



April 13, 2023

Robert Asaro-Angelo
Commissioner
New Jersey Department of Labor and Workforce Development

Nancy Walker
Acting Secretary
Pennsylvania Department of Labor & Industry

Dear Commissioner Asaro-Angelo and Acting Secretary Walker:

You have dedicated your careers to advancing workplace justice and share a deep understanding of how strong and fair workplace standards can provide a vital foundation for working people, support a strong regional economy, and ensure a level playing field among businesses. As you know, when employers violate workers' rights, the harms accrue to both workers and the larger communities around them. The misclassification of employees as independent contractors robs state treasuries of vital tax dollars, leaves workers in the shadows without equal access to their rights, and leads to unfair economic advantages for businesses that abuse the law. Wage theft prevents workers from accessing needed goods and services, undermines the funding of shared safety net systems, and results in artificially low payroll costs for employers who break the law.

As neighboring states with a shared border and broad economic ties, New Jersey and Pennsylvania have a common interest in ensuring that workers enjoy the full protection of the rights and privileges to which they are entitled. Indeed, many employers operate in both states and, when they misclassify an employee or withhold earned wages, both states and the employees are harmed. In New Jersey and Pennsylvania, we are committed to upholding the simple yet critical principles that one should be paid in full for their work and have unobstructed access to their rights.

In order to root out illegal practices and hold bad actors accountable across state lines, it is imperative that New Jersey and Pennsylvania work collaboratively as regional partners to uphold workplace laws. As such, we hereby reiterate New Jersey and Pennsylvania's shared interest in strong enforcement of state labor laws and ask the New Jersey Department of Labor and Workforce Development (NJDOLE) and the Pennsylvania Department of Labor & Industry (PA DLI) to pursue all opportunities to deepen our existing collaboration with the aim of strengthening workplace standards in both states. Your agencies have been engaged in recent years in growing coordination to jointly combat worker mistreatment and today we further prioritize these joint efforts to combat wage theft, employee misclassification, and related workplace ills.

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Specifically, NJDOL and PA DLI must seek out appropriate opportunities to:

- Share data and case information relating to wage/hour, prevailing wage, unemployment compensation, or workers' compensation outreach and enforcement that can help with the identification or enforcement of labor violations across state lines.
- Develop common interest and other agreements that protect and facilitate early-stage case communications to identify joint enforcement and referral opportunities.
- Share the results of enforcement actions involving potential interstate actors.
- Share effective enforcement strategies, trainings, and tools.
- Identify and refer violations of each other's labor laws.
- Conduct joint enforcement actions to uphold the laws of both states.
- Provide support for interstate fact-finding and case development.
- Assist in the identification of assets and the enforcement of money judgments against interstate actors who break the law in one state while keeping their money in the other.

Toward this end, NJDOL and PA DLI leadership and appropriate staff should discuss and develop the most effective protocols and best practices to formalize and standardize effective collaboration. Such meetings may include other state governmental entities that you identify as key partners in efforts to promote workplace justice and compliance with the law.

In addition, we are asking that you identify key individuals from your agencies to serve on an interstate task force to combat wage theft and worker misclassification. That task force should meet regularly to recommend strategies and practices to us that will work to prevent and remedy abuses visited upon workers by employers who cross our states' borders.

Robust and strategic labor law enforcement will make both New Jersey and Pennsylvania stronger, and you have our full confidence and support to pursue this joint initiative to protect the rights of workers and promote a strong regional economy.

Sincerely,



PHILIP D. MURPHY
Governor of New Jersey



JOSH SHAPIRO
Governor of Pennsylvania