

Reminder for New Jersey Employers: Review Employment Law Updates and Poster Requirements for 2024

Article By:

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Last year, New Jersey continued its expansion of workplace legislation with potentially far-reaching consequences for the state's employers.

By way of highlight and summary, New Jersey's 2023 employment-related measures included the following:

- Governor Phil Murphy signed sweeping amendments to the Millville Dallas Airmotive Plant Job Loss Notification Act (the "NJ WARN Act") into law. The amendments, which had been on hold due to the COVID-19 pandemic, took effect on April 10, 2023. Most notably, the amendments mandate that employers with 100 or more employees (counting both full and part-time) pay one week of severance for each year of service to each employee terminated in a "mass layoff" or "plant closing," irrespective of whether the employer complied with the state's WARN Act notice requirements and without conditioning payment on a release from the employee. For a summary of the amendments, see our previous [blog post](#).
- New Jersey enacted a Temporary Workers' Bill of Rights, which provides a broad range of protections for certain categories of temporary workers engaged by a "third-party client" through a staffing agency. The law requires that covered temporary workers be paid no less than the average rate of pay and the average cost of benefits of the employees of the third-party client performing the same or substantially similar job functions. The law also includes various administrative, notification, and recordkeeping obligations for both the staffing agencies and third-party clients engaging workers. The Temporary Workers' Bill of Rights became fully effective on August 5, 2023. For a summary of the law and subsequent proposed regulations, see our previous [Insight](#) and [blog post](#).
- Amendments to the New Jersey Unemployment Compensation Law (UCL) took effect on July 31, 2023, and, among other things, require employers to complete and electronically submit to the Division of Unemployment and Temporary Disability Insurance ("Division") the following: (i) a new form, yet to be issued, for providing information that the Division needs to determine whether a departing employee is entitled to unemployment benefits; (ii) the New Jersey [Form BC-10](#), containing instructions for claiming unemployment benefits, which the employer must also provide to the departing employee; and (iii) the email address of the employer's designated contact. Employers must submit this information immediately upon an employee's date of separation from employment, regardless of whether the employee

resigned, was terminated, or was laid off from employment. For more details on the amendments, see our previous [blog post](#).

Also, as we [previously reported](#), the scheduled [change](#) to the state's minimum wage raised the rate to \$15.13 per hour for most employees as of January 1, 2024.

In addition to keeping in mind these recent developments when updating workplace policies and protocols, New Jersey employers should use the start of a new year as an opportunity to ensure that their workplace posters and employee notices remain in compliance.

Satisfying Notice and Posting Requirements

New Jersey mandates that employers display a variety of official posters informing employees of the law relating to employee rights and employer responsibilities. Failure to comply with these requirements may result in monetary fines and other penalties. Generally, to ensure compliance, an employer must post the most recent version of the mandated posters in a conspicuous location, i.e., in locations accessible and easily visible to all employees and applicants for employment, such as in a lunchroom, breakroom, or human resources office. Employers operating in New Jersey must also distribute certain notices to employees. In addition, for some laws, employers must post and/or distribute the notice in English, Spanish, and the language spoken by at least 10 percent of the employer's workforce.

As a reminder, [New Jersey Division on Civil Rights \(NJDCR\) rules](#) allow New Jersey employers with internet and intranet sites used by their employees to satisfy their display obligations by posting the New Jersey Law Against Discrimination (NJLAD) and New Jersey Family Leave Act (NJFLA) posters on those sites instead of posting them in the physical worksite. Except as noted below, however, the New Jersey Department of Labor & Workforce Development (NJDOLE) regulations still do not expressly permit electronic posting. Further, employers should recall that in 2020, the U.S. Department of Labor (USDOL) issued [guidance](#) encouraging employers to supplement required hard-copy postings with electronic postings continuously accessible to employees. Although the USDOL guidance applies only to federal notice and posting requirements, considering the NJDCR rules described above and the laws' intent to make notices easily accessible to employees, we continue to recommend electronic posting as a best practice for all state-mandated notices, in addition to hard-copy posting in "brick and mortar" locations, if any, when required.

Downloading Mandatory Notices and Posters

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

Posters required by the NJDCR 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 considered compliant.

In 2024, New Jersey requires employers to display—and, in some instances, distribute—the following posters and notices to their New Jersey employees:

Poster/Notice	Description/Specifications
Conscientious Employee Protection Act (CEPA) (AD-270)	Employers must post a notice advising employees of the Jersey's "whistleblower" law, along with the name, address, and telephone number of the employer's designated contact person responsible for CEPA complaints. Employers with 10 or more employees (including employees who work outside New Jersey) must also distribute a copy of the notice to all employees annually . A copy of the poster, in both English and Spanish, is available for downloading here .
Gender-Equality Notice (AD-290/290S)	<p>Every employer in New Jersey with 50 or more employees (including employees who work outside New Jersey) must post a notice advising employees of their rights from gender inequity or bias in pay, compensation, benefits, and terms of employment under the NJLAD and other state and federal laws. Employers are also required to distribute a copy of the notice to all employees in any other language spoken by 10 percent of the workforce. The notice has been issued in that language by the NJDOL; (ii) at the time of hire; (iii) to all employees (iv) to all employees annually before December 31 of each year. The notice is transmitted electronically to employees via email or a written notice, and the employer notifies its employees that the notice is available electronically. Employers must obtain written acknowledgment that the poster is available in English and Spanish.</p> <p>Of note, the 2018 Diane B. Allen Equal Pay Act, which prohibits discrimination in pay because of membership in a protected class, does not include notice or posting requirements.</p>
New Jersey Law Against Discrimination*	Employers must post a notice advising employees of their rights under the Law. Although not required, many employers distribute their anti-discrimination and anti-harassment policy to employees annually and/or at training sessions. An updated poster is available in English and Spanish .
New Jersey Family Leave Insurance Law (NJFLI) (PR-2)	An employer must both post the NJFLI notice and provide the notice to the employee (i) at the time of hire, (ii) upon request, and (iii) whenever the employer that the employee will be taking family leave. The notice is available for downloading here .
New Jersey Family Leave Act*	Employers with 30 or more employees (including employees who work outside New Jersey) must display the official NJFLA poster. A copy of the poster is available for downloading in English and Spanish .
New Jersey Security and Financial Empowerment (SAFE) Act (AD-289) [New Poster]	New Jersey employers with 25 or more employees (including employees who work outside New Jersey) must post the SAFE Act notice. The notice provides information on protected leave for victims (and for family members of victims) of sexual assault. A copy of the notice is available for downloading here .
New Jersey Wage and Hour Law Abstract (MW-220) [New Poster]	Employers must advise employees of the law relating to minimum hourly rates, overtime rates, acceptable deductions from wages, and employer penalties. A copy of the poster is available for downloading here .
New Jersey Reporting and Recordkeeping	Employers must post a notice informing employees of their rights under the law.

