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July 21, 2023

VIA Electronic Filing

Honorable Christine P. O’Hearn, U.S.D.J.  
United States District Court for the District of New Jersey  
Mitchell H. Cohen Building & U.S. Courthouse, Rm 1050  
4th & Cooper Streets, Camden, New Jersey 08102

Re: New Jersey Staffing Alliance et al. v. State of New Jersey et al.  
Docket No. 1:23-cv-02494 (CPO/MJS)

Dear Judge O’Hearn:

On behalf of the Defendants in the above-captioned matter, I write to inform the Court that earlier today, July 21, 2023, the New Jersey Department of Labor and Workforce Development (“NJLWD”) posted on its website a Notice of Proposal (“Notice”) proposing rules to implement Sections 1 through 7, and Section 10, of the Temporary Workers Bill of Rights, P.L. 2023 c. 10, N.J.S.A. 34:8D-1 *et seq.* (“TWBR”). Contemporaneously, NJLWD also submitted the Notice to the New Jersey Office of Administrative Law (“OAL”) for publication in the New Jersey Register, where the Notice will be published on August 21, 2023. Public comments will be accepted until October 20, 2023. (The Notice can be found at: [NJAC 12 72 \(tempoary laborers\) \(notice of proposal\) FILED 7 21 23.pdf](#))

As set forth in Defendants’ July 10, 2023 Supplemental Brief Opposing Plaintiffs’ Order to Show Cause and Request for a Preliminary Injunction (ECF 30), Plaintiffs have failed to meet the demanding standard for a vagueness challenge to a civil economic statute. Moreover, while Defendants maintain that regulations are not needed or relevant for the TWBR to survive Plaintiffs’ vagueness challenge, the Notice negates Plaintiffs’ assertions of ambiguity and their concerns regarding



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arbitrary enforcement as it provides guidance concerning NJDOL's interpretation of the law, including and not limited to, the fair pay requirement in Section 7. For example, the Notice includes proposed rules that provide step-by-step instructions on how to calculate the hourly rate of pay that the temporary help service firm must pay the temporary laborer to meet Section 7's requirements. It also sets out a list of principles that should be applied when determining whether a temporary laborer and an employee of the third-party client are performing substantially similar work.

Should Your Honor have any questions, we are available to discuss at your convenience.

Respectfully submitted,

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ *Eve Weissman*  
Eve Weissman  
Deputy Attorney General  
New Jersey Division of Law

CC: All Counsel of Record via Electronic Filing