recognize that legal compliance has little or no bearing on worker classification: legal requirements reflect not the company's own policies, but the prevailing legal regime.[38]

The rule, however, would turn that logic on its head. It would treat compliance as control even when a company has no choice but to ensure compliance. The company could not require its contracting partners to follow the law without converting those partners into its employees. Every regulation, then, would become an implicit classification test. Every legal requirement would become evidence of employment.

That result cannot have been intended by the legislature[39] The legislature incorporated common-law agency principles, which have long been understood to exclude legal

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[32] *See id.*

[33] *See* Proposed Rule § 12:11-1.3(f).

[34] 685 F. App'x 548, 550 (9th Cir. 2017).

[35] *See id.*

[36] 16 F. App'x 104, 106 (4th Cir. 2001)

[37] No. CV 16-573, 2024 WL 3584324, at *9 (E.D. Pa. July 30, 2024).

[38] Even the U.S. Department of Labor has recognized that legal compliance as such does not indicate control under the Fair Labor Standards Act, which takes an approach broader than the common-law test from which prong A was derived. *See* Employee or Independent Contractor under the Fair Labor Standards Act, 89 Fed. Reg. 1638, 1694 (Jan. 10, 2024) (recognizing that actions taken by a hiring entity to ensure compliance with specific laws or regulations are not indicative of control).

[39] *See Kingsley*, 41 N.J. at 529 ("[I]f the regulation attempts to add to the statute something which is not there, it can furnish to sustenance to the statute.").

compliance from the analysis. The rule's treatment of legal compliance[40] should therefore be deleted.

Digital applications and software as "control." Similarly, in section 12:11-1.3(c)(3)(i)(c), the rule states that a company controls a worker when the worker uses a digital application or software "primarily or unilaterally controlled" by the company. That principle is unsupported by text, caselaw, or common sense.

To start, no New Jersey court has found that a digital program or application controls a worker's services per se. Instead, courts have examined the circumstances in each case. They emphasize that control under prong A is a fact-heavy question; it must be balanced and examined in each case.[41] Courts have therefore never found that a company controls a worker's services merely because it offers the worker a specific kind of software or digital platform. That kind of per se rule would contradict prong A's context-based analysis.

Nor would such a per se rule make sense in today's workforce. In the modern economy, whole industries are mediated through digital information technology and software.[42] Employees and contractors alike use digital tools and software to manage their work. Contractors in particular use third-party software to manage their schedules, budgets, and taxes.[43] Those digital tools do not themselves control a contractor's work; instead, they help the contractor work how he or she chooses.[44]

Digital work applications are no different. Though the applications differ in detail, they typically help providers find new clients, and vice versa, through a two-sided interface.[45] Many platforms essentially match people who want a service to people who want to

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[40] Proposed Rule § 12:11-1.3(f).

[41] *See Carpet Remnants*, 125 N.J. at 582–83 (emphasizing that prong A incorporates the common-law control test, a multi-factor balancing test); *Phila. Newspapers, Inc. v. Bd. of Rev.*, 397 N.J. Super. 309, 321, 937 A.2d 318, 326 (App. Div. 2007) (observing that control under prong A is determined by "all facts surrounding a claimant's relationship" with the hiring entity).

[42] *See* Robert D. Atkinson, *How the IT Sector Powers the U.S. Economy*, INFORMATION TECH. & INNOVATION FOUND. (2022), https://www2.itif.org/2022-it-sector-impact.pdf (reporting that "[n]early one-fifth of all private sector jobs in the U.S. Economy (19 percent) are enabled by IT"). *See also* KPMG, THE DIGITAL DIVIDEND (2024), https://tinyurl.com/5d7b3hsn (describing use of technology across industries and digital tools' role in driving growth of U.S. companies).

[43] *See 14 Best Apps for Independent Contractors: Must-Have Tools to Streamline Your Workflow*, FRESNO STATE (Aug. 20, 2024), https://careercenter.fresnostate.edu/blog/2024/08/20/14-best-apps-for-independent-contractors-must-have-tools-to-streamline-your-workflow/ (surveying digital tools designed for and used by independent contractors).

[44] *See id.* ("These tools help you streamline your finances and keep you organized, so you can focus more on your work and less on administrative tasks.").

[45] *See* Mareike Mohlmann & Andrea Geissinger, *Trust in the Sharing Economy*, 27, 30, *in* CAMBRIDGE HANDBOOK OF THE LAW OF THE SHARING ECONOMY (2018) ("Platforms act as intermediaries, matching peers and taking over certain tasks to ensure smooth transactions.").

provide that service. Other platforms provide an online directory where prospective clients can browse and reach out to providers directly. In concept, these platforms are no different from an efficient version of the Yellow Pages.[46] And no one would say that the Yellow Pages control a service provider's work simply because they help the provider find new clients.

More fundamentally, the rule fails to account for digital platforms' sheer variety. It also fails to recognize the many different ways that people use platforms and similar software to run their own businesses or find work opportunities. Today, digital platforms foster connections for communities seeking or offering diverse services—from tutoring to counseling to medical advice and much in between.[47] People perform these services for their clients under different circumstances with different levels of flexibility, interaction, and use of digital platforms. They offer different pricing options, different scheduling options, and different terms of use.[48] Yet the Department's rule would harm people by treating them as an undifferentiated mass: it would designate all platforms and software as a form of control.[49]

To understand the rule's scope, consider a few examples. Imagine that a corporation requires its outside counsel to submit regular bills through the corporation's billing system. Or imagine that a major newspaper requires freelancers to upload their content using the newspaper's content platform. In neither case would the workers normally be considered employees: lawyers and freelance writers have a long history of professional independence. But under the rule, both would be subject to their clients' "control" merely because they used their clients' software.

Nothing in the statute, the caselaw, or the modern economy justifies that approach. Software and digital applications are no different from other resources; in the right context, they can empower individual businesses and work. In fact, people can and do use multiple platforms, often simultaneously, to maximize their options and earnings. They should not be singled out for worse treatment. Section 12:11-1.3(c)(3)(i)(c) should be

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[46] *See* Kate Gibson, *Digital Platforms: What They Are & How They Create Value*, HARV. BUS. SCH. (May 8, 2024), https://online.hbs.edu/blog/post/what-is-a-digital-platform (observing that digital platforms have "revolutionized how buyers and sellers connect" by moving "business interactions from traditional settings—like physical marketplaces and classified ads—to online environments"). *See also* Austin Corso, *The Economics of Multi-Sided Market Design and Matching Theory* (Jan. 11, 2021), https://austincorso.com/2021/01/11/economics-multi-sided-market-design-matching-theory.html (explaining that multi-sided digital markets "matches two (or more) market participants to generate a mutually-beneficial transaction" and allows "the market participants themselves to make the decisions").

[47] *See, e.g.*, Tutor.com (tutoring services); Verbling.com (language-instruction services); BetterHelp.com (counseling services).

[48] *See* J.P. MORGAN CHASE, THE ONLINE PLATFORM ECONOMY: WHO EARNS THE MOST? 1–6 (2016) (observing wide variety in geography, income, and profession of digital-platform users).

[49] *See* Proposed Rule § 12:11-1.3(c)(2)(i)(c).

removed. Alternatively, it should be modified to state that digital platforms are analyzed the same as physical resources: their relevance depends on their context and use in a particular circumstance. They are not per se mechanisms of control.

Training as control. The rule also takes an overbroad approach to training. Section 12:11-1.3(c)(9) states that a business may control a worker when the business provides "training." The section does not, however, define that term. And without some definition or limit, it could be interpreted to cover even voluntary education, tutorials on the use of a digital mobile platform, or guidance materials. Many businesses offer guidance to their suppliers or partners to help them provide better service. They may also offer suppliers information about safety risks or legal requirements. That guidance is valuable because it promotes safer, more compliant, and more efficient contracting relationships. But if section 12:11-1.3(c)(9) were taken literally, it could turn the guidance into evidence of misclassification, which would discourage businesses from providing it.

