


## Worker Misclassification Claims

New Jersey's standard for worker classification is the "ABC Test," which places on employers the significant task of distinguishing between an employee and an independent contractor. The test presumes that a worker is an employee unless the employer can prove otherwise by satisfying all three prongs of the test prongs, which determine whether the worker (A) has freedom from control, (B) works outside the usual course of business, and (C) operates under an independently established business. Employee misclassification claims can be initiated by a single employee, as a class action lawsuit, or through a government audit by the New Jersey Department of Labor and Workforce Development (NJDOL).

Misclassification claims are high-stakes disputes for employers which can result in significant financial penalties for violations. The firm has represented employers in audits and investigations conducted by the NJDOL as well as before the Internal Revenue Service (IRS) and other state agencies. We have defended employers in lawsuits brought by individual or former employees who allege they were misclassified and denied the wages and benefits to which they were legally entitled. Our team also has the resources to defend against more complex lawsuits alleging company-wide misclassification practices which seek damages for unpaid overtime minimum wage violations, and benefits.

### Practice Team

A professional headshot of Darren C. Barreiro, a man with short grey hair, wearing a dark suit jacket over a white shirt.


**Darren C. Barreiro**  
Partner  
732.476.2424  
dbarreiro@greenbaumlaw.com

A professional headshot of Joel Clymer, a man with short dark hair, wearing a dark suit jacket, white shirt, and a striped tie.


**Joel Clymer**  
Partner  
732.476.2514  
jclymer@greenbaumlaw.com




**Irene Hsieh**  
Partner  
732.476.2462  
ihsieh@greenbaumlaw.com



**Jemi Goulian Lucey**  
Partner  
732.476.2502  
jlucey@greenbaumlaw.com




**John D. North**  
Partner  
732.476.2630  
jnorth@greenbaumlaw.com



**Maja M. Obradovic**  
Partner  
732.476.2454  
mobradovic@greenbaumlaw.com



**Emmalise Earl**  
Associate  
732.476.2524  
earl@greenbaumlaw.com



**Kathryn M. Hyde**  
Associate  
732.476.2470  
khyde@greenbaumlaw.com

## Insights & More

---

### Client Alerts

**NJ Supreme Court Holds That NJ Wage Payment Law is Inapplicable to Real Estate Salesperson Who Has Independent Contractor Agreement with Broker**

5.20.24