



FOR IMMEDIATE RELEASE:

New Jersey Lawmakers Poised to Attack Independent Contractors' Income

Senate Bill 863 would codify Department of Labor overreach; Fight For Freelancers NJ launches video series to educate N.J. lawmakers about need for modern labor law

TRENTON, N.J., FEBRUARY 18, 2020 — Legislation introduced in the New Jersey Senate would decimate the livelihoods of thousands of New Jerseyans who choose to work for themselves. Today, Fight For Freelancers NJ — a group of more than 1,000 independent contractors, creatives, and businesses — is launching a [video series](#) that will roll out in the upcoming weeks, educating lawmakers about the need to reject S863 and, instead, enact a modern labor law.

Senate Bill 863 (S863), which defines employee status, would change the way New Jersey uses the regressive and damaging ABC Test. Developed in the 1930s, the ABC Test applies outdated criteria to today's tech-powered, mobile, and innovative workforce. According to the New Jersey Civil Justice Institute, S863 is even stricter than California's version of the law, called AB5. It has put thousands of California's independent contractors out of work since it went into effect January 1, 2020.

Across the United States, creative professionals including writers and authors (61%), multimedia artists and animators (59%), and art directors (59%) are self-employed, according to the U.S. Bureau of Labor Statistics. Their incomes show that they are not being exploited. Median earnings range between \$62,000 and \$92,000 depending on the field, and top earners routinely bring home incomes of more than \$120,000. Other creative freelancers that S863 targets include photographers, actors, screenwriters, videographers, illustrators, lighting and interior designers, musicians, fine artists, and others.

S863 Hurts Income

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S863 — and, specifically, the ABC Test at its rotten core — would virtually wipe out the creative middle class by:

- Making it nearly impossible to be considered independent contractors
- Putting creatives at risk of losing copyright ownership of their work
- Leaving New Jersey’s independent contractors subject to blacklisting, as California contractors are experiencing now
- Forcing creatives to seek W2 work in sectors like journalism, which is experiencing the greatest level of layoffs since the Great Recession

“We made this video series so lawmakers could quickly see the devastating effects of S863 on people who are among some of the most successful professionals in their fields,” says Kim Kavin, a co-founder of Fight For Freelancers NJ. “All the talk in Trenton these days is about exploited and misclassified workers. Our members are not exploited. We’re happy. Legislation like S863 doesn’t solve exploitation. It kills thriving, independent careers like ours.”

The videos call for New Jersey labor law to move to the Internal Revenue Service (IRS) “common law” test, which accommodates the modern, creative workforce, including independent contractors who are thriving in their chosen careers.

Fight for Freelancers NJ — now part of the national coalition Fight for Freelancers USA — urges New Jersey legislators **to replace the ABC Test with the IRS Test for worker classification**. Vote no on S863 and the outdated ABC test. Vote yes for the modern IRS test.

WATCH the first two-minute video at the Fight For Freelancers NJ website:

<https://fightforfreelancers.com/videos/>

#IRSnotABC #FightForFreelancers
www.fightforfreelancers.com

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