That result is unsupported by caselaw. Courts do, of course, consider training in their analysis.[50] But when they do, they typically refer to mandatory job training.[51] They do not refer to voluntary guidance or information provided by one business partner to another. Nor should they: that kind of guidance is exchanged in all kinds of normal business relationships. It would be extraordinary to treat those relationships as a form of employment simply because the parties exchanged mutually beneficial information.

Section 12:11-1.3(c)(9) should therefore be amended. It should be changed to read "whether the putative employer provides mandatory, job-related training to the individual."

Control outside "performance of the service." The proposed rule also suggests that control may be relevant even outside the performance of service. In places, the rule acknowledges that the relevant question is whether a business controls a worker's services. But in other places, the rule suggests that control even outside the worker's services may affect the analysis. For example, in subsection 12:11-1.3(e), the proposed rule refers to freedom from "direction and control" without cabining the control to the worker's services. Similarly, subsection 12:11-1.3(c) refers to "control or direction" without the words "of the services" or "of the work." These subsections therefore suggest that the

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[50] *See Trauma Nurses*, 242 N.J. Super. at 145 (noting that the company "offered no training to nurses").

[51] Bowerman v. Field Asset Servs., Inc., 60 F.4th 459, 464 (9th Cir. 2023) (referring to mandatory training and noting a dispute over whether the training was in fact mandatory); Pairan v. Guardian Prot. Servs. of Ohio, LLC, No. 1:20-CV-17, 2020 WL 3971602, at *2 (S.D. Ohio July 14, 2020) (referring to mandatory training), *report and recommendation adopted,* No. 1:20-CV-17, 2020 WL 5362049 (S.D. Ohio Sept. 8, 2020); Pennington v. Integrity Commc'ns, LLC, No. 1:12-CV-5 SNLJ, 2012 WL 4854677, at *1 (E.D. Mo. Oct. 11, 2012) (same).

freedom from control must be broader: any control, even outside the worker's services, could be relevant.

That nuance could affect otherwise legitimate contracting arrangements. For example, a company might outsource repair work on its vehicles to a professional mechanic. It might also separately buy vehicle parts from the mechanic. And when it buys parts, it may require the mechanic to bill it through an electronic billing system. The only relevant "control" should be whatever control the company exercises when the mechanic is fixing a vehicle—i.e., control within the "performance of the service." But as written, the rule suggests that other control (like the e-billing requirement) could also affect the relationship.

To avoid that suggestion, the rule should be amended. Subsection 12:11-1.3(a) should be changed to read: "In order for the putative employer to meet its burden pursuant to Prong A of the ABC test, the putative employer must establish that it does not exercise control or direction over the individual's work in fact, and that it does not reserve the right to control or direct the individual's work <u>in the individual's performance of service to the putative employer</u>."

Reporting as control. Finally, the rule takes an overbroad approach to reporting. The rule treats reporting as control whenever it relates to "an aspect of the individual's services" and is required at "prescribed times of intervals." That formulation threatens to upset thousands of common and uncontroversial reporting requirements in commercial contracts. Contracting parties almost always require some kind of reporting: general contractors must report on the progress of construction projects; business consultants must submit regular invoices; lawyers must give their clients monthly summaries of their time. Yet under the rule, all of these standard reports would be treated as evidence of control. The rule should instead approach reporting as courts have long approached it: treating it as control when it effectively restricts the contractor's control over the manner of work, and not treating it as control when it doesn't.

3. The proposed rule will make it harder for people to understand the law.

In the proposal, the Department suggests repeatedly that the rule will enhance "clarity." For example, it is social-impact analysis, it suggests that the rule will make classification decisions easier and therefore cause more workers to be (properly) classified as employees. It makes similar statements in its economic and regulatory-flexibility analyses. Clarity, in short, is presented as one of the proposed rule's chief virtues.

But in fact, the proposed rule would only muddy the waters. Its text is rife with vagueness and ambiguity. To take only a sample, in section 12:11-1.3(c), it lists factors related to "control" under prong A. But rather than give a definitive account of the relevant

factors, it emphasizes that the listed factors are only "among those that shall be considered." Similarly, section 12:11-1.3(c)(2)(i) makes clear that the list is "illustrative" and "not exhaustive." Similar qualifications and caveats appear in sections 12:12-1.3(d), 12:11-1.3(e), and 12:11-1.5(d).

These caveats drain the rule of any clarifying force. They suggest that the listed criteria are incomplete, partial, and contingent. They offer no guarantee that a worker who avoids the listed factors can continue to work as an independent contractor. The worker and her clients still proceed at their own peril. They have no clarity; only uncertainty and regulatory risk.

The rule, in short, fails to do the basic job of a rule: inform the regulated community about how to comply with the law. These caveats should be removed, or the rule should be withdrawn.

4. The proposed rule misstates the significance of *de minimis* earnings.

In section 12:11-1.6(d), the proposed rule states that a worker cannot be considered a contractor simply because the worker earns too little to qualify for unemployment. But again, that conclusion contradicts caselaw and simple logic.

Start with caselaw. In *Carpet Remnants*, the New Jersey Supreme Court explained that the ABC test was designed to identify workers who were eligible for unemployment benefits.[52] It follows, then, that a worker who earns too little from a company to qualify for unemployment benefits is unlikely to be that company's employee. For that conclusion, *Carpet Remnants* drew on decisions from other states, including *Pam's Carpet Service, Inc. v. Employment Division*.[53] There, the Court of Appeals of Oregon reasoned that a person who earns very little from a particular company is unlikely to depend on that company for continued work. She is therefore more likely to be independent.[54]

Those conclusions make logical sense. The lodestar of employment status is dependence.[55] Employees receive additional legal protections because they depend on an

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[52] *Carpet Remnants*, 125 N.J. at 588 (noting that the legislative history showed "a clear legislative intent to include within the classification of employment only those individuals that may someday be eligible for unemployment benefits").

[53] 613 P.2d 52 (Or. App. 1980).

[54] *See id.* at 57.

[55] *See* East Bay Drywall, LLC v. Dep't of Labor and Workforce Development, 251 N.J. 477, 498–99 (2022) (analyzing prong C through lens of dependence on an employer for continued work). *See also Carpet Remnants*, 125 N.J. at 590 (emphasizing that the Department "should have evaluated the entire relationship . . . including in the deliberative process the pragmatic recognition that many of the installers will be ineligible

employer for continued work.[56] But if a worker earns a minimal amount from a particular company, the worker is less likely to depend on that company. The worker is therefore less likely to be the company's employee. That logic may not follow in every case; some employees may work only intermittently, and so may earn relatively low amounts. But the amounts are nevertheless relevant: they are one signal among many that courts will consider.[57] To say they are irrelevant ignores the caselaw and defies common sense.

Section 12:11-1.6(d) should therefore be removed. If it is not removed, the word "relevant" should be replaced with "determinative," and the word "impact" should be replaced with "control by itself."

5. The proposed rule enacts an unworkable version of prong C.

In *East Bay Drywall*, the New Jersey Supreme Court explained that prong C focuses on whether a worker has a business that will survive the end of the contract. If the worker will continue to offer similar services to other clients, she has an independently established business, profession, or trade. But if she will effectively stop providing services, she will "join the ranks of the unemployed." She has no independent business and should be considered an employee.[58]

That formulation is longstanding and workable. The proposed rule, however, would replace it with an unrealistic and unworkable standard. The proposed rule would state that a worker has an independent business, profession, or trade only when she in fact has other clients.[59] It would not be enough that she can provide services to other clients, or even that she has tried to provide services elsewhere. She would have to actively and regularly provide similar services to others. The rule, then, would ask not whether she is independent, but whether she is successful. Only successful workers could remain independent contractors. Others would have to work as employees.[60]

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for unemployment benefits by virtue of their diverse sources of income"). *Cf.* 29 C.F.R. § 795.105(b) (describing economic dependence as the "ultimate inquiry" under the Fair Labor Standards Act).

[56] *See, e.g.*, Brooklyn Sav. Bank v. O'Neil, 324 U.S. 697, 706–07 (1945) (explaining that the purpose of the Fair Labor Standards Act was to correct the "unequal bargaining power as between employer and employee"); Mullally v. Waste Mgmt. of Mass., Inc., 452 Mass. 526, 531 (2008) (recognizing that Massachusetts' wage and hour laws were designed to serve the same purpose as the FLSA). *See also* ERIC POSNER, HOW ANTITRUST FAILED WORKERS 143–151 (2022) (explaining that the law extends employment protections to certain workers because those workers cannot easily find other buyers for their services and therefore cannot adequately protect their interests in the open market).

