



Public Comment Opposing Proposed Rule N.J.A.C. 12:11

From NJ21st Team <team@nj21st.com>

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To david.fish@dol.nj.gov <david.fish@dol.nj.gov>

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Dear Mr. Fish,

I'm writing to express strong opposition to Proposed Rule N.J.A.C. 12:11, which expands the application of the "ABC test" to determine worker classification.

NJ21st is a nonprofit civic journalism organization based in NJ. I am deeply concerned about the potential impact of this rule as it would have a chilling effect on our organization's ability to sustain and grow public-interest reporting.

We have limited resources, and plan to rely on a network of part-time contributors, student journalists, and community members who occasionally submit work for modest stipends or one-time honoraria. This is probably the case for many if not all grass-root orgs. Currently all of our writing comes from volunteers who have a passion for covering local and state government.

Our people write when they are able to. They contribute their time and abilities to help community members advocate for themselves, their families and their neighborhoods. The relationships we seek to develop with our contributors are voluntary, flexible, and community-driven.

Under this rule, we would be forced to classify nearly all future contributors we seek to compensate as employees regardless of how limited or infrequent the work is- bringing in burdensome payroll systems, tax filings, and compliance obligations we simply cannot afford.

The net result would be less opportunity for emerging voices, fewer local stories, and less public accountability particularly in underserved or overlooked communities that we are working very, very hard to break into.

Ironically, the people most likely to be hurt by this rule are the same ones we should be working to uplift.

We agree that worker misclassification is an issue. But this rule casts far too wide a net. It treats small, mission-driven organizations like ours the same as large corporations, without regard for scale, intent, or

public benefit.

I respectfully urge the Department to withdraw or substantially revise this proposal. At minimum, there should be clear carveouts or exemptions for 501(c)(3) and 501(c)(4) organizations that provide one-time stipends or honoraria not tied to sustained, directed work.

In addition to submitting this formal comment to the Department of Labor, I am sharing these concerns with the Governor's Office, the Comptroller's Office (run for Governor already, Mr. Walsh) , local elected officials, and the Board of Education. These stakeholders — many of whom rely on or benefit from the public's ability to stay informed and engaged — deserve to know that this rule could significantly limit the platforms that support civic dialogue in New Jersey.

As you are aware, opposition to this rule change is bipartisan.

Thank you for considering this perspective. We share your interest in protecting workers but not at the expense of community participation, civic storytelling, and democratic engagement.

Sincerely,
John Migueis
Founder, NJ21st

<https://nj21st.com/>

