

Reminder to New Jersey Employers: 2019 Brings New Notice and Posting Requirements

January 2, 2019

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With the arrival of a new year, New Jersey employers may be well advised to take a moment to ensure that their workplace posters and employee notices are up to date and compliant, as the list of required notifications has grown and changed.

In 2018, New Jersey became the 10th state to require paid sick leave. New Jersey's Earned Sick Leave Law (also referred to as the "Paid Sick and Safe Leave Law"), which was the subject of a previous [Act Now Advisory](#), includes notification requirements. The state law preempts prior municipal paid sick leave laws; thus, notices and posters for *municipal* sick leave laws are no longer required.

Effective January 1, 2019, the New Jersey minimum wage increased to \$8.85 per hour to keep up with inflation as mandated by the state's Constitution. A \$15-an-hour minimum wage, one of Governor Phil Murphy's campaign promises, appears to be on the horizon. There is no question, however, that any such increase will occur incrementally.

Employers are mandated under New Jersey law to display a variety of official posters informing employees of the law relating to employee rights and responsibilities. An employer that fails to comply with these requirements may face monetary fines and other penalties. Generally, to ensure compliance, an employer must post the most recent version of the posters in locations accessible and easily visible to all employees and applicants for employment, such as in a lunchroom, breakroom, or human resources office. New Jersey also requires that a number of the notices be distributed to employees. For certain laws, the notice must be posted and/or distributed in English, Spanish, and, in some instances, the language spoken by at least 10 percent of the employer's workforce. The New Jersey Department of Labor and Workforce Development ("NJLWD") provides employers with poster packets containing the required notices, which are available for downloading [here](#).

Note that, although some of the regulations specify that the notices must be on legal size paper (8½ x 14 inches), the posters from the state's website printout are letter size (8½ x 11 inches) and are considered compliant. In addition, a New Jersey "all in one" poster may be purchased from a reputable supplier.

Posters required by the New Jersey Division on Civil Rights are available for downloading [here](#).

New Jersey requires the following posters:

Statute	Description/Specifications
Conscientious Employee Protection Act (“CEPA”)	The notice must advise employees of their rights under New Jersey’s “Whistleblower Act.” The notice must be completed and then posted. Additionally, for any employer with 10 or more employees, a copy of the notice must be personally distributed to all employees on an annual basis. A copy of the poster, in English and Spanish, is available for downloading here .
Gender-Equality Notice	<p>Every employer in New Jersey with 50 or more employees must post a notice advising employees of their right to be free from gender inequity or bias in pay, compensation, benefits, or other terms or conditions of employment under the NJLAD (defined below) and other state and federal antidiscrimination statutes. Employers are also required to distribute a copy of the notice: (i) in English, Spanish, and any other language spoken by 10 percent of the workforce, provided that a notice has been issued in that language by the NJDOL; (ii) at the time of hire; (iii) upon request; and (iv) to all employees annually before December 31 of each year. The notice may be transmitted electronically to employees via e-mail or a website, so long as it is accessible and the employer notifies its employees that the notice has been posted electronically. Employers must obtain written acknowledgement of receipt. This poster is available in English and Spanish.</p> <p>Of note, the 2018 Diane B. Allen Equal Pay Act, which mandates pay equity and prohibits discrimination in pay as to virtually all employees, does not include notice or posting requirements.</p>
New Jersey Law Against Discrimination (“NJLAD”)	Notices must advise employees of their rights under the NJLAD. Although not required, many employers distribute their company’s nondiscrimination and anti-harassment policy to employees annually and/or at anti-harassment training sessions.
New Jersey Family Leave Insurance Law	The family leave insurance poster must be posted and personally provided to employees: (i) at the time of hire (ii) upon request, and (iii) whenever an employee provides notice to the employer that he or she will be taking family leave. A copy of the poster is available for downloading here .

