

Employer Posting Requirements Under New Jersey Law

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by Maxine H. Neuhauser and Amy E. Hatcher

The list of notices that New Jersey employers are required to post grew this year. Accordingly, with 2013 coming to a close, New Jersey employers may find it useful to review the notification requirements relating to employees' workplace rights and responsibilities under state law.

Employers are mandated under New Jersey law to display a variety of official posters informing employees of the law relating to their rights and responsibilities. An employer that fails to comply with these requirements may face monetary fines and other penalties. 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 *Act Now Advisory* 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 ("NJDOL") provides employers with poster packets containing the required notices, which are available for downloading at: <http://lwd.dol.state.nj.us/labor/lwdhome/content/employerpacketforms.html>.

The New Jersey Department of Health and Senior Services provides notices compliant with the New Jersey Smoke-Free Air Act, which are available for downloading at: <http://www.nj.gov/health/ctcp/smokefree/nosmoking.shtml>.

Note that, although some of the regulations specify that the notices be on legal size paper (8½" x 14"), the posters from the state's website printout are letter size (8½" x 11") 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 at: <http://www.nj.gov/oag/dcr/posters.html>.

Posters must be displayed in locations that are accessible and easily visible to all employees. In addition, for some laws, a notice must be posted in both English and Spanish.

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. In addition to being posted, the notice must be distributed annually to all employees. (English and Spanish)
NEW IN 2014: 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 (defined below) and other state and federal antidiscrimination statutes. Employers are also required to distribute a copy of the notice: (i) in English and Spanish and any other language spoken by 10 percent of the workforce, provided a notice has been issued in that language by the NJDOL; (ii) to all employees no later than February 5, 2014; (iii) at the time of an employee’s hiring; (iv) to all employees annually; and (v) 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.
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 Insurance Law	In addition to posting, employers must provide employees with a written copy of the notification: (i) at the time of the employee’s hiring; (ii) whenever an employee provides notice of a potential claim; and (iii) upon the first request of the employee. Written notification may be electronically transmitted to employees.
New Jersey Family Leave Act	Employers covered under the law, whether or not they have any eligible employees, must display the official Family Leave Act poster.
NEW IN 2013: New Jersey Security and Financial Empowerment (“SAFE”) Act	The notice must advise employees 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.” The form of notice is available on the NJDOL website.
New Jersey Wage Payment	Posters must advise employees of the law relating to the payment of wages, minimum hourly rates, overtime rates, acceptable deductions from wages, and employee rights and employer penalties under the law.
New Jersey Wage, Benefit, and Tax Laws	The notice must advise employees of reporting and recordkeeping requirements of eight existing 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.

Statute	Description/Specifications
Unemployment and Temporary Disability Benefits	Employers covered by the law must advise of benefits available to qualifying employees under disability insurance and unemployment compensation. (English and Spanish)
Workers' Compensation Law	Employers are required to advise employees of benefits available to workers injured on the job and information on the procedure for filing workers' compensation claims. (English and Spanish)
Smoke-Free Work Place Notice	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.
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 Law and prohibited occupations as well as a schedule of hours posted in a conspicuous area advising of the: (i) 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 Right-to-Know Law	The law's posting requirement applies to employers whose workers may be exposed to hazardous chemicals and to public employers only. Private, as well as public employers, however, must label containers with their chemical contents and complete an annual chemical inventory survey.

**Employers must comply with the posting requirements of the Gender-Equality Posting Law by January 6, 2014. While the Gender-Equality Posting Law became effective on November 19, 2012, the law did not require that the notice be posted or distributed until after the New Jersey Commissioner of Labor and Workforce Development issued the form of notification.*

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 are advised to check the NJDOL's website 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. Of particular note in this regard, effective January 1, 2014, New Jersey's minimum wage rate will increase to \$8.25. In accordance with a recent voter-approved amendment to the New Jersey Constitution, future minimum wage increases will be tied to the Consumer Price Index ("CPI") and will occur on September 30 of each year.

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: <http://www.dol.gov/oasam/programs/osdbu/sbrefa/poster/matrix.htm>.

What Employers Should Do Now

- Review all posting requirements applicable to your company.
- Update the company's postings to ensure compliance with both federal and state law.
- Review the company's new hire materials to ensure that they include the required notices.
- In January, distribute the annual CEPA and gender-equality notices to all employees, and update the company's New Jersey Wage Payment notice to show the new minimum wage.
- Consider including a written policy on the SAFE Act in your employee handbook and distributing a copy of the NJDOL SAFE Act notice to all employees and to new employees at the time of hiring.

For more information about this Advisory, please contact:

Maxine H. Neuhauser
Newark
(973) 639-8269
mneuhauser@ebglaw.com

Amy E. Hatcher
Newark
(973) 639-8257
ahatcher@ebglaw.com

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