

**New Jersey Employers:
Make Sure Your Workplace Notices and
Employee Posters Are Up to Date**

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The year 2019 saw significant changes to New Jersey's employment law landscape, including amendments to the Family Leave Act ("NJFLA"), the Family Leave Insurance law ("NJFLIL"), the Security and Financial Empowerment ("SAFE") Act, the Law Against Discrimination ("NJLAD"), wage laws, and more. Many of these new laws have resulted in changes to employer notice and posting requirements and many of the official posters have been updated. We therefore recommend that New Jersey employers take a moment to ensure that their workplace posters and employee notices comply with these new changes.

By way of summary, New Jersey's 2019 employment-related enactments included:

- a minimum wage law that will phase in a \$15-per-hour minimum wage rate by 2024 and that, on January 1, 2020, raised the state's minimum wage to \$11.00 for most employers (see our previous [Act Now Advisory](#));
- amendments to the state's family leave laws and SAFE Act, which, among other things, extends the NJFLA to employers that have 30 or more employees (from employers with 50 or more employees); increases the period of time during which an employee may take NJFLA leave on a reduced schedule (in full-day increments) to 12 consecutive months (from 24 weeks); eliminates the need for an employer's consent to take intermittent or reduced schedule NJFLA leave following the birth or placement of a child; adds permissible uses; raises benefits; and extends the law's penalty provisions to include penalties for failure to post and distribute mandated notices and disclosures (see our previous [Act Now Advisory](#));
- amendments to the NJLAD banning discrimination against employees because of hairstyle associated with race (see our previous [blog post](#));
- amendments to the state's wage law, commonly referred to as the "Wage Theft Act," toughening the penalties for failure to pay wages, benefits, and overtime (see our previous [Act Now Advisory](#));
- a law banning salary history inquiries and prohibiting employers from screening a job applicant to make compensation decisions based on the applicant's salary history, including, but not limited to, the applicant's prior wages or benefits (see our previous [Act Now Advisory](#));

- an amendment to the Compassionate Use Medical Cannabis Act to provide employment protection for registered cannabis users (see our previous [blog post](#)); and
- a law requiring New Jersey hotels with more than 100 guest rooms to arm hotel employees assigned to work in a guest room alone with a free panic button device (see our previous [blog post](#)).

New Jersey mandates that employers display a variety of official posters informing employees of the law relating to employee rights and employer 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 “conspicuously,” i.e., in locations accessible and easily visible to all employees and applicants for employment, such as in a lunchroom, break-room, or human resources office, the most recent version of the mandated posters. New Jersey also requires that certain of the notices be distributed to employees. In addition, 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 (“NJLAD”) provides employers with poster packets containing the required notices, which are available for downloading [here](#).

Posters required by the New Jersey Division on Civil Rights 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.

New Jersey requires the following posters:

Statute	Description/Specifications
Conscientious Employee Protection Act (“CEPA”)	Employers must post a notice advising employees of their rights under CEPA, New Jersey’s “whistleblower” law, along with the name, address, and telephone number of the employer’s designated contact person responsible for receiving written notification of CEPA complaints. Employers with 10 or more employees must also distribute a copy of the notice distributed to all employees on an annual basis. A copy of the poster, in both English and Spanish, is available for downloading here .
Gender-Equality Notice	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 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 NJLAD; (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.

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	Employers must obtain written acknowledgement of receipt. (The poster is available in English and Spanish .) Of note, the 2018 Diane B. Allen Equal Pay Act, which mandates pay equity and prohibits discrimination in pay because of membership in a protected class, does not include notice or posting requirements.
Law Against Discrimination	Employees must post a notice advising 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. (The poster is available in English and Spanish .)
New Jersey Family Leave Insurance Law	An employer must both post the NJFLIL notice and provide personal notice 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 .
New Jersey Family Leave Act	Employers covered under the law, whether or not they have any eligible employees, must display the official NJFLA poster. A copy of the poster is available for downloading here .
New Jersey Security and Financial Empowerment Act	Covered employers must post the SAFE Act notice. The SAFE Act, which provides job-protected leave for victims of domestic violence and sexual assault, applies to New Jersey employers with 25 or more employees. A copy of the notice is available for downloading here .
New Jersey Wage Payment	Employers 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 poster is available for downloading here .
New Jersey Wage, Benefit, and Tax Laws	Employers must post a notice informing employees of reporting and recordkeeping requirements of eight New Jersey statutes. Additionally, employers must provide all employees hired before November 7, 2011, with a written copy of the notification and give a copy to each new employee at the time of hire. A copy of the poster is available for downloading here .
Unemployment and Temporary Disability Benefits	Covered employers must post a notice informing employees of benefits available to qualifying employees under disability insurance and unemployment compensation. A copy of the poster is available for downloading here .
Workers' Compensation Law	New Jersey law requires every employer to post and maintain, in a conspicuous place or places in and about the worksite, a form prescribed by the Commissioner of the Department of Banking and Insurance ("DBI"), stating that the employer has secured workers'

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	compensation insurance coverage or has qualified with the DBI as a self-insured employer. For insured employers, the notice must include the name of the insurance carrier and other items required by the DBI. Insured employers should obtain copies of the required notice from their insurer.
New Jersey Smoke-Free Air Act	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 .
New Jersey Child Labor Laws	Employers that employ individuals under the age of 18 must 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. A copy of the poster is available here .
New Jersey Right-to-Know Law	The law's posting requirement applies to public employers whose workers may be exposed to hazardous chemicals. Private—as well as public—employers, however, must label containers with their chemical contents and complete an annual chemical inventory survey.
New Jersey Sick & Safe Leave Law	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 within 30 days of its issuance. A copy of the earned sick leave poster is available for downloading here .
Notice coming soon New Jersey "Wage Theft Act"	The 2019 "Wage Theft Act" requires employers to provide each current employee and each newly hired employee with a copy of a statement to be produced by the NJDOL stating the employee's rights under the state's wage and hour laws, the provisions of N.J.S.A. 2C:40A-2 (regarding criminal penalties), and how to file a claim or take an action pursuant to those laws. As of January 8, 2020, the NJDOL had not issued the notice.

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 should also remember the need to similarly comply with posting requirements under federal law; workplace posters from the U.S. Department of Labor are available for downloading [here](#).

Many employers meet many of their posting obligations by purchasing an “all in one” poster from a reputable supplier and subscribing for updates.

What New Jersey Employers Should Do Now

- Review all posting and notice requirements applicable to your company.
- Update the company’s notices and postings to ensure compliance with current law.
- Keep or take a photo of the posters/notices that are being replaced to maintain a historical record of compliance.
- Review the company’s new hire materials to ensure that they include the required notices.
- Distribute the annual CEPA and gender-equality notices to all employees by January 31.
- Consider subscribing with a reputable supplier of federal and state notices.

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