[57] *See Pam's Carpet Serv.*, 613 P.2d at 57. *See also Carpet Remnants*, 125 N.J. at 588 (citing favorably *Pam's Carpet Serv.*).

[58] *See* East Bay Drywall, 251 N.J. at 497.

[59] *See* Proposed Rule § 12:11-1.5.

[60] *See id.*

That approach makes no practical sense. For one, it disadvantages new contractors who may have trouble finding clients. Few clients will want to be the first, as none of them will want to take on liability as the worker's de facto employer. For another, it puts an impossible burden on contracting businesses. Businesses do not often ask their contractors for a list of the contractors' other clients. (Nor could they without running afoul of another restriction—reporting requirements under prong A.)[61] So the rule would force them to either independently research each contractor's clients or to roll the dice on misclassification.

Nothing in the statutes, caselaw, or common sense requires that result.[62] The rule should not force businesses to choose between unmanageable administrative burdens and noncompliance. The rule should be amended to make clear that prong C does not depend on whether the worker in fact provides service elsewhere. It is enough that the contracting business does not restrict her ability to do so.

6. The proposed rule improperly targets workers who choose to work on app-based platforms.

The rule is littered with references to app-based service platforms. Some of those references are explicit. For example, sections 12:11-1.4(d)(1) and (g)(iii)(c) refer to transportation network companies directly. Other references are less explicit but no less obvious. For instance, section (c)(2)(i)(c) describes a "digital application or software" controlled by the company. Likewise, 12:11-1.4(g)(iii)(c) refers to vehicles used "to transport people or goods"—a service commonly offered through app-based platforms.

Each of these references treats platform workers as employees. They say that transportation services are within a transportation network company's usual course of business.[63] They also say that a worker's vehicle is part of the company's places of business.[64] Together, they leave no doubt about the Department's views. Nor do they leave much room for the companies to argue otherwise. They effectively prejudge specific cases involving specific private parties.

That kind of prejudgment is improper and violates constitutional due process. The rule is a legislative-style instrument. As such, it may properly establish only general,

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[61] *See id.* § 12:11-1.3(c)(4) (stating that reporting requirements are evidence of control).

[62] *See Carpet Remnants*, 125 N.J. at 586 (describing holding in *Trauma Nurses* and explaining that "most nurses worked for other brokers and hospitals and *could* obtain varying types of work, including full-time, part-time, and shift work" (emphasis added)).

[63] *See id.* § 12:11-1.4(d)(1),

[64] *See id.* § 12:11-1.4(g)(iii)(c).

prospective standards.[65] It cannot resolve contested questions in specific cases. If it tries to resolve specific cases, it is no longer a rule; it is an adjudication.[66]

That distinction is legally significant. When the government adjudicates an issue affecting a small, discernible group, it must provide the affected group with constitutional due process.[67] At minimum, it must give the group notice, an opportunity to respond, and access to a neutral decisionmaker.[68] But here, the rule provides none of those protections. It simply declares a result without accounting for specific evidence or individual circumstances. It effectively denies self-employed individuals and disfavored companies their day in court.[69]

Similarly, by targeting specific companies, the rule raises equal-protection questions. Under the Equal Protection Clause, the government may legislate only for the public interest.[70] And the public has no interest in harming specific members of the community. The government therefore cannot pass laws simply to harm a particular person or group. It must treat like people alike, regardless of its subjective feelings about specific people or businesses.[71]

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[65] *See* Bi-Metallic Inc. Co. v. State Bd. of Equalization, 239 U.S. 441, 445–46 (1915); Londoner v. City & Cnty. of Denver, 210 U.S. 373, 386 (1908). *See also* Robert W. Mauthe MD PC v. Millennium Health LLC, 58 F.4th 93, 100–01 (3d Cir. 2023) (describing the "rulemaking-adjudication" principle drawn from *Bi-Metallic* and *Londoner*); KEITH WERHAN, PRINCIPLES OF ADMINISTRATIVE LAW 125 (2019) (same).

[66] *Compare Bi-Metallic Inc.*, 239 U.S. at 445–46 (tax assessment affecting all taxable property in a county treated as legislative and therefore not subject to constitutional procedural due process), *with Londoner*, 210 U.S. at 386 (assessment on small group of identifiable property owners treated as an adjudication and therefore subject to constitutional procedural due process).

[67] *See* Thomas v. City of New York, 143 F.3d 31, 36 (2d Cir. 1998); *Philadelphia Co. v. SEC,* 175 F.2d 808, 812–13, 816–17 (D.C. Cir. 1948) (SEC's revocation of exemption to Rule was adjudicative action where the only intended and actual effect was to determine disputed issue in particular case), *vacated as moot,* 337 U.S. 901 (1949).

[68] *See Londoner*, 210 U.S. at 386. *See also* Daniel B. Rodriguez, *Whither the Neutral Agency? Rethinking Bias in Regulatory Administration*, 69 BUFF. L. REV. 375, 375 (2021) ("A sacrosanct principle of administrative justice is that agency officials, especially in administrative adjudication, should be entirely neutral and objective.").

[69] See Nat'l Fuel Gas Distribution Corp. v. TGX Corp., 749 F. Supp. 466, 471 (W.D.N.Y. 1990) (concluding that certain gas producers had right to constitutional due process with respect to decision by state regulatory affecting a small, identifiable group of companies).

[70] *See* U.S. Dep't of Agric. v. Moreno, 413 U.S. 528, 534 (1973); Romer v. Evans, 517 U.S. 620, 632 (1996) ("[E]ven in the ordinary equal protection case calling for the most deferential of standards, we insist on knowing the relation between the classification adopted and the object to be attained."); City of Cleburne v. Cleburne Living Ctr., 473 U.S. 432, 450 (1985) (finding that law based solely on "irrational prejudice" failed rational-basis review). *See also* WILLIAM ARAIZA, ANIMUS: A SHORT INTRODUCTION TO BIAS IN THE LAW 101–10 (2017) (explaining that under the Court's precedent, even rational-basis analysis necessarily requires a legitimate public goal—and animus is not such a goal) ("What all this suggests is that non-public regarding legislation is unconstitutional.").

[71] *See, e.g.*, *Moreno*, 413 U.S. at 534 (explaining that legislators may not pass laws out of a "bare desire to harm"); Yick Wo v. Hopkins, 118 U.S. 356, 369–70 (1886) (legislators cannot pass laws to exercise "purely personal and arbitrary power"). *See also* ARAIZA, *supra* note 71, at 14–18 (2017) (describing development

The rule contradicts that principle. It singles out app-based work platforms—and the workers who partner with them—for unequal treatment. Under the rule's approach, if a phone book helps service providers connect with new clients, the company publishing the phone book may treat the service providers as independent professionals. But if an app-based platform connects service providers to customers, it faces immense pressure to treat the workers as employees. The rule does nothing to justify this disparate treatment.[72]

Constitutionally dubious regulations benefit no one. They sow doubt in the business community, generate litigation, and burden constitutional rights. The rule should therefore be revised to avoid needless doubt. Sections 12:11-1.4(c)(2)(i)(c), (d)(1) and (g)(iii)(c) should be removed.

7. The rule creates tension with federal unemployment law and threatens New Jersey employers with a tax hike.

Since the 1930s, the unemployment-insurance system has been a partnership between the federal government and the states.[73] While the states administer their own programs, the federal government provides much of the funding. The federal government also offers state employers a generous tax credit. Federal law taxes the first $7,000 in wages that an employer pays to an employee at 6%. But if the employer also pays taxes to an approved state program, the employer can offset up to 5.4%.[74]

Those benefits, however, come with conditions. State programs must conform to certain minimum federal standards.[75] For example, with limited exceptions, a state may spend money from an unemployment trust fund only to pay out unemployment benefits.[76] Unemployment benefits are the compensation an "employee" receives when she becomes

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from "class legislation" to "animus" doctrine) ("[T]he Fourteenth Amendment constitutionalized the rule against class legislation."); Susannah W. Pollvogt, *Unconstitutional Animus*, 81 FORDHAM L. REV. 887, 887 (2013) ("It is well established that animus can never constitute a legitimate state interest for purposes of equal protection analysis.").

