

## What's On Your Wall?

04/13/17

The following is a poster and distribution chart for New Jersey that includes INFORMATION that must be posted under federal and NJ law. There are many posting *and distribution* requirements for New Jersey employment laws. If you utilize a poster company *and* the posters are updated, you should be covered for both federal and state posting requirements. However, you *should be aware of the distribution requirements*, which are highlighted. Please read through both charts below.

New Jersey requires the following posters:

Statute	Description/Specifications
Conscientious Employee Protection Act ("CEPA")	In addition to posting the notice, employers with 10 or more employees must distribute the notice annually to all employees. (English and Spanish)
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 request of an employee. The notice may be transmitted electronically to employee 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. The law also 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 with 50 or more employees, whether or not they have any eligible employees, must display the official Family Leave Act poster.
New Jersey Security and Financial Empowerment Act (“SAFE”)	The SAFE Act applies to New Jersey employers with 25 or more employees. 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. Employers must “conspicuously display” a notice of employees’ rights under the law and “use other appropriate means to keep... employees informed”.
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, employee rights, and employer penalties.
New Jersey Wage, Benefit and Tax Laws	The posting must inform employees of reporting and recordkeeping requirements of eight New Jersey statutes. Additionally, employers must provide all employees with a written copy of the notification and a copy to each new 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 must 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) schedule of hours, (iii) maximum daily and weekly hours, (iv) daily time record, and (v) daily meal times.

FEDERAL LAW POSTERS	SPECIFICATIONS
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Job Safety and Health Protection (OSHA)	Private employers engaged in a business affecting commerce. Does not apply to federal, state or political subdivisions of states. -
Equal Employment Opportunity (EEO)	Post copies of the poster in conspicuous places available to employees, applicants for employment, and representatives of labor organizations with which there is a collective bargaining agreement.
Fair Labor Standards Act (FLSA)	Every private, federal, state and local government employer employing any employee subject to the Fair Labor Standards Act.
Employee Right for Workers with Disabilities/Special Minimum Wage Poster	Every employer having workers employed under special minimum wage certificates authorized by section 14(c) of the Fair Labor Standards Act. Where an employer finds it inappropriate to post such a notice, the employer may provide the poster directly to all employees subject to its terms.
Family and Medical Leave Act (FMLA)	Public agencies (including state, local, and federal employers), public and private elementary and secondary schools, as well as private sector employers who employ 50 or more employees in 20 or more work weeks and who are engaged in commerce or in any industry or activity affecting commerce, including joint employers and successors of covered employers. Where an employer's workforce is not proficient in English, the employer must provide the notice in the language the employee speaks. The poster must be posted prominently where it can be readily seen by employees and applicants for employment.
Uniformed Services Employment and Reemployment Rights Act (USERRA)	The full text of the notice must be provided by each employer to persons entitled to rights and benefits under USERRA. Employers may provide the notice by posting it where employee notices are customarily placed. However, employers are free to provide the notice in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by distributing the notice by direct handling, mailing, or via electronic mail).
Employee Polygraph Protection Act (EPPA)	Any employer engaged in or affecting commerce or in the production of goods for commerce. Does not apply to federal, state and local governments, or to circumstances covered by the national defense and security exemption. The Act extends to all employees or prospective employees regardless of their citizenship status. Foreign corporations operating in the United States must comply or will result in penalties for failing to post. The poster must be displayed where employees and applicants for employment can readily observe it.

The following are the links for the New Jersey notices:

- [CEPA](#)
- [Gender Equality \(for 50+ employees\)](#) and [en español](#)

- [Law Against Discrimination](#) and [en español](#): You don't have to provide a notice but you should distribute a copy of your anti-harassment/anti-discrimination policy and your Equal Employment Opportunity policy.
- [New Jersey Family Insurance](#)
- [New Jersey Family Leave Act \(for 50+ employees\)](#)
- [New Jersey SAFE Act](#)
- [New Jersey Wage Payment Law](#)
- [New Jersey Wage, Benefit and Tax Laws \(Reporting and Record-keeping\)](#)
- [Unemployment and Temporary Disability](#)
- Workers Compensation: the poster should be obtained from your worker's compensation insurance agent.
- Smoke Free Notice
- Child Labor: [https://www.nj.gov/labor/forms\\_pdfs/lsse/mw-129.pdf](https://www.nj.gov/labor/forms_pdfs/lsse/mw-129.pdf) and [https://www.nj.gov/labor/forms\\_pdfs/EmployerPosterPacket/MW-191.pdf](https://www.nj.gov/labor/forms_pdfs/EmployerPosterPacket/MW-191.pdf)

Please note that if you have remote location with more than one employee, you must provide them with the required posters/notices. The requirement to post notices at the home of a single remote worker has not yet been added. However, it is our suggestion that all employees have access to an electronic version of the federal (and relevant state) posters/notices, thereby creating a "good faith" effort to inform remote employees.

Moreover, you should note that if you participate in E-Verify, you must display the [E-verify poster](#) and the [Right to Work poster](#). This poster must be displayed in all languages spoken at the workplace (there are 10 versions available on the USCIS website).

As always, should you have any questions about "What's On Your Wall?", please do not hesitate to contact the Wilentz Employment Law team.

#### **Attorney**

- Tracy Armstrong