

TOWNSHIP OF MAPLEWOOD



RESOLUTION NUMBER 274-19

**RESOLUTION
URGING THE STATE LEGISLATURE
TO TABLE AND FURTHER AMEND S4204/A5936
TO PROTECT NEW JERSEY'S LEGITIMATE INDEPENDENT CONTRACTORS**

WHEREAS, the ABC employee classification test currently applied in the State of New Jersey has been in use since the 1930s, a time period when independent contractor businesses were less widespread and varied as they are today; and

WHEREAS, the existing ABC test has been the subject of lawsuits and disputes due to the vague nature of language and the subjective interpretation of that language; and

WHEREAS, in November 2019, Senate Bill 4204 and its companion, Assembly Bill 5936, were introduced as a means to guard against employee misclassification and exploitation of workers; and

WHEREAS, we support and commend the legislature on tackling the challenges associated with employee misclassification enumerated in the Task Force Report released by Governor Murphy in July; and

WHEREAS, more due diligence is needed to ensure that legitimate independent contractors working in the "gig economy" by choice are not adversely harmed by this legislation; and

WHEREAS, many individuals who make a living and support their families by acting as independent contractors do so by circumstance and choice, enabling them to have greater flexibility over their schedules that traditional employment would not offer; and

WHEREAS, the current ABC test does not consider the wide variety of new freelance work opportunities that exist among the modern-day independent contractor workforce; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that:

1. Township of Township of Maplewood opposes S4204 and A5936 as introduced, and believes that an issue of this importance and complexity warrants further time, research, and input to ensure that the livelihood of legitimate independent contractors is not jeopardized by unintended consequences; and
2. Copies of this Resolution be forwarded to the Governor, Senate President Stephen Sweeney and Assembly Speaker Craig Coughlin, Assembly Speaker, Bill Sponsors, and local legislative delegation.

I, Elizabeth J. Fritzen, Township Clerk of the Township of Maplewood, in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Township of Maplewood, County of Essex and State of New Jersey, at a regular meeting of said Committee held on December 17, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Township of Maplewood in the County of Essex and State of New Jersey this 17th day of December 2019.

Elizabeth J. Fritzen, R.M.C., C.M.C.
Township Clerk