[72] *See* DoorDash, Inc. v. City of New York, 692 F. Supp. 3d 268, 293 (S.D.N.Y. 2023) (finding that app-based platform companies plausibly alleged an equal protection violation when "they were the singular target of regulated price caps").

[73] *See Fact Sheet: Unemployment Insurance*, U.S. DEP'T OF LABOR, https://oui.doleta.gov/unemploy/docs/factsheet/UI_Program_FactSheet.pdf.

[74] *See* U.S. DEP'T OF LABOR, COMPARISON OF STATE UNEMPLOYMENT LAWS 2-1 (2023), https://oui.doleta.gov/unemploy/pdf/uilawcompar/2023/financing.pdf.

[75] 20 C.F.R. § 604.6(a).

[76] 26 U.S.C. § 3304(a)(4).

"unemployed." In other words, a state must use funds only for unemployment benefits; and unemployment benefits must go to employees.[77]

The rule ignores that limitation. As written, it would threaten to cover workers who have been deemed independent contractors by federal authorities—app-based contractors. So on its face, it would use unemployment funds to pay nonemployees.

App-based workers have been determined to be contractors for unemployment services since at least 2020. In that year, Congress created the Pandemic Unemployment Assistance (PUA) program.[78] That program provided emergency benefits to workers who were otherwise ineligible for unemployment insurance. Among the affected workers were app-based "gig" workers, whom the U.S. Department of Labor considered "self-employed."[79] The Department's guidance applied nationwide, even in states that used the ABC test. For example, although California had recently adopted a strict ABC test, it announced that app-based workers could participate in the PUA program.[80] Their participation was proper only because they were ineligible for unemployment benefits.[81] It is well established, then, that these workers are excluded from the traditional unemployment system.

Yet now, the rule treats these workers as if they were included. In multiple ways, it singles out app-based platforms and treats common features of app-based work as evidence of employment. It therefore presupposes that app-based workers can receive unemployment benefits—a view directly contrary to the one expressed by federal authorities.[82]

That conflict creates serious risks for New Jersey taxpayers. If New Jersey pays benefits to nonemployees, its system may be deemed noncompliant.[83] And if its system is

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[77] *See* U.S. DEP'T OF LABOR, COMPARISON OF STATE UNEMPLOYMENT LAWS 1-10 (2023), https://oui.doleta.gov/unemploy/comparison/2020-2029/comparison2023.asp ("Employment, for purposes of UI coverage, is service of an employee for the person employing the individual. Therefore, it does not include self-employment.").

[78] *See* Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Pub. L. 116-136, § 2103, 134 Stat. 281.

[79] U.S. Dep't of Labor. Advisory: Unemployment Insurance Program Letter No. 16-20, at 2 (April 5, 2020), https://www.dol.gov/sites/dolgov/files/ETA/advisories/UIPL/2020/UIPL_16-20.pdf [hereinafter UIPL 16-20].

[80] *See* Press Release: Governor Newsome Announces New Initiatives to Support California Workers Impacted by COVID-10 (April 15, 2020), https://www.gov.ca.gov/2020/04/15/governor-newsom-announces-new-initiatives-to-support-california-workers-impacted-by-covid-19/.

[81] *See* CARES Act § 2103(3)(A)(i).

[82] *See* UIPL 16-20, at 2.

[83] *Cf.* U.S. Dep't of Labor, Unemployment Insurance Program Letter No. 24-75 (1975), https://oui.doleta.gov/dmstree/uipl/uipl75/uipl_2475a.htm (declaring New York program out of compliance for failure to satisfy federal standards).

noncompliant, its employers will have to pay the full federal tax. The rule could therefore amount to a giant tax hike for New Jersey businesses.[84]

There is no reason to run that risk. The rule need not take a position in tension with federal guidance. It can both clarify the Department's general views and avoid prejudging the status of app-based workers. Sections 12:11-1.4(c)(2)(i)(c), (d)(1) and (g)(iii)(c) should be removed.

8. The rule could trigger preemption under federal transportation law.

In 1994, Congress adopted the Federal Aviation Administration Authorization Act (FAAAA).[85] The FAAAA's main goal was to deregulate the interstate-trucking industry.[86] It did that in part by clearing away conflicting state standards. It included a broad preemption provision, which set aside all state laws that had "the force and effect of law related to a price, route, or service of a motor carrier."[87]

That preemption provision has blocked states from adopting overly rigid classification rules. For example, in *Schwan v. FedEx Group Package Systems*,[88] the First Circuit held that FAAAA preempted part B of the Massachusetts ABC test. Massachusetts' version of part B was narrow: it treated a worker as an independent contractor only if she worked outside the hiring entity's usual course of business. (There was no option for work outside the entity's places of business.) Because the test was so narrow, the First Circuit concluded that it conflicted with the FAAAA's deregulatory goals. The court reasoned that a delivery worker would necessarily provide services in the usual course of business of a motor carrier, which meant, under the Massachusetts version of the ABC test, there would be no way for a delivery worker to meet the B prong (or "prong 2"). A motor carrier would therefore have no choice but to structure its business to operate using its own employees. Employees, in turn, were likely to have different incentives, choose different routes, and provide costlier services. Part B therefore "related" to the carrier's routes, services, and prices. And for that reason, it was preempted.[89]

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[84] *See* 20 C.F.R. § 6045.6(c) (explaining that the consequence of a nonconformity determination is that Secretary of Labor "must notify the Governor of the State and such State UC agency that further payments for the administration of the State UC law will not be made to the State").

[85] Pub. L. 103-305 (1994).

[86] *See* Rowe v. N.H. Motor Transp. Ass'n, 552 U.S. 364, 370 (2008).

[87] 49 U.S.C. § 14501.

[88] 813 F.3d 429, 438 (1st Cir. 2016).

[89] *See id. See also* Chambers v. RDI Logistics, 65 N.E.3d 1, 9–10 (Mass. 2016) (reaching the same conclusion regarding part B in Massachusetts as applied to motor carriers).

By contrast, classification laws can mesh with the FAAAA when they leave motor carriers with options and do not effectively foreclose the use of contractors. For example, in *Bedoya v. American Eagle Express, Inc.*,[90] the Third Circuit held that the FAAAA did not preempt prong B under New Jersey's ABC test as that test is articulated in the statute. The court noted that unlike Massachusetts, New Jersey law—because of its more flexible approach to prong B—allowed motor carriers to work with independent drivers when the drivers worked outside the carrier's places of business. That extra option allowed a carrier to continue working with independent drivers. The carrier still had a choice; it was not inevitably forced to use employees. And that choice made the difference.[91]

The proposed rule, however, would effectively remove the choice for motor carriers. The rule would define "place of business" to include a "vehicle operated by a driver . . . the purpose of which is to transport people or goods."[92] That definition would effectively block motor carriers from working with independent contractors. Motor carriers are invariably in the business of transporting goods. So today, they can satisfy prong B only by showing that drivers work outside their usual places of business. The rule's definition would close off that option. The motor carrier would have no choice but to classify drivers as employees. So the carrier would be left in the same place as it was under part B in Massachusetts: unable to control its own routes, prices, and services. The rule would flip the result in *Bedoya* and put New Jersey law in tension with federal law.[93]

But again, there is no reason to invite a conflict with federal law. The rule can and should be amended. Subsection 12:11-1.4(g)(iii)(c) should be eliminated.

9. The rule fails to grapple with its social and economic consequences.

Finally, the Department must reassess the rule's effect on economic growth, jobs, and vulnerable demographics. The Department's original analysis suggested that for each of these subjects, the rule would have a neutral or moderately positive effect. But according to a growing body of research, strict classification tests kill jobs. They also harm women, racial minorities, and people with exposure to the criminal-justice system. The Department

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[90] 914 F.3d 812, 824–25 (3d Cir. 2019).

