New Jersey State Postings

iHRSource

New Jersey Department of Labor and Workforce Development

Post this notice in a conspicuous place.

This notice is for ready reference only. For full text, consult N.J.S.A. 34:2-21.1 et seq. and N.J.A.C. 12:58 et seq.

New Jersey Child Labor Law Abstract

Kind of Employment	Minimum Age	Hours of Work Not to Exceed [1,2]	Prohibited Hours	Certificate or Permit Required [3]
Theatrical: Performances/ employment in a theatrical production, including stage, motion picture, and television performances and rehearsals.	None, but minors under 16 must be accompanied at all times by an adult who is a parent, guardian, or representative of employer.	**Under 16:** No more than 2 shows or productions/ day or 8 weekly. 5 hours daily, 24 hours weekly, 6 days a week. (Includes rehearsal time. Combined hours of school and work not to exceed 8 hours daily.)*	**Under 16:** Before 7 a.m. After 11:30 p.m.*	**Under 16** Special Theatrical Permit
		16 & 17 years old: 8 hours daily 40 hours weekly 6 days a week.	**16-17 years old:** Before 6 a.m. After 11:30 p.m.*	**16-17 years old** Employment Certificate
Agriculture: No restrictions on work performed outside school hours in connection with minor's own home and directly for the minor's parent or legal guardian.	**12 years old:** Outside school hours	10 hours daily 6 days a week	None	**12-15 years old only** Special Agriculture Permit
	16 years old: During school hours	10 hours daily 6 days a week		
Newspaper Carriers: Minors who deliver, solicit, sell and collect for newspapers outside of school hours on residential routes.	**11 years old**	Combined hours of school and work not to exceed 8 hours daily. 40 hours weekly, 7 days	**11-13 years old** Before 6 a.m. After 7 p.m. **14-17 years old** Before 5:30 a.m. After 8 p.m.	**11-17 years old** NJ publishers may issue Special Newspaper Carrier Permit or local issuing officer may issue Special Permit (17 December 1998 or Employment Certificate (16-17 years old).
Street Trades: Minors who sell, offer for sale, solicit for, collect for, display, or distribute any articles, goods, merchandise, commercial service, posters, circulars, newspapers or magazines or solicit donations in the street or other public place or from house to house.	**14 years old:** Outside school hours	When school is in session: 3 hours per day 15 hours per week. When school is not in session: 8 hours per day 40 hours per week 6 days per week.	During school vacation: 8½ hours per day 50 hours per week 6 days per week.	**16-17 years old** Before 6 a.m. After 11 p.m.	Special Street Trades Permit or Employment Certificate
	16 years old: * During school hours	8 hours per day 40 hours per week 6 days per week*	During school vacation: 8½ hours per day 50 hours per week 6 days per week.	**16-17 years old** Before 6 a.m. After 11 p.m.	Employment Certificate
General Employment: Includes mercantile establishments, golf caddying, private bowling alleys, offices, gas stations, garages, and all private places or means of gainful occupations unless otherwise specified.	**14 years old**	When school is in session: 3 hours per day 15 hours per week. When school is not in session: 8 hours per day 40 hours per week 6 days per week.	**14-15 years old** Before 7 a.m. After 7 p.m.*	Employment Certificate
	16 years old	8 hours per day 40 hours per week 6 days per week	During summer vacation:* 10 hours per day 50 hours per week 6 days per week.	**16-17 years old** Before 6 a.m. After 11 p.m. Exception: 1. School vacation season. 2. Days not preceding a school day, with special written permission of parent or guardian.*	Employment Certificate
Restaurant and Seasonal	Same as for General Employment except that minors at least 16 years old may be employed as attendants, bus attendants, or buspersons until 11:30 p.m. — but during the school term the minor must have a special permit.			
Public Bowling Alleys	Same as for General Employment except that minors at least 16 years old may be employed as pinsetters, bus attendants, or buspersons until 11:30 p.m. — but during the school term the minor must have a special permit.			
Domestic Services in Private Homes	**14 years old:** Outside of school hours	**No Restrictions** Except minors under 16 are limited to 3 hours per day, 18 hours per week when school is in session.	**None**	Employment Certificate
	16 years old: During school hours			
Messengers (for Communications Companies as defined by the rules of the FCC.)	**14 years old:** Outside of school hours	**No Restrictions**	**None**	Employment Certificate
	16 years old:			
Factory	**16 years old**	8 hours per day 40 hours per week 6 days per week	During summer vacation: 10 hours per day 50 hours per week 6 days per week.	When school is in session: After 10 p.m. During school vacation season: Before 6 a.m. and After 10 p.m.	Employment Certificate

NOTES

*A minor who is at least 17 years old and a graduate of a vocational school approved by the Commissioner of Education may engage in those pursuits in which the minor received in said vocational school during those hours permitted for persons 18 years of age and over, the employment certificate or a certified copy (accompanies the minor's diploma.

