New Jersey State Postings

Patriot Poster Company

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: Professional employment in a theatrical production, including stage, motion pictures, 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 production/rehearsal of 6 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.) **16 & 17 years old [4, 5, 6]:** 8 hours daily, 40 hours weekly. 6 days a week.	**Under 16:** Before 7 a.m., After 11:30 p.m.[7] **16-17 years old:** Before 6 a.m., After 11:30 p.m.[7]	**Under 16:** Special Theatrical Permit **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	10 hours daily. 6 days a week.	None	**12-15 years old only:** Special Agricultural Permit
Newspaper Carriers: Minors who deliver, solicit, sell and collect for newspapers outside of school hours in connection with their own home and directly for the minor's parent or legal guardian.	11 years old	Combined hours of school and work not to exceed 8 hours daily. 48 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 (11-15 years old) 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, ceremonial service, product, circulars, newspapers or magazines or is loitering minors on any street or other public place or from house to house.	14 years old	Combined hours of school and work not to exceed 8 hours daily. 48 hours per week. 6 days per week	**14-15 years old:** Before 6 a.m., After 7 p.m. **16-17 years old:** Before 5:30 a.m., After 8 p.m.	Special Street Trades Permit or Employment Certificate
General Employment: Includes nonprofit establishments, golf caddying, private boarding, office, office gas stations, garages, and other places of means of gainful occupations unless otherwise specified.	14 years old	When school is in session: 3 hours per day. 16 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.[7]	Employment Certificate
Restaurant and Seasonal:	16 years old	Same as for General Employment except that minors at least 15 years old may be employed after midnight during regular school vacation seasons. A work begins before 11 p.m. on the previous day, or on week days that do not begin on a school day with special written permission from a parent or guardian. May not be employed after 3 a.m. or before 6 a.m. on a day before a school day.		Employment Certificate
Public Dancing, Bingo:	Same as for General Employment except that minors at least 15 years old may be employed as ushers, bingo attendants, or bingoman until 11:30 p.m. — but during the school term the minor must have a special permit.			
Domestic Services in Private Homes: No restriction on work performed outside school hours in connection with minor's own home and directly for the minor's parent or legal guardian.	14 years old	**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
Messengers: For Communications Companies in the Separation and Control of the FCC.	14 years old	Outside of school hours		Employment Certificate
Factory:	16 years old	8 hours per day. 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 a regular vacation period: Before 6 a.m. and After 10 p.m.

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 to which the minor received an said vocational school. But those hours permitted for persons 16 years of age and over. If an 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 minors of least 16 years old employed in agricultural farm, home, dog, or farm shows that not no more than 10 days.

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 and the defendant will, upon conviction, be punished by a fine of at least $100 up to $2,000 for an initial violation, and at 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 other 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 $1000 for a first violation, up to $1,000 for a second violation, and up to $2,000 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" (P.L. 1968, c.410 (C.52:14b-1 et seq.). When determining the amount of the penalty proposed 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 administrative 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 that 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 18 and 21. This tells 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 thereon.

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 weekly • 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 nonprofit or religious corporation or association during June, July, August or September.

Minimum Wage Requirements

The minimum wage rate does not apply to minors under 18 years of age except as provided in N.J.A.C. 12:56-11, 12:56-13, 12:56-14 and N.J.A.C. 12:57, Wage Orders for Minors.

NOTE: Employers subject to the Fair Labor Standards Act (FLSA) would be required to pay the federal minimum wage to minors not covered by a wage order.

Work Prohibited to Minors

Exceptions to some of these prohibitions apply:

- To work done by students under the supervision and instruction of officers or teachers
- To work done by minors who are at least 17 years old, doing work related to their major field of study, under the conditions of the special vocational school graduate permit
- To work done by minors in junior achievement programs.

The kind of work that students in these programs may do is limited by the Department of Education. Employers should check these prohibitions with the coordinator of each program.

No minor under 18 years of age may be employed, suffered, or permitted to work in, about, or in connection with the following:

Making or packing posts, crates, white lead, or red lead

Handling dangerous or poisonous acids or dyes, injurious quantities of toxic or noxious dust, gases, vapors or fumes

Work involving exposure to benzol or any benzol compound that is volatile or can penetrate the skin

Making, transporting or using explosives or highly inflammable substances

The working "the manufacture, transportation or use of explosives or highly inflammable substances" as used in the prohibited occupations section of the Child Labor Act does not include filling the gasoline tanks of gasoline motor driven vehicles by using a hose connected to substantial or pressure-powered pumping equipment commonly used for that purpose in gasoline service stations.