[91] *Cf.* Costello v. BeavEx, Inc., 810 F.3d 1045, 1050, 1055-56 (7th Cir. 2016) (rejecting preemption challenge to Illinois ABC test because challenge involved provision of wage-payment law that motor carriers could contract around, leaving them with leeway to choose whether to use employees or independent contractors).

[92] Proposed Rule § 12:11-1.4(g)(iii)(c).

[93] Perhaps recognizing this risk, the New Jersey legislature exempted certain drivers of large commercial vehicles from the Unemployment Compensation Law. *See* N.J. Rev. Stat. § 43:21-19(i)(7)(X). But that exemption does not apply to the Wage Payment Law or Wage and Hour Law. *See* Kennedy v. Weichert Co., No. A-0518-19, 2021 WL 2774844, at *7 (N.J. Super. Ct. App. Div. July 2, 2021) (UCL exemption for real-estate agents did not apply under WPL). So even if the UCL exemption carved out most if not all motor carrier drivers, those drivers would still be reclassified as employees under the Department's rule.

failed to grapple with this research and failed to appreciate the rule's full consequences. It must redo its analysis.

The rule's jobs analysis is irrational. To start, the Department must redo its jobs analysis. In the original analysis, the Department stated that the rule would have "no impact" on jobs.[94] It did not explain that conclusion, provide any rationale, or cite any evidence. In fact, its entire analysis consisted of a single sentence.[95]

Presumably, the Department believes that the rule will not affect jobs because the rule merely codifies existing law. But that presumption is wrong for three reasons. First, it mischaracterizes the rule. Second, it is self-contradictory. And third, it ignores a large and growing body of research to the contrary.

Start with the rule itself. The rule would do much more than "codify" existing law.[96] It would take unprecedented and unsupported positions on topics ranging from legal compliance under prong A to the relevance of earning levels under prong C.[97] And again, for many businesses, it would effectively eliminate the "usual place of business" option under prong B.[98] These changes do much more than reflect prior caselaw. Rather, they set out the Department's view of what the law *should* be.[99] More to the point, they shift the legal landscape, which will inevitably reclassify some workers.[100] It is therefore incorrect to say that the rule merely codifies existing law.

Second, even if the rule only codified existing standards, it would still affect jobs. Rules work in part by informing the regulated community about legal requirements.[101] And by providing that information, they inform and influence real-world decisions.[102] Here, the rule

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[94] Proposed Rule at 19.

[95] *See id.*

[96] *Id.* at 2.

[97] *See id.* §§ 12:11-1.3(f), 12:11-1.6(d).

[98] *See id.* § 12:11-1.4(d), (g).

[99] *See id.* at 2. *Cf. Carpet Remnants*, 125 N.J. at 586–87 (rejecting argument that company's place of business included remote site where services were performed); *Rezak*, 2024 WL 3584324, at *9 (rejecting argument that company controlled workers merely by requiring the workers to comply with local regulations); *Pam's Carpet Serv.*, 613 P.2d at 57 (explaining that earnings levels are relevant to determining whether a worker is an employee of a particular business).

[100] *See* Proposed Rule at 17 (acknowledging that the rule "should" cause more workers to be classified as employees).

[101] *See, e.g.*, FCC v. Fox Television Stations, Inc., 567 U.S. 239, 253 (2012) (stating that fair notice of legal requirements is an essential element of due process); Vill. of Hoffman Ests. v. Flipside, Hoffman Ests., Inc., 455 U.S. 489, 498 (1982) (observing that the administrative process can serve to clarify otherwise vague legal requirements and so provide the requisite fair notice).

[102] *See* SUSAN E. DUDLEY & JERRY BRITO, REGULATION: A PRIMER 12 (2d ed. 2012) (explaining that one purpose of regulation is to eliminate informational deficiencies in regulated market).

focuses on worker classification; it tells businesses when and how they can engage independent contractors. Some businesses will react by replacing their contractors with employees. Others will react by discontinuing their services. But either way, these reactions will affect jobs—even if the rule does nothing but inform businesses of existing legal rules.[103]

And make no mistake: businesses would react by eliminating jobs. The rule would reduce operational flexibility and increase costs, especially for digital work platforms. Those platforms work in part by distributing work opportunities on an open digital market. On many platforms, workers can access the market on any day at any time. That flexibility allows them to find work when it fits the schedule, and it allows the platforms to offer open access. But under a strict classification regime, the open model becomes impractical. The workers may become employees, and their access to the platform raises questions under employment laws. They may be entitled to pay while merely browsing the platforms for work. They may also create additional liability for the platforms, raising insurance costs. Those dynamics lead platforms to restrict access, tighten controls, and eliminate opportunities.[104]

Third, and most important, the Department's rationale contradicts the weight of economic evidence. A large and growing body of literature has shown that strict classification rules destroy jobs. For example, earlier this year, economists at the George Mason University Mercatus Center surveyed how the ABC test affected employment in multiple states.[105] They found that on average, the ABC test depressed employment by 4.79%. That figure included W-2 employment and self-employment, both of which fell by more than four percent. Those results were consistent and sustained, growing over time. They left no doubt about how the ABC test affected jobs: it killed them.

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[103] *See* Proposed Rule at 3 (arguing that the rule will make employers "better informed and, consequently, more likely to make appropriate decision regarding classification of workers"), 17 (acknowledging that the rule will result in reclassification of at least some workers).

[104] *See* Cynthia Estlund, *Why Flexibility is Not Just a Trope*, ONLABOR (May 17, 2018), https://onlabor.org/why-flexibility-is-not-just-a-trope/ (observing that platform companies forced to reclassify workers face economic incentives and imperatives to restrict access and assert more control, limiting flexibility); Alison Stein, *Independent Couriers' Reaction to Employee Reclassification: Learnings from Geneva*, MEDIUM (Sept. 22, 2020), https://medium.com/uber-under-the-hood/independent-couriers-reaction-to-employee-reclassification-learnings-from-geneva-e3885db12ea3 (reporting that forced reclassification in Geneva by court decisions resulted in job losses for 77% of affected couriers); Harry Elworthy, *Assessing the Impact of Courier Reclassification in Geneva 1 Year On: Restaurant Demand and Work Opportunities Fail to Recover*, MEDIUM (Nov. 12, 2021), https://medium.com/uber-under-the-hood/assessing-the-impact-of-courier-reclassification-in-geneva-1-year-on-restaurant-demand-and-work-b85ac573b804 (reporting that six months after forced reclassification, 79% of drivers remained unemployed).

[105] Liya Palagashvili & Revana Sharfuddin, *New Study: From Gig to Gone? ABC Tests and the Case of the Missing Workers*, LABOR MARKET MATTERS (Jan. 10, 2025), https://liyapalagashvili.substack.com/p/new-study-from-gig-to-gone-abc-tests.

Those results confirmed prior studies, which likewise found disastrous job effects. For example, in 2022, Mercatus Center economists studied job effects in California's AB 5, which had recently adopted a strict ABC test.[106] The economists observed that the change had been designed to boost W-2 employment by eliminating self-employment. But in practice, it had diminished both: self-employment fell by 10.4%, and overall employment fell by 4.4%.[107] Similarly, a 2022 study by Beacon Economics looked at the effect of reclassification on app-based work in Massachusetts.[108] The study concluded that if the workers were forced to reclassify as employees, nearly eighty percent would lose their jobs.[109]

By contrast, other studies have found that independent work boosts both self-employment and W-2 employment. In 2021, Dr. Robert Kulick studied how the entry of Instacart, a multi-sided delivery platform, affected employment in the grocery industry.[110] He found that Instacart consistently boosted employment in the grocery industry by more than four percent. That effect accelerated during the COVID-19 pandemic, when Instacart accounted for nearly ninety percent of all job growth in the industry. So even as Instacart was empowering some people to work independently, it was also helping other people find work as employees.[111]

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[106] Liya Palagashvili, *Consequences of Restricting Independent Work and the Gig Economy*, MERCATUS CTR., GEORGE MASON UNIV. (Nov. 19, 2022), https://www.mercatus.org/research/policy-briefs/consequences-restricting-independent-work-and-gig-economy.

