



## New Jersey Requires Employers to Post New Notice

*The New Jersey Department of Labor and Workforce Development recently issued a new notice on employer reporting and recordkeeping obligations under state law. Along with posting in the workplace, New Jersey employers must provide a copy of the notice to each employee hired after November 7, 2011 at the time of hiring and to each employee hired before that date by December 7, 2011.*

### Background

The New Jersey Department of Labor and Workforce Development (NJDOL) requires employers to conspicuously display in a place accessible to all employees in each of their New Jersey workplaces [posters](#) summarizing various state law requirements that affect employers and employees. Required postings cover, for example, New Jersey wage and hour, wage payment, family leave, unemployment insurance, and disability insurance laws, among others. Employers also are required to display anti-discrimination [posters](#) made available by the New Jersey Office of the Attorney General, U.S. Department of Labor workplace [posters](#), and a Workers' Compensation notice, available through the employer's insurance carrier.

### The New Poster and Notice Requirements

On November 7, 2011, the NJDOL issued administrative [regulations](#) that require employers in New Jersey to conspicuously post in the workplace and also distribute to employees a new notice summarizing employer reporting and recordkeeping obligations under New Jersey wage, benefit and tax laws. The new poster/notice requirement, based on a 2009 New Jersey [statute](#), applies to each employer required to maintain and report records regarding wages, benefits, taxes, and other contributions and assessments under those laws.

The NJDOL has issued a new six-page poster/notice, Form [MW-400](#) (11-11), for employers to use to meet the new posting and distribution requirements. The prescribed text of the poster/notice, included as the Appendix to the recently issued regulations, provides information on employer obligations under the following New Jersey statutes: Wage Payment Law; Wage and Hour Law; Prevailing Wage Act; Workers' Compensation Law; Temporary Disability Benefits Law; Family Leave Insurance Benefits Law; Unemployment Compensation Law; and Gross Income Tax Act. In addition, the poster/notice provides contact information to allow employees or their representatives to provide information or file a complaint with the NJDOL or New Jersey Department of the Treasury regarding possible noncompliance with these laws.

Employers in New Jersey must post the new notice and distribute it to current employees by December 7, 2011. As of November 7, 2011, notice must be provided to all new hires at the time of hiring. As the regulations confirm, an employer may satisfy the conspicuous posting requirement by posting the notice on its internet or intranet site, provided the site is maintained for the exclusive use of its employees and all employees have access. Further, an employer may satisfy via email the requirement to provide written notice to each employee. Noncompliance with the new posting and notice requirements could subject an employer to a fine of up to \$1,000 and criminal penalties.

## Conclusion

Employers in New Jersey should make certain to post the new notice and distribute it to current employees by December 7, 2011. Employers should ensure that managers, supervisors and other employees involved in the hiring process are aware that they also must provide the notice to each new employee hired after November 7, 2011 at the time of the employee's hiring.

Buck's consultants are available to discuss New Jersey's new notice requirement and assist in your compliance efforts.

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*This FYI is intended to provide general information. It does not offer legal advice or purport to treat all the issues surrounding any one topic.*