This interpretation does not in any way affect any prohibition contained in the Child Labor Law concerning power-driven or hazardous machinery or hazardous occupations.

PROHIBITED SUBSTANCES

- Carbonyl or substances • Carbonyl chlorine
- Pentachlor • Toxic or hazardous substances
- Radioactive substances and ionizing radiation

PROHIBITED TYPES OF WORK

Demolishing buildings, ships, or heavy machinery

Harmonizing or assembling rings

Feeding aircraft, either commercial or private

Lifting, roping, or cleaning machinery in motion or assisting thereon

Operating or repairing elevators or other hoisting apparatus

Posting made or without personally accepted attire

Servicing single-piece or multi-piece rims/wheels

Servicing beverages out of any bar service area, including outside bars at pools or other recreational facilities

Transporting passengers other than within the employer's premises

Construction work (exceptions include minors doing volunteer work in affordable housing).

"Construction work" means:

- erecting, alterating, repairing, remodeling, demolishing or removing any building or structure
- excavating, filling and grading sites
- excavating, repairing or pouring roads and highways, and
- any function performed within 30 feet of the above operations.

"Construction work" does not include the repair or painting of fences, buildings and structures up to 12 feet tall.

Most occupations in slaughtering, meat packing, processing, or rendering, including operating slicing machines used in delicatessens and restaurants for cutting or slicing any food product.

PROHIBITED MACHINES/EQUIPMENT

No minor under 18 years of age may be employed, permitted, or suffered to work in, about, or in connection with power-driven machinery.

Power-driven machinery includes, but is not limited to:

Calendar rolls or mixing mills in rubber manufacturing

Centrifugal extractors or mangles in laundries or dry cleaning establishments

Circular saws, band saws, guillotine shears

Compactors

Conveyors and related equipment

Corn pickers, power hog feeders, power feed choppers, including ears in or on same

Corrugating, stamping or embossing machines

Cutting machines that have a guillotine action

Dough brakes or dough mixers 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 and metal working tools

Power-driven woodworking machinery (operating or helping to operate machinery; 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

Shaper jointers with more than 15 pounds of pressure.

Power-driven machinery does not include:

Agricultural machines when used on farms such as standard type poultry brooders, egg washers, egg coolers, and milking machines

Cash register conveyor belt in a supermarket or retail establishment for minors of least 16 years old working as cashiers or baggers

Standard domestic 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 at least 18 years old may work as prepackers, bare attendants, or cocktailers in public places licensed to sell alcoholic beverages or in the executive offices, maintenance departments, or cost of health areas of a hotel, motel or guest house — but may not prepare, sell or serve alcoholic beverages, or prepare photographs, or work in any drinking or theatrical exhibition or performance which is not part of a theatrical production where alcoholic beverages are sold on the premises, unless an employer's attorney at least 18 years of age may be employed as golf caddies and pool attendants).

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

Juke 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 same form or discarded or where automobiles or machines are dismantled for the purpose of salvaging metal or parts

Mines or quarries

Oil reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place where metals are heated, melted or treated

Pool and billiard rooms

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

PROHIBITIONS for ACTORS & PERFORMERS

Appearing on a rope or wire walker or rider, gymnast, wrestler, boxer, contortionist, acrobat, rider of a horse or other animal across the minor is trained to safely 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 in exhibition of any physically deformed or mentally deficient 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.

nj.gov/labor

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: 711-1

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. 34:11-56a 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 range, gross to net amounts with itemized deductions, and the hours 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 who 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 underlying the computation of the fair value of the food or lodging and the data required to compute the amount of the deduction taken pursuant to any wages allowable for the furnishing of the lodging, 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 use 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 employees 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 for 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 works contractor and subdivisions of the public body or lessee which contracted for the public works project a certified payroll record containing the following employee 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 or payments, 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 lessee which contracted for the public works project.

Each public works contractor which employs one or more apprentices on a public works project must maintain 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 by the employee, 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 employee, 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 rehired to work after temporary layoff;
5. The date separated from employment and the reason for separation;
6. Each information as may be necessary to determine remuneration on a calendar week basis; and
7. The number of weeks in which 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 kept safe and readily accessible at 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.