*Where schools in the minor's district are not in session, no certificate or permit is required for the minors of least 16 years old employed at agricultural farm, home, dog, or farm chores that last no more than 10 days.

No certificate is required for minors 15, and older during school vacations, employed in 14 days of employment in food services, restaurant, retail operations, or seasonal amusement establishments.

*Does not apply to minors 16 or 17 years of age employed during June, July, August, or September by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association, unless the employment is otherwise prohibited by law, hours, dog, or farm chores that last no more than 10 days.

*Where the professional employment is reasonably separable into discrete shows or productions.

*Theatrical employment, the combined time spent on a set or on the premises from which work must be called, but not the total number of hours.

*In **General Employment**, 14- and 15-year-old minors may work until 9 p.m. with written permission of parent or guardian, from the last day of the minor's school year until Labor Day.

*In **Theatrical** employment during school vacation; 10 hrs. per day, 50 hrs. per week, 6 days per week.

*In **Street Trades**, during school vacation; 10 hrs. per day, 50 hrs. per week, 6 days per week.

*Summer Vacation: period beginning on last day of a minor's school year and ending on Labor Day.

Punishment for Violations of Child Labor Law

Whoever employs or permits or suffers any minor to be employed or to work in violation of this act, or of any order or ruling issued under the provisions of this act, or obstructs the Department of Labor and Workforce Development, its officers or agents, or any other person authorized to inspect places of employment under this act, and whoever, having under his control or custody any minor, permits or suffers him to be employed or to work in violation of this act, shall be guilty of an offense.

If a defendant acts knowingly, an offense under this section will be a crime of the fourth degree. Otherwise it will be a disorderly persons offense; upon the defendant's, upon conviction, be punished by a fine of at least $100 up to $2,000 for an initial violation, and of least $200 up to $4,000 for each subsequent violation.

Each day during which any violation of this act continues will constitute a separate and distinct offense, and the employment of any minor in violation of the act will, with respect to each minor so employed, constitute a separate and distinct offense.

As an alternative to or in addition to any sanctions provided by law for violations of P.L. 1940, c.153 (C.34:2-21.1 et seq.), when the Commissioner of Labor and Workforce Development finds that an individual has violated that act, the commissioner is authorized to assess and collect administrative penalties of up to $500 for a first violation, up to $1,000 for a second violation, and up to $2,500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act" (L. 1968, c.410 (C.52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner will consider factors including the history of an employer's previous violations, the seriousness of the violation, the good faith of the employer, and the size of the employer's business.

No action initiative penalty will be levied pursuant to this section unless the Commissioner of Labor and Workforce Development provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days of receiving the notice.

If a hearing is requested, the commissioner will issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice will become a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (C.2A:58-10 et seq.).

General Information

Breaks

Minors under 18 years old must get a 30-minute meal break after 5 consecutive hours of work.

Working during school hours

Minors under 16 may not work during the hours they are required to attend school.

Employment certificate *(also called working papers)* **& age certificate**

Minors who are gainfully employed must have an employment certificate. Some employers may also ask for an age certificate from minors between the ages of 16 and 21. This helps employers a minor is old enough to do certain types of work.

To get working papers or an age certificate, minors must apply in person to the issuing officer of the school district where they live.

Read working papers carefully. They contain information that is important to you. Papers are valid only for the period of time and conditions stated therein.

Required Records

Employers must keep certain records for all employees under age 18. Required records are:

- Name • address • date of birth • start and ending hours (daily work and meal periods) • number of hours worked each day • wages paid to each minor.

Required records for **Newspaper Carriers** are:

- Name • address • date of birth • date they began and stopped delivering newspapers • number of newspapers sold • general description of the route area served.

These records are not required to be kept for:

- those engaged in domestic service in private homes
- those engaged in agricultural pursuits • minors 16-18 years old employed by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association during June, July, August or September.

