

Employer Posting Requirements Under New Jersey Law

by **Maxine H. Neuhauser** and **Maxiel L. Gomez**

December 2009

With the start of 2010, New Jersey employers may find it useful to review the notification requirements relating to employees' workplace rights and responsibilities under both state and federal law. There have been important changes in the law this past year, and employers should ensure that the posters are current.

Employers are mandated under both New Jersey and federal law to display official posters informing employees of the law relating to their rights and responsibilities. An employer who fails to comply with these requirements may face monetary fines or other penalties, including loss of the ability to rely on otherwise applicable statutes of limitation. Generally, to comply with these regulations, an employer must post the most recent version of the posters in locations visible to all employees and applicants for employment. Employers should display these notices in areas accessible to all employees, such as a lunchroom, break-room or human resources office. New Jersey also requires that certain of the notices be distributed to employees. This article serves as a reminder and summary of New Jersey's notification requirements applicable to most employers.

The New Jersey Department of Labor and Workforce Development ("NJDOLE") provides employers with poster packets containing the required notices, which are available for downloading at:

<http://lwd.dol.state.nj.us/labor/employer/content/employerpocketforms>.

(Although some of the regulations specify that the notices be on legal size paper (8 ½ x 14 inches), the posters from the state's Web site print-out at letter size (8 ½ x 11)

from a reputable supplier.)

Posters required by the New Jersey Division on Civil Rights are available for download at: <http://www.nj.gov/oag/dcr/posters.html>.

In addition, notices required by the United States Department of Labor (“USDOL”) are available for downloading from the USDOL Web site at:

<http://www.dol.gov/osbp/sbrefa/poster/matrix.htm>.

Employers with 15 or more employees are required to post the updated “Equal Employment Opportunity Commission is the Law” poster referring to the provisions of the Genetic Information and Nondiscrimination Act (“GINA”), which went into effect on November 21, 2009. The revised poster is available on the Equal Employment Opportunity Commission’s Web site. See *November 23, 2009, EBG Client Alert, “Employers Must Update Workplace Posters.”*

In addition to federally required posters, New Jersey employers must also post the following notices:

<i>New Jersey Statute</i>	
<i>Conscientious Employee Protection Act (“CEPA”)</i>	The notice must be distributed annually and posted in both English and Spanish.
<i>Law Against Discrimination</i>	Although this is not required, many employers distribute their company’s nondiscrimination and anti-harassment policy to employees annually and/or at anti-harassment training sessions.
<i>New Jersey Family Insurance Law</i>	Employers must provide employees with a written copy of the notification: (i) no later than December 15, 2008; (ii) at the time of the employee’s hiring; (iii) whenever an employee provides notice of a potential claim; and (iv) upon the first request of the employee.
<i>New Jersey Wage Payment</i>	Notice advises employees of the law relating to the payment of wages, minimum hourly rates, overtime rates, acceptable deductions of wages and employee rights and employer penalties under the law.
<i>Unemployment and Temporary Disability Benefits</i>	Employers covered by the law must advise of benefits available to qualifying employees under disability insurance and unemployment compensation.
<i>Workers’ Compensation Law</i>	Employers are required to advise employees of benefits available to workers injured on the job and information on the procedure for filing worker’s compensation claims.
<i>Smoke Free Work</i>	A person (including business) that has control over an indoor public or work space, must prominently post a sign at every entrance, which states that

<i>Place Notice</i>	smoking is prohibited; lettering or nonsmoking symbol must be in a contrasting color from the sign's background, and it must advise that violators will be subject to a fine.
<i>New Jersey Child Labor Laws</i>	Employers that employ individuals under the age of 18 must keep the schedule of hours posted in a conspicuous area advising: (i) the names of minors under 18; (ii) schedule of hours; (iii) maximum daily and weekly hours; (iv) daily time record; and (v) daily meal times.

New Jersey also has posting requirements aimed at specific sectors of the labor force. For example, New Jersey employers whose workers are exposed or potentially exposed to hazardous chemicals must display notices providing a general overview of occupational health hazards, including hazard identification, exposure assessment and the provisions of the Worker and Community Right to Know Law. Employers associated with the sale, rental or lease of properties are required to advise of New Jersey's Law Against Discrimination in housing. Employers that provide services to the public including, but not limited to, restaurants, hotels, hospitals, movie theaters and shopping centers must advise patrons of New Jersey's Law Against Discrimination in public accommodations. These employers should display posters in areas readily accessible to the public (for example, near cash registers).

Employers are advised to check the NJDOL's Web site at least annually for any new, or changes to, required notices, as out-of-date notices are noncompliant and can also subject employers to fines. Employers should also remember the need to similarly comply with posting requirements under federal law, which most employer accomplish by purchasing an "all-in-one" poster from a reputable supplier.

For more information about this Client Alert, please contact:

Maxine H. Neuhauser
Newark
973-639-8269
Mneuhauser@ebglaw.com

Maxiel L. Gomez
Newark
973-639-8289
Mgomez@ebglaw.com

* * *

This document has been provided for informational purposes only and is not intended and should not be construed to constitute legal advice. Please consult your attorneys in connection with any fact-specific situation under federal law and the applicable state or local laws that may impose additional obligations on you and your company.

© 2008 Epstein Becker & Green, P.C.

ATLANTA • CHICAGO • HOUSTON • LOS ANGELES • MIAMI
NEW YORK • NEWARK • SAN FRANCISCO • STAMFORD • WASHINGTON, DC

www.ebglaw.com