Statute	Description/Specifications
<i>New Jersey Family Leave Act</i>	Employers covered under the law, whether or not they have any eligible employees, must display the official Family Leave Act poster. A copy of the poster is available for downloading here .
<i>New Jersey Security and Financial Empowerment (“SAFE”) Act</i>	The notice must be conspicuously posted, making employees aware of their rights under New Jersey’s SAFE Act, which provides job-protected leave for victims of domestic violence and sexual assault. The SAFE Act applies to New Jersey employers with 25 or more employees. A copy of the notice is available for downloading here .
<i>New Jersey Wage Payment</i>	Posters must advise employees of the law relating to the payment of wages, minimum hourly rates, overtime rates, acceptable deductions from wages, employee rights, and employer penalties. A copy of the 2019 poster relating to the payment of wages is available for downloading here .
<i>New Jersey Wage, Benefit, and Tax Laws</i>	The notice must inform employees of the reporting and recordkeeping requirements of eight New Jersey statutes. Additionally, employers must provide all employees with a written copy of the notification and a copy to each new employee at the time of hire.
<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. The notice must be conspicuously posted.
<i>Workers’ Compensation Law</i>	Employers must inform employees of benefits available to workers injured on the job and information on the procedure for filing workers’ compensation claims. (English and Spanish)
<i>New Jersey Smoke-Free Air Act</i>	A person (including a business) that has control over an indoor public or work space must prominently post, at every entrance, a sign stating that smoking is prohibited. The lettering or nonsmoking symbol must be in a contrasting color from the sign’s background, and the sign must advise that violators will be subject to a fine. The New Jersey Department of Health and Senior Services provides compliant notices, which are available for downloading here .

Statute	Description/Specifications
<i>New Jersey Child Labor Laws</i>	Employers that employ individuals under the age of 18 must conspicuously post a printed abstract of the New Jersey Child Labor Laws and a list of prohibited occupations, as well as a schedule of hours containing the following information: (i) the names of minors under 18, (ii) the schedule of hours, (iii) the maximum daily and weekly hours, (iv) the daily time record, and (v) daily meal times.
<i>New Jersey Right-to-Know Law</i>	The law’s posting requirement applies to public employers whose workers may be exposed to hazardous chemicals. Private <i>and</i> public employers, however, must label containers with their chemical contents and complete an annual chemical inventory survey.
<i>New Jersey Earned Sick Leave Law</i>	The NJDOL has created notices in 12 languages for employers to use to advise employees about the law. Employers must post the notification in a conspicuous place that is accessible to all employees in each of the employer’s workplaces, upon hire and upon request by an employee. Employers must also provide employees with a written copy of the notification. A copy of the Earned Sick Leave notice in English can be downloaded here . (A copy of the notice in other languages is available here .)

In addition to the above, New Jersey also has posting requirements aimed at specific sectors of the labor force. For example, New Jersey employers associated with the sale, rental, or lease of properties are required to advise of the NJLAD 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 the NJLAD in public accommodations. These businesses should display posters in areas readily accessible to the public (for example, near cash registers). Health care facilities must post notices apprising employees of mandatory overtime restrictions.

Employers must also post a workers’ compensation insurance coverage notice, available through their insurance carrier. A copy of the Employer Notice of Workers’ Compensation Insurance Coverage form, in both English and Spanish, is available [here](#).

In addition, employers must comply with posting requirements under federal law, which most employers accomplish by purchasing an “all in one” poster from a reputable supplier or by downloading posters from [here](#).

What Employers Should Do Now

- Review all posting and notice requirements applicable to your company.

- Update your company's postings to ensure compliance with federal, state, and municipal law.
- Keep or take a photo of the posters/notices that are being replaced to maintain a historical record of compliance.
- Review your company's new hire materials to ensure that they include the required notices.
- If not already done, distribute the NJDOL's Earned Sick Leave notice to employees.
- Distribute the annual CEPA and gender-equality notices to all employees by January 31, 2019.
- Revise, or establish, a sick and safe leave policy that complies with the Earned Sick Leave Law.

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