



FOR IMMEDIATE RELEASE

May 15, 2019

## Labor Commissioner Reaffirms Position on Worker Classification in Response to NLRB Advice

### Memorandum

In response to the [Advice Memorandum \(Dated April 16<sup>th</sup>\)](#) released by the National Labor Relations Board, today the New Jersey Labor Commissioner has issued the following statement:

“This Advice Memorandum has zero effect on how the New Jersey Department of Labor enforces state laws regarding wage payment, minimum wage, overtime, earned sick leave, equal pay, unemployment compensation,

temporary disability insurance benefits, or family leave insurance benefits. Under each of those laws a worker is presumed an employee, unless the putative employer can satisfy each element of the statutory three-part test for independent contractor status (commonly referred to as the ABC test), which is distinct from and much more rigorous than the standard referenced in the Advice Memorandum. Governor Murphy and the Legislature have worked hard to improve economic security for New Jersey workers and their families. These rights are undermined when employees are misclassified.”

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