[107] Liya Palagashvili et al., *Assessing the Impact of Worker Reclassification: Employment Outcomes Post-California AB 5*, GEORGE MASON UNIV. MERCATUS CTR. (Jan. 31, 2024), https://www.mercatus.org/research/working-papers/assessing-impact-worker-reclassification-employment-outcomes-post.

[108] HOW MANY APP-BASED JOBS WOULD BE LOST BY CONVERTING RIDESHARE AND FOOD DELIVERY DRIVERS FROM INDEPENDENT CONTRACTORS TO EMPLOYEES IN THE COMMONWEALTH OF MASSACHUSETTS? BEACON ECONOMICS (Feb. 2022).

[109] *Id. See also* Victoria Pike Bond, *How Many Drivers Would Lyft Recruit under a Traditional Work Arrangement?* BEACON ECONOMICS (Aug. 2019), https://reason.com/wp-content/uploads/2019/09/Beacon.Lyft_.ExecutiveSummary.08.28.2019.pdf (concluding that the rideshare platform Lyft would retain 300,673 fewer drivers in California if forced to hire drivers as employees); Robert Shapiro & Luke Stuttgen, *The Many Ways Americans Work and the Costs of Treating Independent Contractors as Employees* 3 (2022), https://progresschamber.org/wp-content/uploads/2022/04/The-Many-Ways-Americans-Work-Chamber-of-Progress-Shapiro-Sonecon.pdf (concluding that if ABC test were adopted nationwide, "3.43 million of 4.44 million reclassified contractors would lose part-time or full-time jobs" and the net loss in earnings would total $42.1 billion).

[110] Robert Kulick, *The Economic Impact of Instacart on the U.S. Retail Grocery Industry Before and During the COVID-19 Pandemic*, NERA ECON. CONSULTING (Sept. 2021), https://www.youraccountonline.com/content/dam/nera/publications/2021/NERA_Instacart_White_Paper_Final_September_2021.pdf.

[111] *See id. Cf.* Vyacheslab Fos, et al., *Gig Labor: Trading Safety Nets for Steering Wheels*, 191 CATO RESEARCH BR. 1, 1–2 (2019) (concluding that availability of app-based work platforms may reduce overall unemployment by offering a bridge between traditional jobs); Dylan Walsh, *How the Gig Economy Can Reduce Unemployment and Debt*, MIT MGMT. (Sept. 29, 2020) (same).

These studies prove what economists have long known: job growth is not a zero-sum game. When independent workers enter a market, they also support W-2 jobs. Grocery-delivery workers bring new revenue to grocery stores, which can then hire more employees. Meal-delivery workers bring new revenue to restaurants, which can also hire more employees. Rideshare drivers bring revenue to all kinds of local businesses, which can hire even more people. Same-day retail delivery workers bring new revenue to shops, including many small businesses who rely on flexible delivery options allowing them to compete with big-box stores. What's more, the companies that power these transactions also employ their own workers—engineers, customer-service agents, salespeople, marketing professionals, and more. In short, self-employment and W-2 employment do not compete with each other; instead, they feed into a virtuous cycle of job growth.[112]

The rule, however, would reverse the cycle, with no economic analysis. It would cut off many independent economic opportunities, including opportunities in the app-based services industry. And by doing so, it will not only destroy those independent jobs; it will also destroy many W-2 jobs in related industries. The economic data on that point is clear. To suggest otherwise is irrational, arbitrary, and capricious.[113]

The rule also fails to assess its effect on vulnerable populations. For the same reasons, the Department's "economic," "social impact," and "racial and ethnic impact" analyses are inadequate. For each topic, the rule suggests it will have moderately positive effects. But again, the evidence is otherwise. The rule will restrict independent work opportunities. And the overwhelming evidence shows that independent work opportunities predominantly benefit women, racial minorities, and people with exposure to the criminal-justice system. It is these same people, therefore, who will be most harmed by the rule.

The rule's main victims will be women. Studies have shown that women often turn to independent work because they need scheduling flexibility.[114] Women are statistically

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[112] *See, e.g.*, John Barrios et al., *Launching with a Parachute: The Gig Economy and New Business Formation*, NEBR Working Paper No. 27183 (2020) (noting that introduction of "gig economy" opportunities is associated with higher levels of business formation and therefore higher overall employment); Palagashvili et al., *Assessing Employment Outcomes*, *supra* note 107 (noting positive employment effects of availability of independent work).

[113] Cmty. Med. Ctr. v. N.J. Dep't of Health & Senior Servs., No. A-3973-05T5, 2007 WL 1074875, at *8 (N.J. Super. Ct. App. Div. Apr. 12, 2007) ("[T]he Commissioner could not rely on data that was stale, not true or ignored; otherwise, the Commissioner's decision could constitute arbitrary and capricious action.").

[114] *See* Diana Farrell, Fiona Greig, & Amar Hamoudi, *The Online Platform Economy in 2018: Drivers, Workers, Sellers, and Lessors*, J.P. MORGAN CHASE 5 (2018), https://www.jpmorganchase.com/content/dam/jpmc/jpmorgan-chase-and-co/institute/pdf/institute-ope-2018.pdf.

more likely to have caregiving responsibilities,[115] and those responsibilities often force them to seek out work with more flexible hours.[116] They cannot simply choose to take W-2 jobs instead, as those jobs come with more rigid schedules.[117] These women must do independent work or no work at all. So if independent work becomes less available, they will bear the brunt of the loss.[118]

Similarly, the rule will hurt racial minorities, immigrants, and people with criminal records. Those groups often face barriers in the traditional employment market, including shorter job histories, language requirements, and discrimination.[119] As a result, these groups often turn to self-employment and independent work, which offers less friction and lower barriers to entry.[120] If independent work becomes scarcer, they will feel a disproportionate share of the pain.[121]

The Department never considered these effects in its analysis. Nor did it cite any contrary evidence. It cited no economic data, no studies, no surveys. Its analysis was superficial, bordering on perfunctory. It ignored the likely burdens of the rule; and ignoring clear and predictable effects is the definition of arbitrary and capricious decisionmaking.[122]

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[115] *See* Ali Roin et al., *A America's Population Ages, Women Shoulder the Burden as Primary Caregivers,* PBS (March 30, 2024), https://www.pbs.org/newshour/show/as-americas-population-ages-women-shoulder-the-burden-as-primary-caregivers (reporting that 60% of unpaid caregivers in America are women).

[116] *See* HYPERWALLET: THE FUTURE OF GIG WORK IS FEMALE 10 (2017), https://tinyurl.com/yknd4j8h (reporting 48% of former technology workers and 42% of former legal workers left their full-time jobs for gig work because of a desire for more scheduling flexibility).

[117] *See* Laura Katsnelson & Felix Oberholzer-Gee, *Being the Boss: Gig Workers' Value of Flexible Work*, Harv. Bus. School Working Paper No. 21-124, at 2 (2021), https://www.hbs.edu/ris/Publication%20Files/21-124_4a28fd0c-e395-46ce-b621-2b32c3dd2fa0.pdf (reporting that 76% of workers who chose jobs in the "gig" economy did so because of a need for flexible hours).

[118] *See* Palagashvili, *Consequences of Restricting Gig Work*, *supra* note 106, at 9 (concluding from research survey that "to the extent that specific nontraditional work arrangements provide flexibility to those who need it and extend work opportunities to women who are unable to participate in traditional employment, restricting the legal classification of independent workers could disproportionately hinder women's participation in the labor force").

[119] *See* Amanda Agan et al., *The Impact of Criminal records on Employment, Earnings, and Tax Filing* 11 (IRS SOI Joint Stat. Res. Prog. 2022), https://www.irs.gov/pub/irs-soi/22rpimpactofcriminalrecordsonemployment.pdf.

[120] *See id. See also* Risa Gelles-Watnick & Monica Anderson, *Racial & Ethic Differences Stand Out in the U.S. Gig Workforce*, PEW RES. CTR. (Dec. 15, 2021), https://www.pewresearch.org/short-reads/2021/12/15/racial-and-ethnic-differences-stand-out-in-the-u-s-gig-workforce/ (reporting that Americans who identified as Hispanic, Black, or Asian reported higher rates of participation in gig economy than white Americans).

