



# BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor  
Tomas J. Padilla, Borough Administrator

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Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine	X		X			
Gross			X			
Hayes						X
Singleton			X			
Spelling		X	X			
Gadaleta			X			
Mayor Rendo						

## OPPOSITION TO LEGISLATION THAT ENDANGERS NH'S INDEPENDENT CONTRACTORS (S4204/A5936)

### RESOLUTION NO. 19-275 DECEMBER 16, 2019

**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 not as 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 December 2019, during the "lame duck session" of the 218th Legislature, Senator Stephen Sweeney and Assemblyman Joseph Egan introduced and fast-tracked S4204 and A5936, legislation that seeks to both alter and codify the existing ABC test; and

**WHEREAS**, nearly 1 in 10 workers in the U.S. (about 15.5 million people) are now independent contractors, and

**WHEREAS**, independent contractors tend to be older than other workers (more than 1 in 3 are at least 55 years old), indicating that these bills will disproportionately harm senior citizens; and

**WHEREAS**, the IRS reported in July 2019 that the fastest growing groups of Independent Contractors in the U.S. are from economically vulnerable populations; and

**WHEREAS**, the same report showed that the group of Independent Contractors that grew the most over the past 15 years is working women, specifically women who are the primary income providers in their household, earn most of that income through IC work, and are in the bottom income bracket, indicating that these bills will harm a large number women for whom IC work is essential; and

**WHEREAS**, the New Jersey Department of Labor reports that the Transportation, Logistics and Distribution industry comprises the largest share of our state's minority workforce, and 77% of the truck drivers who serve the Port of NY & NJ are independent contractors who would be forced to become employees, indicating that these bills will harm minority-owned businesses; and

**WHEREAS**, the ABC test does not take into account the wide variety of new freelance work opportunities that exist among the modern-day Independent Contractor workforce;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Woodcliff Lake hereby abides by the conclusion that an issue of this importance and complexity warrants further time, research, and input from the Independent Contractor community before any changes are proposed and/or codified, and we oppose any further action being taken by the New Jersey Legislature on S4204 and A5936.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to Governor Phil Murphy, Senate President Stephen Sweeney, Assembly Majority Leader Assemblyman Craig Coughlin, Senate Minority Leader Tom Kean, and Assembly Minority Leader Jon Bramnick.

#### CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 16, 2019.



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**DEBORAH DAKIN, RMC, CMR  
BOROUGH CLERK**