

Employer Posting Requirements Under New Jersey Law

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The year 2014 saw a growing number of municipal laws in New Jersey mandating paid sick leave, with corresponding mandatory posting requirements for employers (see below). Accordingly, with the arrival of 2015, New Jersey employers may find it useful to review the notification requirements relating to employees' workplace rights and responsibilities under not only state and federal law but also the municipalities in which they do business.

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 ("NJDOLE") provides employers with poster packets containing the required notices, which are available for downloading [here](#).

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 [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](#).

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, 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.
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 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.
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 Jersey Security and Financial Empowerment (“SAFE”) Act	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.” 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	The notice must inform 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

Statute	Description/Specifications
Laws	employee at the time of hiring.
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 inform 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 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: (i) names of minors under 18, (ii) maximum daily and weekly hours, (iii) daily time record, and (iv) 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.
NEW IN 2014 Jersey City Municipal Paid Sick Leave Law*	Effective January 24, 2014, employers are required to (i) provide written notice to employees of their rights under the municipal paid sick leave law at the time of commencement of employment (or as soon as practicable if employed prior to the effective date of the paid sick leave law), and (ii) display a poster in a conspicuous and accessible place setting forth an employee's rights under the law. Posters and written notices must be in English and any language that is the first language of at least 10 percent of an employer's workforce, provided that the Jersey City Department of Health and Human Services has made translations available in such language. Posters are currently available in English, Arabic, Chinese, Hindi, Spanish, and Tagalog. For more information on the Jersey City ordinance, please see our <i>Act Now</i> Advisory titled " Jersey City, New Jersey, Passes Law Requiring Paid Sick Leave. "
NEW IN 2014 Newark Municipal Paid Sick Leave Law**	Effective June 21, 2014, employers are required to (i) provide written notice to employees of their rights under the municipal paid sick leave law at the time of commencement of employment (or as soon as practicable if employed prior to the effective date of the paid sick leave law), and (ii) display a poster in a conspicuous and accessible place setting forth an employee's rights under the law. Posters and written notices must be in English and any language that is the primary language of at least 10 percent of an employer's workforce. The Department of Child and Family Well-Being has not yet issued a model notice and recommends that employers develop a notice that incorporates key terms

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	of the paid sick leave law. For more information on the Newark ordinance, please see our <i>Act Now</i> Advisory titled " Newark, New Jersey, Passes Law Requiring Paid Sick Leave ."
<p>NEW IN 2014/2015</p> <p>East Orange, Irvington, Montclair, Passaic, Paterson, and Trenton Municipal Paid Sick Leave Laws</p>	<p>The following six New Jersey municipalities recently enacted paid sick leave laws that largely track the language of the Newark ordinance and take effect on the dates set forth below (posters and notices are not yet available):</p> <ul style="list-style-type: none"> • Passaic (eff. 12/31/2014) • East Orange (eff. 1/6/2015) • Irvington (eff. 1/7/2015) • Paterson (eff. 1/7/2015) • Montclair (eff. 3/4/2015) • Trenton (eff. 3/4/2015) <p>For more information on these ordinances, please see our <i>Act Now</i> Advisory titled "Montclair and Trenton Join Ranks of New Jersey Cities with Paid Sick Leave Laws."</p>

**Jersey City's Earned Sick Time Ordinance FAQ (which satisfies both the notice and posting requirements) may be found [here](#).*

***Newark's Paid Sick Leave FAQ (which satisfies only the posting requirement under the law) may be found [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 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, 2015, New Jersey's minimum wage rate increased from \$8.25 to \$8.38.** A November 2013 voter-approved amendment to the state's Constitution ties minimum wage increases to the Consumer Price Index, to occur annually on September 30.

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 in each New Jersey location to ensure compliance with federal, state, and municipal law.
- Review the company's new hire materials to ensure that they include the required notices.
- This month, 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.
- If you have not already done so, 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.

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