Conveyors and related equipment

Cars pickers, power hay loaders, power feed choppers, including ones in or on same

Corn husking, cornpicking or endboarding shredders

Cutting machines that have a guillotine action

Dough brakes or mixing machines in bakeries or cracker machinery

Grinding, abrasive, polishing or buffing machines; however, apprentices operating under conditions of a bona fide apprenticeship may grind their own tools

Paper box machines

Power lawn mowers

Power woodworking (all) metal working tools

Power-driven woodworking machinery operating or helping to operate the following: however, apprentices in a bona fide apprenticeship may operate such machines under competent instruction and supervision

Punch presses or stamping machines if the clearance between the ram and the die or the stripper exceeds 1/4 inch

Shears (mens with more than 15 pounds of pressure.

Power-driven machinery does not include:

Agricultural machines when used on farms such as conveyors, corn husking headers, egg washers, egg graders, and milking machines

Cash register conveyor belt in a supermarket or retail establishment for minors of least 15 years old working as cashiers or baggers

Standard sewing type machines or appliances when used in domestic or business establishments

Standard office type machines

Standard type passenger elevator (attended or unattended).

PROHIBITED PLACES

Any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or sold for consumption on the premises (however, minors of least 16 years old may work as pinsetters, lane attendants, or busboys/busgirls in public bowling alleys, and in restaurants or in the executive offices, maintenance departments, or paid or teacher areas of a hotel, motel or guest house — but may not prepare, sell or serve alcoholic beverages, or operate photographic, or work in any dangerous or theatrical exhibition or performance which is not part of a theatrical production where alcoholic beverages are sold on the premises, while so employed. Minors at least 14 years of age may be employed as golf caddies and pool attendants).

Any place or condition operated or maintained for immoral purposes or a disorderly house

Junk or scrap metal yards, which means any place where old iron, metal, paper, cordage, and other refuse is collected and deposited or both and sold or may be treated so as to be reused in some form or discarded or where automobiles or machines are dismantled for the purpose of salvaging metal or parts

Mines or quarries

Oils (reduction works, smelters, tool rolling mills, furnaces, foundries, forging shops, or any other place where metals are treated, worked or treated

Pool and billiard rooms

Video stores where X-rated movies are rented or sold.

PROHIBITIONS ON ACTORS & PERFORMERS

Appearing as a rope or wire walker or rider, gymnast, wrestler, boxer, contortionist, acrobat, rider of a horse or other animal once the minor is limited to safety ride such horse or animal or rider of any vehicle other than that generally used by a minor of the same age.

Appearing in any illegal, indecent, or immoral exhibition, practice, or theatrical production

Any practice, exhibition or theatrical production dangerous to the life, limb, health or morals of a minor

Appearance or exhibition of any physically deformed or mentally defective minor.

OTHER PROHIBITED

Indecent or immoral exposure.

Enforced by:
NJ Department of Labor and Workforce Development

Division of Wage and Hour Compliance
PO Box 389, Trenton, NJ 08625-0389 • 609-292-2305

Regulations:
Office of Constituent Relations
PO Box 110, Trenton, NJ 08625-0110

If you need this document in Braille or large print, call 609-292-2305.

TTY users can contact this department through the New Jersey Relay: 7-1-1

(0/19)

New Jersey Department of Labor and Workforce Development

Chapter 194, Laws of New Jersey, 2009, Relating to Employer Obligation to Maintain and Report Records

Regarding Wages, Benefits, Taxes and Other Contributions and Assessments Pursuant to State Wage, Benefit and Tax Laws

Wage Payment Law (N.J.S.A. 34:11-4.1 et seq.) and Wage and Hour Law (N.J.S.A. 34:11-56a1 et seq.)

Each employer must keep a record of each employee which contains the following information:

1. The name of the employee;
2. The address of the employee;
3. The birth date of the employee if the employee is under the age of 18;
4. The total hours worked by the employee each day and each workweek;
5. The earnings of each employee, including the regular hourly wage, gross to net amounts with itemized deductions, and the basis on which wages are paid;
6. Regarding each employee who receives gratuities, the total gratuities received by the employee during the payroll week;
7. Regarding each employee who receives gratuities, daily or weekly reports completed by the employee containing the following information:
   (a) the employee's name;
   (b) the employee's address;
   (c) the employee's Social Security number;
   (d) the name and address of the employer;
   (e) the calendar day or week covered by the report; and
   (f) the total amount of gratuities received; and
8. Regarding each employee for whom the employer claims credit for food or lodging as a cash substitute for the employee also receives food or lodging supplied by the employer, information substantiating the cost of furnishing such food or lodging, including but not limited to the nature and amount of any expenditures made by the employer for the purpose of the food or lodging and the date required to compute the amount of the deposition/cash benefit in any weeks allowable to the furnishing of the lodgings, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets.