[121] *See* Palagashvili, *Consequences of Restricting Gig Work*, *supra* note 106, at 9 (concluding that "restricting the legal classification of independent workers would disproportionately hinder work opportunities for the criminal justice population").

[122] *See* Ohio v. EPA, 603 U.S. 279, 292 (2024) (explaining that reasoned decisionmaking requires an agency at minimum not to "ignore an important aspect of the problem" (quoting Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Automobile Ins. Co., 463 U.S. 29, 43 (1983))).

Because the Department failed to conduct a proper impact analysis, it must go back to square one. It must consider the available data and assess the rule's economic and social effects. It must then balance the rule's harms with its supposed benefits. And if the harms outweigh the benefits, the Department must either rewrite the rule to minimize the harms or withdraw the rule in its entirety.

Sincerely,

/s/ Alexander T. MacDonald

Alexander T. MacDonald
Co-Chair, Workplace Policy Institute

From:	Matt Hill
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Comment on Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date:	Tuesday, August 5, 2025 11:05:55 AM
Attachments:	image001.png image002.png

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Report Suspicious

Dear Mr. Fish,

As the owner of an independent insurance agency in New Jersey, I'm writing to express my concerns with the Department's proposed worker classification rule.

Independent insurance producers—myself and my team included—have long operated as independent contractors. We're licensed professionals who work with multiple carriers, giving our clients access to a wide range of insurance products and pricing. This model benefits consumers, encourages competition, and allows small businesses like mine to serve our communities effectively.

The proposed regulation does not clearly state that licensed insurance producers are exempt from the ABC Test. While the Department acknowledged at the June 23 hearing that producers remain exempt under current law, that important clarification needs to be included in the text of the final rule. Without it, insurers may reduce or restrict their relationships with independent agencies out of fear of legal exposure, which would harm small agencies and limit options for consumers.

I urge the Department to revise the proposed rule to explicitly state that licensed insurance producers are exempt from the ABC Test. That small but important change would reflect existing law, maintain clarity, and protect the business model that supports thousands of producers and their clients across New Jersey.

Thank you for considering my comment.

Matthew Hill
President
R. Bruce Hill Agency, Ltd.
Millburn, NJ

Matthew Hill
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From: LaChan Hannon
To: Fish, David [DOL]
Subject: [EXTERNAL] Written Comment: Proposed New Rules: N.J.A.C. 12:11
Date: Tuesday, August 5, 2025 11:06:00 AM
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Report Suspicious

On behalf of the members of the New Jersey Association of Colleges for Teacher Education (NJACTE), we are writing to oppose the proposed changes to NJAC 12:11, specifically the implementation of the ABC test in a manner that would reclassify cooperating teachers as W-2 employees of educator preparation providers.

Cooperating teachers provide invaluable mentorship to teacher candidates, helping to shape the next generation of educators in New Jersey. These professionals already volunteer significant time and expertise, and the small stipends they receive serve only as a modest honorarium—not compensation equivalent to employment. Reclassifying these mentors as W-2 employees of the colleges and universities would create an undue administrative burden for both the cooperating teachers and the educator preparation providers.

The paperwork and processing of hundreds of W-2s each semester would require additional institutional resources, staff time, and financial investment that far outweigh the amount of the stipends provided. This change would likely discourage teachers from participating in mentorship, jeopardizing a critical component of teacher preparation in our state.

At a time when New Jersey—and the nation—is facing a severe teacher shortage, we should be actively encouraging experienced educators to serve as mentors by reducing barriers and honoring their contributions. The proposed rule change does the opposite. It creates unnecessary complexity and treats voluntary service as taxable employment, which is both impractical and disheartening for those who step up to support the profession.

We urge you to reconsider and revise the proposed changes to exempt cooperating teachers from this classification. Their mentorship is a professional service rooted in goodwill and commitment to the future of education, not a traditional employment arrangement.

LaChan V. Hannon, Ph.D.
pronounced (la-shahn)
Director of Innovation and Teacher Preparation
Assistant Professor of Professional Practice
Department of Urban Education
Rutgers University | Newark
110 Warren Street - Room 173
LaChan.Hannon@rutgers.edu
President - New Jersey Association of Colleges for Teacher Education (NJACTE)

To Schedule an appointment

From:	Robert Hess
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Comment on Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date:	Tuesday, August 5, 2025 11:07:12 AM
Attachments:	image001.png
Importance:	High

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Report Suspicious

Dear Mr. Fish,

As the owner of an independent insurance agency in New Jersey, I'm writing to express my concerns with the Department's proposed worker classification rule.

Independent insurance producers—myself and my team included—have long operated as independent contractors. We're licensed professionals who work with multiple carriers, giving our clients access to a wide range of insurance products and pricing. This model benefits consumers, encourages competition, and allows small businesses like mine to serve our communities effectively.

The proposed regulation does not clearly state that licensed insurance producers are exempt from the ABC Test. While the Department acknowledged at the June 23 hearing that producers remain exempt under current law, that important clarification needs to be included in the text of the final rule. Without it, insurers may reduce or restrict their relationships with independent agencies out of fear of legal exposure, which would harm small agencies and limit options for consumers.

I urge the Department to revise the proposed rule to explicitly state that licensed insurance producers are exempt from the ABC Test. That small but important change would reflect existing law, maintain clarity, and protect the business model that supports thousands of producers and their clients across New Jersey.

Thank you for considering my comment.

Robert D Hess
Owner/Principal

Robert D. Hess, CRIS
The Hess Group, Inc.

I N S U R A N C E
95 Mt. Bethel Road
P.O. Box 4588
Warren, NJ 07059
Phone (908)561-0500 Fax (908)561-3250
Robert@hessgroup.net

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From: Alicia Pearson
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment on Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date: Tuesday, August 5, 2025 11:11:04 AM
Attachments: Outlook-ecddm0yl.png
Importance: High

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Report Suspicious

Dear Mr. Fish,

As the owner of an independent insurance agency in New Jersey, I'm writing to express my concerns with the Department's proposed worker classification rule.

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Thank you for considering my comment.

Best,

Alicia

Alicia M. Pearson, CIC, CRM, CISR
Agency Manager
Kindle Insurance Agency

525 Stone Harbor Blvd P.O. Box 730
Cape May Court House, NJ 08210

P: 609-778-2481
www.kindleinsurance.com

From: Peter H. Allen
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment on Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date: Tuesday, August 5, 2025 11:13:06 AM

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Report Suspicious

Dear Mr. Fish,

As the owner of an independent insurance agency in New Jersey, I'm writing to express my concerns with the Department's proposed worker classification rule.

Independent insurance producers—myself and my team included—have long operated as independent contractors. We're licensed professionals who work with multiple carriers, giving our clients access to a wide range of insurance products and pricing. This model benefits consumers, encourages competition, and allows small businesses like mine to serve our communities effectively.

The proposed regulation does not clearly state that licensed insurance producers are exempt from the ABC Test. While the Department acknowledged at the June 23 hearing that producers remain exempt under current law, that important clarification needs to be included in the text of the final rule. Without it, insurers may reduce or restrict their relationships with independent agencies out of fear of legal exposure, which would harm small agencies and limit options for consumers.

I urge the Department to revise the proposed rule to explicitly state that licensed insurance producers are exempt from the ABC Test. That small but important change would reflect existing law, maintain clarity, and protect the business model that supports thousands of producers and their clients across New Jersey.

Thank you for considering my comment.

Peter H. Allen, CPIA
CEO/OWNER
Allen & Allen Insurance Agency Inc.
Hasbrouck Heights, NJ

From: Rob Loyas|Loyas Agency
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment on Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date: Tuesday, August 5, 2025 11:17:34 AM
Attachments: image001.png

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Dear Mr. Fish,

As the owner of an independent insurance agency in New Jersey, I'm writing to express my concerns with the Department's proposed worker classification rule.

Independent insurance producers—myself and my team included—have long operated as independent contractors. We're licensed professionals who work with multiple carriers, giving our clients access to a wide range of insurance products and pricing. This model benefits consumers, encourages competition, and allows small businesses like mine to serve our communities effectively.