Requirements Under State Wage, Benefit, and Tax Laws (MW-400)*	requirements of eight New Jersey statutes. Additionally, a written copy of the notification to each new employee and a poster is available for downloading here .
Unemployment and Temporary Disability Benefits (PR-1)	Covered employers must post a notice informing employees of their rights to unemployment insurance and temporary disability insurance. A copy of the poster is available for downloading here .
Workers' Compensation Law	New Jersey law requires every employer to post and maintain at all places in and about the worksite, a form prescribed by the New Jersey Department of Banking and Insurance (DBI) stating that the employer has workers' compensation insurance coverage or has qualified 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. Employers must obtain copies of the required notice from their insurer.
New Jersey Smoke-Free Air Act (C2487)	A person (including a business) that has control over a workplace must prominently post, at every entrance, a sign that is prohibited. The lettering or nonsmoking symbol must be on a white background, and the sign must advise that violations are prohibited. New Jersey Department of Health and Senior Services has posters available for downloading here .
New Jersey Child Labor Laws (MW-129) [New Poster]	Employers that employ individuals under the age of 18 must post the New Jersey Child Labor Laws and a list of prohibited hours of work. The schedule of hours containing the following information: (i) the schedule of hours, (ii) the maximum daily and weekly hours, (iii) the record, and (v) daily meal times. A copy of the poster is available here .
New Jersey Schedule of Minors' Hours (MW-191)	With limited exceptions, employers that employ individuals under the age of 18 must keep and conspicuously post a schedule of the minors' hours of work. A copy of the poster is available here .
New Jersey Right-to-Know Law	The law's posting requirement applies to public employers and private employers exposed to hazardous chemicals. Private—as well as public employers—must label containers with their chemical contents and complete a hazard survey.
New Jersey Earned Sick Leave Law (ESLL) (MW-565) [New Poster]	The NJDOL has created notices in 12 languages for employers to post to inform employees about the ESLL. Employers must post the notice in a language that is accessible to all employees in each of the employer's workplaces. Upon request by an employee, employers must also provide a copy of the notification within 30 days of its issuance. A copy of the poster is available for downloading in English and other languages here .
New Jersey Payment of Wages (MW-17/17S)	Employers must post in a conspicuous place a poster stating the requirements for the payment of wages under New Jersey law. A copy of the poster is available here .
Worker Misclassification Notice (MW-899/899b)	Employers must conspicuously post a notice for employees to inform them of their rights under the New Jersey Worker Misclassification Law. A copy of the worker misclassification notice is available in English and other languages here .

Notice of Vehicle Tracking Device (N.J.S.A. 34:6B-22)	Employers must provide notice to affected employees b mechanical tracking device used for the sole purpose o movements.
* Indicates electronic posting and distribution is permitted	

In addition to the above, New Jersey 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 must 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). Those posters are available for downloading [here](#). Health care facilities must post notices apprising employees of mandatory overtime restrictions. A copy of the notice is available [here](#).

Employers should also remember to similarly comply with posting requirements under federal law; workplace posters from the USDOL are available for downloading [here](#). (See also our previous [blog post](#) regarding the U.S. Equal Employment Opportunity Commission’s updated “Know Your Rights” poster.)

Employers may meet many of their posting obligations by purchasing New Jersey and federal “all in one” posters from a reputable supplier and subscribing for updates.

What New Jersey Employers Should Do Now

- In advance of any covered mass layoff or closing, review the NJ WARN Act’s employer notification and other obligations, along with any severance plans and separation agreements, to ensure compliance with the amended law.
- If engaging covered temporary workers through a staffing agency, calculate and provide the staffing agency with the average rate of pay and average cost of benefits of employees performing the same or substantially similar job, and otherwise comply with the Temporary Worker Bill of Rights’ administrative, notification, and recordkeeping mandates.
- Ensure that procedures are in place to comply with the new UCL electronic reporting requirements when an employee terminates employment.
- Review and comply with all posting and notice requirements applicable to your organization.
- Update the organization’s notices and posters, as needed, 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 organization’s new hire materials to ensure that they include the required notices.
- Review USDOL guidance regarding the electronic posting of federally required notices and posters. (For more information on how to comply with these notices and posters, see our [blog post](#).)
- If distributing required notices by email, require employees’ written acknowledgment of receipt.
- Consider subscribing to a reputable supplier of federal and state notices.

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