Every employer (business) must, 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 NJ-927, "Employer 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 NJ-927 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 workers (as the term "domestic service worker" is defined at N.J.A.C. 12:16-13.1(c)) must file an annual, rather than quarterly, NJ-927E, "Domestic Employer's Annual Report," 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 credit the 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.A.C. 12:16-13.1(c)) must file an annual, rather than quarterly, NJ-927E, "Domestic 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	wagehour@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	609-292-2810	employerhelp@dol.nj.gov	New Jersey Department of Labor & Workforce Development Division of Employer Accounts P.O. Box 1927 • Trenton, NJ 08625-9942
Workers' Compensation Law	609-292-2515	dwcinfo@dol.nj.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	nj.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 employees hired after November 7, 2011, a written copy of this notice must be provided at the time of the employee's hiring. See N.J.A.C. 12:2-1.3 for alternate methods of posting and distribution by electronic means.

2111-44-02/10

Your employer is subject to the

Family Leave Insurance

provisions of the New Jersey Temporary Disability Benefits Law

New Jersey employees can receive cash benefits while taking leave from work to bond with a new child, care for a loved one with a physical or mental health condition, or cope with domestic or sexual violence. Employees can receive benefits for up to 12 consecutive weeks or be intermittent days in a 12-month period.

Ask your employer whether they participate in the state family leave insurance plan ("state plan") or have a private family leave insurance plan ("private plan"). See the current year's maximum benefit level, eligibility requirements, and how to apply at: **myfamilybenefits.nj.gov/#/**.

State Plan

The state plan provides 85% of workers' average weekly wages, up to a maximum amount set for each calendar year. Payroll contributions from employees finance this program.

Private Plan

An employer may provide family leave insurance through a private insurance carrier, if approved by the Division of Temporary Disability and Family Leave Insurance. The plan must be at least as generous as the state plan. If your employer has an approved private plan, they must provide information about coverage and how to apply for benefits.

Job Protection

While you receive benefits, your job may be protected under state or federal law. Learn more at **myfamilybenefits.nj.gov/jobprotection**

Bond With a New Child

Benefits are for bonding with a newborn, newly adopted, or newly placed foster child. You can receive benefits during the first year after your child was born, adopted, or placed in your care.

Family Caregivers

Benefits are to care for a loved one's mental or physical health. When applying, your loved one's medical provider will need to certify their need for your care.

Victims or Survivors of Domestic or Sexual Violence and Their Caregivers

Benefits are to handle certain matters related to domestic or sexual violence or caring for a loved one who is a victim or survivor.

Enforced by:
Division of Temporary Disability and Family Leave Insurance
NJ Department of Labor & Workforce Development
PO Box 387 • Trenton, New Jersey 08625-0387

This and other employer compliance posters are available free online at nj.gov/labor

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

Display this poster in a place noticeable to all employees. (12/21)

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 any 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 which 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 that the employee reasonably believes is fraudulent or constitutes gross mismanagement, or a matter of public safety or public health, or a matter of public interest 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, to professional review boards, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
   c. Provides information regarding description of, or misrepresentation by, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
2. Provides information to, or testifies before, any law enforcement or prosecutorial authority, policy or practice of misrepresentation or misconduct by a shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
3. 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.
4. 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 been harmed or there is a risk or threat of physical harm or damage to the employee or property.

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.

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

If you read this document in a language other than English or Spanish, please call 609-292-7832. (10/10)

This Notice Must Be Posted in a Conspicuous Place

New Jersey SAFE Act N.J.S.A. 34:11-7 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 circumstances resulting from 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 this State that employs 25 or more employees.

Covered Reasons for NJ SAFE Act Leave

An 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 or child, spouse, domestic partner, or civil union partner, or any other individual related by blood to the employee, is 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 violent offense:

(1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence;
(2) Obtaining services from a victim services organization;
(3) Obtaining psychological or other counseling;
(4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or sexual violence or to ensure the economic security;
(5) Seeking legal assistance or remedies to ensure health and safety;
(6) 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 in the 12-month period immediately following an instance of domestic violence or a sexually violent offense. The unpaid leave must be taken in blocks of one day at a time, and may be taken intermittently.

NJ SAFE Act and Other Leave Laws

Unpaid leave under the NJ SAFE Act runs concurrently with any paid vacation leave, personal leave, or medical or sick leave, or any family temporary disability benefits. Family temporary disability 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 reasonable for the leave is foreseeable, provide the employer with written notice of the need for the leave, unless an emergency or other unforeseen circumstances precludes prior notice. The employee must provide the employer with a copy of a court order, if any, or documentation of a court proceeding or other proceeding under the circumstances. The employer has the right to require the employee to provide documentation of the circumstances of the domestic violence or sexually violent offense that is the basis for the leave. The employer must retain any documentation provided to it in this manner in this strictest confidentiality, unless the disclosure is expressly 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 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 one 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 nj.gov/oshr/psh

Seeking a Remedy Under the NJ SAFE Act

An action lawsuit for a violation of the NJ SAFE Act, an aggrieved person may file a civil or private cause of action in the Superior Court within one year of the date of the alleged violation. Learn more at nj.gov/oshr/psh

Need Additional Support?

