Andrew S. Berns Quoted in Journal Of Commerce Article On Worker Classification

US House Backs Bill to Toughen Worker Classification

As published in the Journal of Commerce by Hugh R. Morley on February 7, 2020.

The US House of Representatives on Thursday backed a bill that would make it tougher for truckers to prove they are independent contractors rather than employees, in an echo of California's Assembly Bill 5 (AB5) and similar legislation in New Jersey.

Andrew S. Berns, a New Jersey employment and labor attorney with experience in classification cases, said it is unclear whether HR 2474, if enacted, would supersede all state laws. The federal bill, in its original form, would make it tougher for workers to prove their independence in New Jersey than under existing state laws, said Berns, of the Einhorn Barbarito law firm. However, a late amendment to the bill means if the bill is enacted, it would not preempt state laws.

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