The employer may can any system of time keeping provided that it is a complete, true and accurate record.

This employer must keep the wage and hour records described above for a period of six years.

The employer must keep the wage and hour records described above at the place of employment or in a central office in New Jersey.

Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.)

The Prevailing Wage Act applies to employers only under certain circumstances.

Specifically, it applies only when an employer enters into a contract in excess of the prevailing wage contract threshold amount for any public work (as the term "public work" is defined at N.J.S.A. 34:11-56.26) to which any public body is a party or the public work to be done on a property or premises owned by a public body or leased or to be leased by a public body.

Each public work contract must submit to the public body or lessor which contracted for the public works project a certified payroll record containing the following information:

1. Name;
2. Address;
3. Social Security number;
4. Craft or trade;
5. Actual hourly rate of pay;
6. Actual daily, overtime and weekly hours worked in each craft or trade;
7. Gross pay;
8. Itemized deductions;
9. Net pay paid to the employee;
10. Any fringe benefits paid to approved plans, funds or programs on behalf of the employee; and
11. Fringe benefits paid in cash to the employee.

Each public works contractor must, within 10 days of payment of wages, submit the certified payroll record to the public body or the lessor which contracted for the public works project.

Each public works contractor which employs one or more apprentices on a public works project must submit documents with its records written evidence that the apprentice or apprentices are registered in an approved apprenticeship program while performing work on the project.

Unemployment Compensation Law (N.J.S.A. 43:21-1 et seq.), Temporary Disability Benefits Law (N.J.S.A. 43:21-25 et seq.) and Family Leave Insurance Benefits Law, P.L. 2008, c. 17.

Payroll records: Each employing unit must maintain a record for each worker engaged in employment, which record must contain the following information about the worker:

1. Full name, address and Social Security number;
2. Total remuneration paid in each pay period showing separately cash, including commissions and bonuses, the cash value of all compensation in any medium other than cash, gratuities received regularly in the course of employment if reported to the employer, or if not so reported, the minimum wage rate prescribed under applicable laws of this State or of the United States, or the amount of remuneration actually received by the employer, whichever is higher, and service charges collected by the employer and distributed to workers in lieu of gratuities and tips;
3. An entry under the heading "special payments" of the amount of any special payments, such as bonuses and gifts, which have been paid during the pay period but which relate to employment in a prior period. The following shall be shown separately under this heading: cash payments; cash value of other remuneration; the nature of such payments; the period during which the services were performed for which special payments were paid;
4. The date hired, rehired and returned to work after temporary layoff;
5. The date separated from employment and the reason for separation;
6. Such information as may be necessary to determine remuneration on a calendar week basis; and
7. The number of base weeks (as the term "base week" is defined in N.J.S.A. 43:21-19(t)) and wages.

All records referred to in 1. through 7. above must be retained for the period of time as the New Jersey place of business of the employing unit.

All records referred to in 1. through 7. above must be retained for the current calendar year and for the four preceding calendar years.

Since an employer becomes inactive, the employer must keep all records referred to in 1. through 7. above for the subsequent six quarters.

Wage reporting: Each employer (other than employers of domestic service workers) must electronically file a Wage Reporting Report of Wages Paid," with the Division of Revenue, within the Department of the Treasury, within 30 days after the end of each quarter. The WR-30 lists the name, Social Security number and wages paid to each employee and the number of base weeks worked by the employee during the calendar quarter.

Each employer of domestic service employees (as the term "domestic service worker" is defined at N.J.S.A. 12:56-13.7(b)) must file an annual, rather than quarterly, WR-30 with the Division of Revenue, within the Department of the Treasury.

