

Reminder for New Jersey Employers: Posting and Annual Notice Requirements

By December 31, New Jersey employers with at least 50 employees must issue a Gender Equity Notice to their employees and obtain an acknowledgment of receipt. Employers with 10 or more employees must annually distribute and post the Conscientious Employee Protection Act notice. Employers must also post an updated Wage and Hour Law Abstract reflecting the minimum wage increase on January 1, 2015. Affected employers should confirm that they are taking steps to satisfy their notice and posting obligations and will be in compliance when the new year begins.

Background

The New Jersey Department of Labor and Workforce Development requires employers to conspicuously display multiple posters that inform employees of their rights and responsibilities under various state laws — such as [Child Labor Laws](#), [Reporting and Recordkeeping Requirements Under State Wage, Benefit and Tax Laws](#), [Payment of Wages](#), [Schedule of Minors' Hours](#), [Family Leave Insurance](#), [Unemployment & Disability Insurance](#), as well as a Workers' Compensation notice from their insurers. New Jersey employers with at least 25 employees must also post the [New Jersey SAFE Act](#), which provides job-protected leave for employees who are victims of domestic violence or sexual assault or whose parents, children, partners, or spouses are victims of such acts.

In addition, New Jersey employers must display in their workplaces: antidiscrimination postings made available by the New Jersey Office of the Attorney General — [Division on Civil Rights](#); no-smoking signs from the New Jersey [Department of Health](#); and posters required by the [US Department of Labor](#). To satisfy their posting obligations, employers must display the most recent versions of required posters in areas that are visible or accessible to all employees and job applicants.



Notice and Posting Requirements

New Jersey law requires employers to display a variety of official posters and to periodically update required workplace postings. New Jersey also requires specific employee notices, and imposes annual distribution requirements on employers doing business in New Jersey. Which requirements apply to which employers depends, in large measure, on the size of the employer's workforce. Employers that have not already done so will have to update the following posters and timely provide required notices to their employees to ensure compliance.

Comment. While not required, many employers also distribute their company's nondiscrimination and anti-harassment policies to employees annually.

State Wage and Hour Law Abstract

New Jersey employers must conspicuously display an updated [State Wage and Hour Law Abstract](#) poster no later than January 1, 2015. The updated poster, recently issued by the New Jersey Department of Labor, reflects the new minimum wage of \$8.38 per hour that takes effect on January 1.

Gender Equity Notice

New Jersey employers with at least 50 employees are required to post and distribute to all employees annually on or before December 31 a written copy of the [Gender Equity Notice](#). The notice, available in both English and Spanish, advises employees of their right to be free from gender inequity or bias in pay, compensation, benefits, or other terms or conditions of employment under state and federal antidiscrimination laws. The notice may be provided electronically to employees, by email, or through an internet or intranet site as long as it is accessible and the employer notifies employees that it has been posted electronically. Employers are required to obtain signed written acknowledgements (in writing or electronically) from each employee verifying that the employee received the notice and understands its terms.

Comment. The notice must also be provided to employees at the time of an employee's hire and on request.

Conscientious Employee Protection Act (CEPA) Notice

New Jersey employers with at least 10 employees must provide a notice of the [Conscientious Employee Protection Act](#) — the "Whistleblower Act." In addition to being posted, the notice must be distributed annually to employees and posted in both English and Spanish. Written or electronic notices may be used for both posting and distribution. The notice must identify the person to whom reports can be made and give corresponding contact information. Unlike the Gender Equity Notice, written employee acknowledgment of receipt is not required. However, employers may wish to secure an acknowledgement to show that their employees received and understood the notice.

Local Paid Sick Leave Laws

Eight New Jersey cities — East Orange, Irvington, Jersey City, Newark, Passaic, Paterson, and most recently Montclair and Trenton — have adopted ordinances requiring private-sector employers operating in those municipalities to provide paid sick leave. While the local ordinances contain slight variations, they are largely identical. (See our [November 13, 2014 For Your Information](#).)

In addition to providing individual notices to employees, covered employers will have to post an employee rights notice in a conspicuous location in each of their business establishments where eligible employees work. The employee notice must be in English and in the employee's primary language as long as it is also the primary

language of at least 10% of the employer's workforce. The workplace posting must be in English and in any language that is the first language of at least 10% of the employer's workforce.

In terms of timing, the recently enacted ordinances anticipate that notice will be given as soon as practicable if the employee is employed as of the effective date of the applicable ordinance and thereafter to new hires upon employment. The ordinances are expected to take effect as follows: Passaic on or around January 3, 2015; East Orange on January 7, 2015; Irvington on January 8, 2015; Paterson on January 10, 2015; and both Montclair and Trenton on or about March 4, 2015. Employers covered by these ordinances should watch for the publication of the notice of employees' rights under the ordinance and the poster to be displayed in the workplace.

In Closing

All employers with New Jersey employees should take stock of their posting and notice obligations under federal, state, and local laws, and confirm that they are displaying the most current workplace posters, as out-of-date notices can expose employers to fines. Covered employers should make sure to distribute the annual CEPA and gender-equality notices to all employees by year-end, display the revised minimum wage poster that reflects the new 2015 minimum wage, and continue to monitor municipal sites for guidance on local sick leave laws and related compliance assistance.

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