



FOR IMMEDIATE RELEASE:

## **Jack Ciattarelli is Right: New Jersey Must Abandon the ABC Test**

*Protecting entrepreneurs and small-business owners should be a bipartisan effort among all lawmakers*

TRENTON, N.J., SEPTEMBER 3, 2021 — Fight For Freelancers New Jersey, a nonpartisan, grassroots, self-funded group of independent contractors, creatives and businesses, is thrilled to see the protection of New Jersey's entrepreneurs and small-business owners taking center stage in the gubernatorial campaign.

Republican candidate Jack Ciattarelli's [newly released statement](#) is spot-on about the need for New Jersey to abandon the nearly century-old ABC Test, which uses oversimplified and harmful language to distinguish between an employee and an independent contractor.

This ABC Test language, written in the 1930s, was recently weaponized in California as Assembly Bill 5. While lawmakers claimed that it would help misclassified employees, it instead destroyed the income and careers of independent contractors in professions as wide-ranging as [translators](#), [nurse anesthetists](#) and [community theater actors](#). The same ABC Test is now [threatening independent contractors](#) and [franchise owners](#) nationwide in hundreds of professions as part of the federal PRO Act, which passed the U.S. House of Representatives. It is currently stalled in the U.S. Senate, where three Democrats have withheld their support. Democratic Senators [Mark Warner of Virginia](#) and [Mark Kelly of Arizona](#) have done so while citing the harms that the ABC Test would unleash against independent contractors across the United States.

New Jersey's state-level lawmakers almost jumped onto this disastrous legislative bandwagon in late 2019 and early 2020, when they attempted to follow California's lead and codify the ABC Test into law as Senate Bill 4204. After state senators listened to [more than four hours](#) of opposition testimony from a standing-room-only crowd of truckers, attorneys, musicians, freelance writers, bakers, newspaper publishers and others in Trenton, lawmakers ultimately [failed to advance the bill](#).

"After several years of fighting day and night to stop this legislative attack on our careers, we are thrilled to finally have a political leader calling publicly for New Jersey to abandon the ABC Test altogether," said Kim Kavin, a freelance writer from Washington Township, Morris County, and co-founder of Fight For Freelancers. "Jack Ciattarelli's call to abandon the ABC Test represents the majority will of the people. This is not a partisan issue. It's just plain common sense to protect our small businesses and people's chosen careers."

[Study after study](#) shows that 70% to 85% of independent contractors want to remain classified as independent contractors. Self-employed people choose to become their own bosses for myriad reasons, often because they can [achieve a better work-life balance](#) or [earn more money than in a traditional job](#). Just this month, the [U.S. Small Business Administration reported](#) that self-employed people have a higher

median net worth than others—more than four times that of families of workers, and twice as high as families of retirees.

“Ciattarelli is saying that we need to protect the entrepreneurial path to economic success by abandoning the ABC Test, and he’s right,” Kevin added. “Trenton should be supporting, not attacking, our residents who choose to become their own bosses. It’s protecting the American dream.”

Since its formation in 2019, Fight For Freelancers has advocated for New Jersey to stop using the ABC Test in all capacities and instead switch to the far more modern IRS Test for distinguishing between employees and independent contractors. The group also supports the use of the Economic Realities Test that the U.S. Department of Labor [put forward in September 2020](#) as another possible solution.

“We support the use of a test that can tell the difference between a truly misclassified employee working full-time or more off the books without benefits, and a properly classified independent contractor who has chosen to set up her own business as a financial adviser, graphic designer or bookkeeper,” says Jen Singer, a freelance writer from Red Bank, Monmouth County, and co-founder of Fight For Freelancers. “The ABC Test cannot tell the difference between those two people. Jack Ciattarelli is correct when he says that New Jersey needs to abandon the outdated and harmful ABC Test.”

The leaders of Fight For Freelancers New Jersey hope that protecting independent contractors and small-business owners will become a central part of the gubernatorial campaign, giving more political leaders a chance to speak out in support of protecting the state’s entrepreneurs.

“We have been talking with lawmakers on both sides of the aisle in Trenton about this issue since late 2019,” Singer says. “There are Democrats and Republicans alike who agree, behind closed doors, that entrepreneurs need to be protected from this ABC Test. We hope they will now have the courage to join Jack Ciattarelli in saying so publicly, and make removing the ABC Test from all New Jersey legislation and regulations a cornerstone of their own administrations and campaigns.”

**[www.fightforfreelancers.com](http://www.fightforfreelancers.com) #FightForFreelancers**

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