Contribution reporting: Each employer (other than employers of domestic service workers) must electronically file an NJ-927, "Employer's Quarterly Report," with the Division of Revenue, within the Department of the Treasury, and must file corresponding unemployment insurance, supplemental workforce fund, workforce development partnership fund, temporary disability insurance and family leave insurance contribution payments, within 30 days after the end of each quarter. The NJ-927 lists the total of all wages paid, the wages paid in excess of the taxable maximum, the taxable wages on which contributions are due, the number of workers employed during the pay period, the number of workers insured under a "private plan" for temporary disability insurance and the number of workers insured under a "private plan" for family leave insurance.

Each employer of domestic service workers (as the term "domestic service worker" is defined in N.J.S.A. 12:56-13.7(b)) must file an annual, rather than quarterly, NJ-927-DW, "Employer's Annual Report," with the Division of Revenue, within the Department of the Treasury.

For possible failure to meet the record keeping or reporting requirements of the...

	Phone	Email	Mail
Wage Payment Law Wage & Hour Law Prevailing Wage Act	(609) 292-2305	wagehourcs@dol.nj.gov	New Jersey Department of Labor & Workforce Development Division of Wage and Hour Compliance P.O. Box 389 • Trenton, NJ 08625-0389
Unemployment Compensation Law Temporary Disability Benefits Law Family Leave Insurance Benefits	(609) 292-2610	employtaxcs@dol.nj.gov	New Jersey Department of Labor & Workforce Development Division of Employer Accounts P.O. Box 947 • Trenton, NJ 08625-0947
Workers' Compensation Law	(609) 292-2515	dwmbfile@dol.gov	New Jersey Department of Labor & Workforce Development Division of Workers' Compensation P.O. Box 381 • Trenton, NJ 08625-0381
Gross Income Tax Act	(609) 292-6400	ng.taxadvice@treas.state.nj.us	New Jersey Department of the Treasury Division of Taxation Information & Publications Branch P.O. Box 281 • Trenton, NJ 08625-0281

This notice must be conspicuously posted. But later than December 7, 2011, each employer must also be provided a written copy of the notice or, for employers hired after November 7, 2011, a written copy of the notice must be provided at the time of the employee's hiring. See N.J.S.A. 12:2-1.3 for alternate methods of posting and distribution by electronic means.

(11/14)

New Jersey Department of Labor and Workforce Development

Your employer is subject to the Family Leave Insurance provisions of the New Jersey Temporary Disability Benefits Law

New Jersey law provides up to 6 weeks of family leave insurance benefits. Beginning July 1, 2009, the law will allow up to 12 weeks of combined family leave of 56 days each of intermittent leave. Employees who are covered by family leave insurance can apply for benefits to:

- bond with a child within 12 months of the child's birth or placement for adoption or foster care. The applicant, or the applicant's spouse or domestic partner or civil union partner, must be the child's biological, adoptive or foster parent, unless a surrogate carried the child.
- care for a family member with a serious health condition. Supporting documentation from a health care provider is mandatory.
- care for a victim of domestic violence or a sexually violent offense or for a victim's family member.

"Family member" means a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, civil union partner, and any other person related by blood to the employee or with whom the employee has a close association that is the equivalent of a family relationship.

"Child" means a biological, adopted, or foster child, stepchild or legal ward of a parent. A child gained by way of a valid written contract between the parent and a surrogate parent/gestational carrier is included in this definition.

State Family Leave Insurance Plan ("state plan")

You can get program information and an application by: www.njfamilyleave.org; by phone at 1-833-NJ-LEAVE; at njfamilyleave@dol.nj.gov; by phone at 609-292-2340; or by mail: Division of Family Leave Insurance, PO Box 387, Trenton, NJ 08625-0387.

New Hampshire who receive temporary disability benefits through the state plan for their pregnancy will get instructions on how to file for family leave benefits after the child is born.

Private Family Leave Insurance Plan ("private plan")

An employer may provide family leave insurance through a private insurance carrier, if this Division approves the plan. If your employer has an approved private plan, your employer must provide information about coverage and provide the forms to apply for benefits.

Who pays for Family Leave Insurance?

Payroll contributions from employees finance the program. Family leave insurance coverage under the state plan will require contributions to be deducted from employees' paychecks. The deduction must be noted on the employee's pay envelope, paycheck, or on some other form of notice. In 2018, the taxable wage base for family leave insurance benefits is the same as the taxable wage base for unemployment and temporary disability insurance.

