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Lawsuit Seeks Back Wages, Penalties, Fines, and End of Misclassification of Employee Instructors as Independent Contractors

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Office of the Attorney General

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New Jersey Department of Labor & Workforce Development

– Robert Asaro-Angelo, *Commissioner*

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Misclassification is the practice of illegally classifying and treating employees as independent contractors. Misclassification deprives workers of rights and benefits afforded to employees, including minimum wage, overtime, workers' compensation, unemployment, temporary disability, earned sick leave, job-protected family leave, equal pay, and leaves workers unprotected against discrimination. This illegal practice also hurts many employers who abide by state labor and employment laws, by putting them at a competitive disadvantage against those who flout the law.

"Misclassification is a form of corporate cheating, plain and simple, and here in New Jersey, no business is above the law," **said Attorney General Platkin**. "It hurts workers, and it harms other businesses that comply with the rules and try to compete on an unequal playing field."

"We are out of patience for employers that exploit workers with this egregious behavior," **said Labor Commissioner Asaro-Angelo**. "New Jersey laws are clear, and it does not matter the industry or occupation, employee misclassification is illegal and we will catch you."

The seven-count complaint alleges that between 2018 and 2022, JTTT violated a host of New Jersey labor laws, including but not limited to failure to pay overtime, failure to maintain records of hours worked and wages paid, failure to make available and pay earned sick leave, failure to timely pay the full amount of wages due, and failure to contribute to

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separate business office, a federal tax ID number, or other essential elements necessary to running an independent business.

The complaint outlines more than a dozen ways JTTT managed the instructors as employees. The probe of the Lyndhurst-based company found that JTTT made instructors report to the company's headquarters, where CDL course instruction began and finished, to meet enrolled students.

Specifically, the lawsuit states that JTTT:

- Created and posted work schedules for the instructors at its headquarters;
- Required that the instructors work on Saturdays;
- Exercised the right to hire and fire the instructors;
- Set the rates of payment for instructors;
- Provided the instructors with uniforms;
- Provided the materials and lesson plans necessary for the instructors to teach the CDL courses;
- Required the instructors to provide instruction in the classroom and on the road;
- Required the instructors to use vehicles owned and maintained by JTTT, with JTTT's logo and branding, to perform the driving portion of CDL course instruction;

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their rights and protections at myworkrights.nj.gov. Businesses can learn about legal requirements and services provided to them at nj.gov/labor.

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