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I urge the Department to revise the proposed rule to explicitly state that licensed insurance producers are exempt from the ABC Test. That small but important change would reflect existing law, maintain clarity, and protect the business model that supports thousands of producers and their clients across New Jersey.

Thank you for considering my comment,
Rob Loyas

LOYAS AGENCY
Insurance Services

Robert Loyas
Loyas Agency • 669 River Drive, Elmwood Park, NJ 07407 • Tel 201-703-9500 • Fax 201-703-2444 • https://loyasgroup.com
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From: Roger Leonard
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment on Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date: Tuesday, August 5, 2025 11:21:53 AM

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Dear Mr. Fish, As the owner of an independent insurance agency in New Jersey, I'm writing to express my concerns with the Department's proposed worker classification rule. Independent insurance producers—myself and my team included—have long operated as independent contractors. We're licensed professionals who work with multiple carriers, giving our clients access to a wide range of insurance products and pricing. This model benefits consumers, encourages competition, and allows small businesses like mine to serve our communities effectively. The proposed regulation does not clearly state that licensed insurance producers are exempt from the ABC Test. While the Department acknowledged at the June 23 hearing that producers remain exempt under current law, that important clarification needs to be included in the text of the final rule. Without it, insurers may reduce or restrict their relationships with independent agencies out of fear of legal exposure, which would harm small agencies and limit options for consumers. I urge the Department to revise the proposed rule to explicitly state that licensed insurance producers are exempt from the ABC Test. That small but important change would reflect existing law, maintain clarity, and protect the business model that supports thousands of producers and their clients across New Jersey. Thank you for considering my comment.

Roger Leonard Jr, President
Leonard-O'Neill Ins. Group Inc
856-627-2600/427
raljr@log-insurance.com

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This communication, together with any attachments hereto or links contained herein,

From: John M
To: Fish, David [DOL]
Subject: [EXTERNAL] classification of independent contractors.
Date: Tuesday, August 5, 2025 11:22:37 AM

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Dear Sir,

Please know that I am 100% opposed to this law as it is written. I am a senior citizen who does various jobs on a very irregular basis. AS our Governor said - NJ is not the place to live is you want lower prices, so i work to continue to stay here.

I do get that there needs to be more enforcement of businesses (especially landscaping and tree cutting) since so many will only work for cash and it seems that only one person speaks English while the workers all speak a foreign language.

Sincerely
John Madura

From: Anthony J. Messina
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment on Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date: Tuesday, August 5, 2025 11:23:46 AM

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Report Suspicious

Dear Mr. Fish,

I'm submitting this comment as a licensed insurance producer in New Jersey. I have serious concerns about how the proposed rule may impact independent agents and brokers like myself.

Under current law and longstanding practice, insurance producers are considered independent contractors—not employees—and we operate under contracts with multiple insurers to provide consumers with a wide range of options. This structure benefits clients and promotes competition.

Unfortunately, the proposed rule doesn't clearly state that licensed insurance producers are exempt from the ABC Test, which creates unnecessary confusion. Without a clear exemption in the regulation itself, insurance companies might rethink working with independent agents, which could limit consumer choice and hurt small businesses like mine.

At the June 23 hearing, the Department acknowledged that insurance producers are still treated as independent contractors. That's important, but it needs to be clearly written into the rule to avoid misunderstandings and disruption. I respectfully urge the Department to revise the proposed regulation to include specific language stating that licensed insurance producers are exempt from the ABC Test. This would reflect existing law, maintain clarity, and help ensure the continued success of independent agents and the clients we serve.

Thank you for the opportunity to comment.

Anthony J. Messina, ChFC
Accounting Manager
Schechner Lifson Corporation
4 Chatham Road
Summit, NJ 07901
Direct: 908-598-7865
Fax: 908-598-7882

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From: Glenn Coutts Jr
To: Fish, David [DOL]
Cc: Glenn Coutts Jr
Subject: [EXTERNAL] Comment on Proposed Worker Classification Rule (N.J.A.C. 12:11) / Independent Contractors
Date: Tuesday, August 5, 2025 11:26:19 AM
Importance: High

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Dear Mr. Fish,

As the owner of an independent insurance agency in New Jersey organized in 1930, I'm writing to express my concerns with the Department's proposed worker classification rule involving independent contractors.

Independent insurance producers have long operated as independent contractors. We're licensed professionals who work with multiple carriers, giving our clients access to a wide range of insurance products and pricing. This model benefits consumers, encourages competition, and allows small businesses like mine to serve our communities effectively.

The proposed regulation does not clearly state that licensed insurance producers are exempt from the ABC Test. While the Department acknowledged at the June 23 hearing that producers remain exempt under current law, that important clarification needs to be included in the text of the final rule. Without it, insurers may reduce or restrict their relationships with independent agencies out of fear of legal exposure, which would harm small agencies (like ours) and limit options for consumers.

I urge the Department to revise the proposed rule to explicitly state that licensed insurance producers are exempt from the ABC Test. This small but important change would reflect existing law, maintain clarity, and protect the business model that supports thousands of producers and their clients across New Jersey. Thank you for considering my comment.

Very Truly Yours,

Glenn K. Coutts, Jr.
Robert Lloyd **Coutts** & Sons
Insurors since 1930
46 Washington Street
Morristown NJ 07960
973-539-4900 x208
973-984-7059 fax
www.couttsinsurance.com

From:	Michele Marotta
To:	Fish, David [DOL]
Subject:	[EXTERNAL] Comment Regarding Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date:	Tuesday, August 5, 2025 11:26:53 AM
Attachments:	image001.png image002.png

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Dear Mr. Fish,

I'm submitting this comment as a licensed insurance producer in New Jersey. I have serious concerns about how the proposed rule may impact independent agents and brokers like me.

Under current law and longstanding practice, insurance producers are considered independent contractors—not employees—and we operate under contracts with multiple insurers to provide consumers with a wide range of options. This structure benefits clients and promotes competition.

Unfortunately, the proposed rule doesn't clearly state that licensed insurance producers are exempt from the ABC Test, which creates unnecessary confusion. Without a clear exemption in the regulation itself, insurance companies might rethink working with independent agents, which could limit consumer choice and hurt small businesses like mine.

At the June 23 hearing, the Department acknowledged that insurance producers are still treated as independent contractors. That's important, but it needs to be clearly written into the rule to avoid misunderstandings and disruption.

I respectfully urge the Department to revise the proposed regulation to include specific language stating that licensed insurance producers are exempt from the ABC Test. This would reflect existing law, maintain clarity, and help ensure the continued success of independent agents and the clients we serve.

Thank you for the opportunity to comment.

Michele Marotta | Life and Health Acct. Rep./ Support Services
License#: 0M63276

O: 973.863.2823 | **E:** mmarotta@whartoninsurance.com

From: Ann Corigliano
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment on Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date: Tuesday, August 5, 2025 11:29:23 AM

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Report Suspicious

Dear Mr. Fish,

As the owner of an independent insurance agency in New Jersey, I'm writing to express my concerns with the Department's proposed worker classification rule.

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I urge the Department to revise the proposed rule to explicitly state that licensed insurance producers are exempt from the ABC Test. That small but important change would reflect existing law, maintain clarity, and protect the business model that supports thousands of producers and their clients across New Jersey.

Thank you for considering my comment.

Ann Corigliano
Owner/Partner
3 Coast Insurance Agency
Boonton, NJ 07005

From: William Smith
To: Fish, David [DOL]
Subject: [EXTERNAL] Comment Regarding Proposed Worker Classification Rule (N.J.A.C. 12:11)
Date: Tuesday, August 5, 2025 11:29:34 AM
Attachments: image001.png
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Report Suspicious

Dear Mr. Fish,

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I respectfully urge the Department to revise the proposed regulation to include specific language stating that licensed insurance producers are exempt from the ABC Test. This would reflect existing law, maintain clarity, and help ensure the continued success of independent agents and the clients we serve. Thank you for the opportunity to comment.

Sincerely,

Chip Smith, AU, CMIP

Risk Management Advisor
John B Wright Agency, A Division of
Oliver L.E. Soden Agency Corp

732-223-6611 x 112 | 732-616-6227
chip@johnbwright.com
https://johnbwright.com/
64 Union Ave., Manasquan, NJ 08736

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