Enforced by: NJ Department of Labor and Workforce Development

Division of Temporary Disability Insurance
PO Box 387
Trenton, NJ 08625-0387

Regulations:
Office of Constituent Relations
PO Box 110, Trenton, NJ 08625-0110

If you need this document in Braille or large print, call 609-777-2600.

The New Jersey Department of Labor and Workforce Development is an equal opportunity employer with equal opportunity programs. Auxiliary aids and services are available upon request to individuals with disabilities.

Display this poster in a conspicuous place

(4/19)

Conscientious Employee Protection Act "Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does one of the following:
   a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
   b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
   c. Provides information involving deception of, or misrepresentation by, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
   d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner or any governmental entity.
2. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
   (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
   (2) is fraudulent or criminal; or
   (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment (N.J.S.A. 34:19-3).
3. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee has internal procedures to report a violation of the law or rule or regulation promulgated pursuant to law, and has made a disclosure pursuant to the procedures prior to making the disclosure to the public body.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees.

If you need this document in a language other than English or Spanish, please call 609-292-7832.

(10/19)

This Notice Must Be Posted in a Conspicuous Place

New Jersey SAFE Act N.J.S.A. 34:11C-1 et seq.

Leave of absence to address domestic or sexual violence

The New Jersey Security and Financial Empowerment Act ("NJ SAFE Act") provides that certain employees are eligible to receive an unpaid leave of absence, for up to 20 days in a 12-month period, to address domestic violence or a sexually violent offense.

Eligible Employees

To be eligible, the employee must have worked at least 1,000 hours during the immediately preceding 12-month period. Further, the employee must have worked for an employer in the State that employs 25 or more employees.

Covered Reasons for NJ SAFE Act Leave

NJ SAFE Act leave may be taken for the purpose of engaging in any of the following activities by (1) an employee who is a victim of domestic violence or a sexually violent offense; or (2) an employee whose parent in law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner, or any other individual related by blood to the employee, or any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, is a victim of domestic violence or a sexually related offense:

(1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence;

(2) Obtaining psychological or other counseling;

(3) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or sexually violent offenses, or to ensure the economic security of the employee or the employee's family;

(4) Seeking legal assistance or remedies to ensure the health and safety;

(5) Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

When NJ SAFE Act Leave May Be Taken

Leave under the NJ SAFE Act must be used for the 12-month period immediately following an instance of domestic violence or a sexually violent offense. The unpaid leave must be taken all at least one day at a time, and may be taken intermittently.

NJ SAFE Act and Other Leave Laws

Unpaid leave under the NJ SAFE Act shall not run concurrently with any paid medical leave, personal leave, or medical or sick leave, or any family medical leave benefits that the employee elects to use during any part of the 20-day period of unpaid leave. If the employee requests leave for a reason covered by both the NJ SAFE Act and the Family Leave Act, N.J.S.A. 34:11B-1 et seq., or the federal Family and Medical Leave Act, 29 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law.

Notice and Documentation of NJ SAFE Act Leave

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave, unless an emergency or other unforeseen circumstance precludes prior notice. The employee must provide the employer with a copy of the order issued by the reasonable and practicable under the circumstances. The employer has the right to require the employee to provide the employer with documentation of the domestic violence or sexually violent offense that is the basis for the leave. The employer must retain any documentation submitted to it by the employee in the strictest confidentiality, unless the disclosure is required by law or authorized in writing by the employee or is required by a federal or State law, rule or regulation.

Prohibition Against Retaliation Under the NJ SAFE Act

The NJ SAFE Act also prohibits an employer from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave that the employee was entitled to under the NJ SAFE Act, or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act. Learn more at lwdnow.org/safe.

Seeking a Remedy Under the NJ SAFE Act

To obtain relief for a violation of the NJ SAFE Act, an aggrieved person may file a civil action in a court of the Superior Court within one year of the date of the alleged violation. Learn more at lwdnow.org/safe.

Need Additional Support?

To find out more about how to cope with and stop violence, and finding safety from domestic or sexual violence. For additional support, contact:

New Jersey Coalition Against Sexual Assault Hotline: 1-800-601-7200
New Jersey Domestic Violence Hotline: 1-800-572-SAFE (7233)
Women's Referral Central: 1-800-322-8092

New Jersey Department of Labor and Workforce Development

(4/22)

New Jersey Department of Labor and Workforce Development

New Jersey Earned Sick Leave

Notice of Employee Rights

Under New Jersey's Earned Sick Leave Law, most employees have a right to accrue up to 40 hours of earned sick leave per year. Go to nj.gov/labor to learn which employees are covered by the law.

