

## Employer Posting Requirements Under New Jersey Law

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With the arrival of a new year, New Jersey employers may find it useful to review the notification requirements relating to employees' workplace rights and responsibilities and to make sure that their posters are up to date.

Effective January 1, 2018, the New Jersey minimum wage increased to \$8.60 per hour. The increase is a result of a bump in the Consumer Price Index, which by constitutional amendment is used to determine the minimum wage each year. A copy of the updated New Jersey State Wage and Hour Law Abstract, which employers must conspicuously post, can be found [here](#). Employers should keep an eye out for another minimum wage rate hike in the near future. In November 2017, Governor-elect Phil Murphy promised to incrementally raise the minimum wage to \$15 over the next few years.

There were no new municipal sick leave ordinances in 2017. However, Governor-elect Murphy is on record as supporting a state paid sick leave law, which is likely to carry posting requirements. Whether such a law would preempt municipal law (as happened when the state-wide "ban the box" law was enacted), or leave local law in place, is unknown.

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, break-room, or human resources office. 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 ("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:

<b>Statute</b>	<b>Description/Specifications</b>
<b>Conscientious Employee Protection Act (“CEPA”)</b>	The notice must advise employees of their rights under New Jersey’s “Whistleblower Act.” In addition to being posted, the notice must be distributed annually to all employees. A copy of the poster, in English and Spanish, is available for downloading <a href="#">here</a> .
<b>Gender-Equality Notice</b>	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 an employee’s hiring; (iii) to all employees annually; and (iv) at any time upon the request of an employee. 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. Of importance, the law requires employers to obtain acknowledgements from employees that they have read and understand the notice. A copy of the poster is available for downloading <a href="#">here</a> .
<b>Law Against Discrimination (“NJLAD”)</b>	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.
<b>New Jersey Family Insurance Law</b>	In addition to posting, employers must provide employees with a written copy of the notification: (i) at the time of an employee’s hiring, (ii) whenever an employee provides notice of a potential claim, and (iii) upon the first request of an employee. Written notification may be electronically transmitted to employees. A copy of the poster is available for downloading <a href="#">here</a> .
<b>New Jersey Family Leave Act</b>	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 <a href="#">here</a> .

<b>Statute</b>	<b>Description/Specifications</b>
<b><i>New Jersey Security and Financial Empowerment (“SAFE”) Act</i></b>	The notice must make 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. Employers must “conspicuously display” a notice of employees’ rights under the law and “use other appropriate means to keep . . . employees informed.” A copy of the notice is available for downloading <a href="#">here</a> .
<b><i>New Jersey Wage Payment</i></b>	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 2018 poster relating to the payment of wages is available for downloading <a href="#">here</a> .
<b><i>New Jersey Wage, Benefit, and Tax Laws</i></b>	The notice must inform employees of 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 hiring.
<b><i>Unemployment and Temporary Disability Benefits</i></b>	Employers covered by the law must advise of benefits available to qualifying employees under disability insurance and unemployment compensation. (English and Spanish)
<b><i>Workers’ Compensation Law</i></b>	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)
<b><i>New Jersey Smoke-Free Air Act</i></b>	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 <a href="#">here</a> .
<b><i>New Jersey Child Labor Laws</i></b>	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.

<b>Statute</b>	<b>Description/Specifications</b>
<b><i>New Jersey Right-to-Know Law</i></b>	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.
<b><i>New Jersey Municipal Paid Sick Leave Laws</i></b>	Jersey City passed the first paid sick leave law at the municipal level in 2013, followed by East Orange, Irvington, Montclair, Newark, Passaic, Paterson, and Trenton in 2014. Bloomfield, Elizabeth, and New Brunswick followed suit in 2015, and Morristown and Plainfield passed their own ordinances in 2016, bringing the total to 13 municipalities with paid sick leave laws.

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 your insurance carrier. A copy of the Employer Notice of Workers' Compensation Insurance Coverage form, in both English and Spanish, is available [here](#).

Employers should also remember the need to similarly 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 requirements applicable to your company.
- Update the company's postings to ensure compliance with federal, state, and municipal law.
- 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.
- Revise, if necessary, sick leave policies and procedures to ensure compliance with applicable municipal ordinances.

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