New employees must receive this written notice from their employer when they begin employment, and employees must receive it again on December 15, 2018. Employers must also post this notice in a conspicuous and accessible place at all work sites, and provide copies to employees upon request.

YOU HAVE A RIGHT TO EARNED SICK LEAVE.

Your employer must provide up to a total of 40 hours of earned sick leave every benefit year. Your employer's benefit year is:

Start of Benefit Year: _____ End of Benefit Year: _____

Rate of Accrual

You accrue earned sick leave at the rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours of leave per benefit year. Alternatively, your employer can provide you with 40 hours of earned sick leave up front.

Date Accrual Begins

You begin to accrue earned sick leave on October 29, 2018, or on your first day of employment, whichever is later. Exception: If you are covered by a collective bargaining agreement that was in effect on October 29, 2018, you begin to accrue earned sick leave under this law beginning on the date that the agreement expires.

Date Earned Sick Leave Is Available for Use

You can begin using earned sick leave accrued under this law on February 28, 2019, or the 120th calendar day after you begin employment, whichever is later. However, your employer can provide benefits that are more generous than those required under the law, and can permit you to use sick leave at an earlier date.

Acceptable Reasons to Use Earned Sick Leave

You can use earned sick leave to take time off from work when:

- You need diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or you need preventive medical care.
- You need to care for a **family member** during diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or your family member needs preventive medical care.
- You or a family member **have been the victim of domestic violence or sexual violence** and need time for treatment, counseling, or to prepare for legal proceedings.
- You need to attend **school-related conferences, meetings, or events** regarding your child's education; or to attend a school-related meeting regarding your child's health.
- Your employer's business **closes due to a public health emergency**; or you need to care for a child whose school or child care provider closed due to a public health emergency.

Family Members

The law recognizes the following individuals as "family members":

- Child (biological, adopted, or foster child; stepchild; legal ward; child of a domestic partner or civil union partner)
- Grandchild
- Sibling
- Spouse
- Domestic partner or civil union partner
- Parent
- Grandparent
- Spouse, domestic partner, or civil union partner of an employee's parent or grandparent
- Sibling of an employee's spouse, domestic partner, or civil union partner
- Any other individual related by blood to the employee
- Any individual whose close association with the employee is the equivalent of family

Advance Notice

If your need for earned sick leave is foreseeable (can be planned in advance), your employer can require up to 7 days' advance notice before you use earned sick leave. If your need for earned sick leave is unforeseeable (cannot be planned in advance), your employer may require you to give notice as soon as it is practical.

Documentation

Your employer can require reasonable documentation if you use earned sick leave on 3 or more consecutive work days, or on certain dates specified by the employer. The law prohibits employers from requiring your health care provider to specify the confidential reason for your leave.

Unused Sick Leave

Up to 40 hours of unused earned sick leave can be carried over into the next benefit year. However, your employer is only required to let you use up to 40 hours of leave per benefit year. Alternatively, your employer can offer to purchase your unused earned sick leave at the end of the benefit year.

You Have a Right to be Free from Retaliation for Using Earned Sick Leave

Your employer cannot retaliate against you for:

- Requesting your earned sick leave
- Filing a complaint for alleged violations of the law
- Communicating with any person, including co-workers, about any violation of the law
- Participating in an investigation regarding an alleged violation of the law; and
- Informing another person of that person's potential rights under the law.

Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

You Have a Right to File a Complaint

You may file a complaint with the New Jersey Department of Labor and Workforce Development online at nj.gov/labor/wagehour/contact/filing_wage_claim.html or by calling 609-292-2305 between 8:30 a.m. and 4:30 p.m., Monday through Friday.

Keep a copy of this notice and all documents that show your amount of sick leave accrual and wages.

You have a right to be given this notice in English and, if available, your primary language.

For more information visit the website of the Department of Labor and Workforce Development: nj.gov/labor.

Enforced by: NJ Department of Labor and Workforce Development
Division of Wage and Hour Compliance, PO Box 389, Trenton, NJ 08625-0389 • 609-292-2305

If you need this document in Braille or large print, call 609-292-2305.

TTY users can contact this department through the New Jersey Relay: 7-1-1

Display this poster in a conspicuous place

(12/21)

NEW JERSEY LAW PROHIBITS WORKER MISCLASSIFICATION

NOTICE OF EMPLOYEE RIGHTS & EMPLOYER RESPONSIBILITIES

WHAT IS MISCLASSIFICATION?

- Misclassification is the practice of an employer improperly classifying employees as independent contractors.
- Misclassification may illegally deprive workers of basic rights, protections, and benefits guaranteed to employees such as the right to be paid the **minimum wage**, the right to **overtime** pay, **time and meals of pay** protections, the protection against **illegal deductions** from pay, **unemployment compensation, temporary disability benefits, family leave insurance benefits, workers' compensation, family leave and earned sick leave.**
- Often when workers are paid in cash "off the books", it may be a method to hide misclassification or other employment related legal obligations.

AM I AN EMPLOYEE OR AN INDEPENDENT CONTRACTOR?

- Under New Jersey's Unemployment Compensation Law, Wage and Hour Law, Wage Payment Law, Wage Collection Law, Temporary Disability Benefits Law (including sections providing for Family Leave Insurance) and Earned Sick Leave Law, if you perform a service and are paid, **you are presumed to be an employee,** unless the employer can prove all three of the following:
  - (A) You have been and will continue to be free from control or direction over performance of the service, both under a contract of service and in fact; and
  - (B) The service is either outside the usual course of the business for which such service is performed, or the service is performed outside of all the places of business of the enterprise for which such service is performed; and
  - (C) You are customarily engaged in an independently established trade, occupation, profession or business.
- This is referred to in New Jersey as the "**ABC test**" for independent contractor status.
- Please go to **www.myworkrights.nj.gov** to learn about the factors considered for each of the three above tests.

DO I HAVE TO PROVE THAT I AM AN EMPLOYEE?

- No. If you worked and were paid, you are presumed to be an employee. **It is the employer's burden** to show that all three parts of the ABC test are met.
- If the employer can't meet its burden to establish all **three** parts of the ABC test, then you are deemed to be an employee, entitled to the rights, protections, and benefits of an employee under the above-cited New Jersey laws.
- If you believe you are misclassified, email **misclassified@dol.nj.gov.**

DOES IT MATTER IF I RECEIVED AN IRS FORM 1099, AS OPPOSED TO IRS FORM W-2?

- No. It does not matter which federal tax form the employer uses to report earnings.
- What matters are the facts surrounding your working relationship with your employer and the application of the ABC test to those facts.

IF MY EMPLOYER HAD ME SIGN AN INDEPENDENT CONTRACTOR AGREEMENT BEFORE HIRING ME, DOESN'T THAT MAKE ME AN INDEPENDENT CONTRACTOR?

- No. Your employment status is determined based on an analysis of all the facts surrounding your relationship with the employer under the ABC test.
- NJ DOL would review the agreement you signed but your employment relationship would not be determined by this agreement alone.
- New Jersey courts have ruled that to consider any of the agreement, if one exists, and not the totality of the facts surrounding your relationship with the employer, would be to "place form over substance," which the courts say is wrong.

WHAT HAPPENS WHEN IT IS FOUND BY A STATE AGENCY OR COURT THAT AN EMPLOYER HAS MISCLASSIFIED AN EMPLOYEE AS AN INDEPENDENT CONTRACTOR?

In addition to the award of a remedy or remedies to make the misclassified employee or the State agency whole for the employer's violation of the underlying New Jersey wage, benefit or tax law (for example, the award of back pay to the misclassified employee who has been illegally deprived of the statutory minimum wage or overtime premium pay in violation of the State Wage and Hour law, or whose pay was subject to illegal deductions in violation of the State Wage Payment law), New Jersey law also empowers the Department of Labor and Workforce Development to take actions and impose penalties against the employer who has misclassified employees including:

- **A penalty paid by the employer to the misclassified employee** of not more than 5 percent of the worker's gross earnings over the past 12 months.
- **A penalty of up to $250 per misclassified employee for a first violation and up to $1,000 per misclassified employee for each subsequent violation.**
- For violation of State wage, benefit or tax laws in connection with the misclassification of employees, the imposition of:
  - A **stop-work order.**
  - The **suspension or revocation of any one or more licenses** that are held by the employer and that are necessary to operate the employer's business.
  - Additional **penalties and fees payable to the Department** and where wages are owed to the employee, an additional amount to **liquidated damages payable to the employee equal