Any and your loved one deserve help coping with 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 Coalition Against Violence Hotline
1-800-572-SAFE (7233)

Women's Rape Crisis Center
1-609-921-0096

New Jersey Department of Labor and Workforce Development (0/22)

Right to be Free of Gender Inequity or Bias in Pay, Compensation, Benefits or Other Terms and Conditions of Employment

New Jersey and federal laws prohibit employers from discriminating against an individual with respect to his/her pay, compensation, benefits, or terms, conditions or privileges of employment because of the individual's sex.

FEDERAL LAW

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on sex, among other things, on individual's sex. Title VII claims must be filed with the United States Equal Employment Opportunity Commission (EEOC) before they can be brought in court. Remedies under Title VII may include an order mandating unlawful discrimination, back pay and compensatory and punitive damages.

The Equal Pay Act of 1963 (EPA) prohibits discrimination in compensation based on sex. EPA claims can be filed either with the EEOC or directly with the court. Remedies under the EPA may include the amount of the salary or wages due from the employer, plus an additional equal amount as liquidated damages.

Please be reminded that in order for a disparity in compensation based on sex to be actionable under the EPA, it must be for equal work or jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

There are strict time limits for filing charges of employment discrimination. For more information regarding EEOC claims, contact the EEOC at 609-292-4610 or at www.eeoc.gov/contacts.htm

For information concerning N.J.S.A. 34:11-56.1 et seq., contact the Division of Wage and Hour Compliance within the NJ DOLWD at 609-292-2305 or at http://lwd.state.nj.us.

NEW JERSEY LAW

The New Jersey Law Against Discrimination (LAD) prohibits employment discrimination based on, among other things, sex. Individuals can LAD claims can be filed with the New Jersey Division on Civil Rights (DCR) or directly in court. Remedies under the LAD may include an order mediating unlawful discrimination, back pay and compensatory and punitive damages.

Another State law (N.J.S.A. 34:11-56.1 et seq.) prohibits discrimination in the rate or method of payment of wages to an employee because of his or her sex. Claims under this wage discrimination law may be filed with the New Jersey Department of Labor and Workforce Development (NJDLWD) or directly in court. Remedies under this law may include the full amount of the salary or wages owed, plus an additional equal amount as liquidated damages.

Please be reminded that under the State wage discrimination law a differential in pay between employees based on a reasonable factor or factors other than sex shall not constitute discrimination.

There are strict time limits for filing charges of employment discrimination. For more information regarding LAD claims, contact the NJDCR at 609-292-4605 or at www.njcivilrights.gov. For information concerning N.J.S.A. 34:11-56.1 et seq., contact the Division of Wage and Hour Compliance within the NJDOLWD at 609-292-2305 or at http://lwd.state.nj.us.

This notice must be conspicuously displayed. (11/14) DOL

New Jersey Department of Labor and Workforce Development

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 records 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 workers 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.
- If you believe you are misclassified, email **wrongclassify@dol.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.
- Wind matters are the facts surrounding your working relationship with the employer and the application of the ABC test to those facts.

IF MY EMPLOYER HAD ME SIGN AN INDEPENDENT CONTRACTOR AGREEMENT BEFORE HIRING ME, DOES 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.
- New Jersey courts have held that to consider only the agreement, if one exists, and not the totality of the facts surrounding your relationship with the proposed employer, would be "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 payment 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 amount 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 an employer who has misclassified employees including:
  - **A penalty paid by the employer to the misclassified employee** of not more than 1 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 for employee's benefits, additional **liquidated damages payable to the employee equal to an amount of up to three 200 percent of the wages owed.**

AM I PROTECTED FROM RETALIATION BY MY EMPLOYER FOR REPORTING MISCLASSIFICATION?

- Employees are protected from retaliation by their employers for having made a complaint to a complaint to the employer, to the Commissioner of Labor or to an authorized representative regarding any possible violation of the employer of any State wage, benefit or tax law, including those involving misclassification, or because the employee is reasonably believed to be misclassified or is about to cause to be instituted any proceeding under or related to State wage, benefit or tax law, or because the employee has testified or is about to testify in such a proceeding.
- Where such retaliation has occurred, the Department is authorized by law to issue an administrative penalty against the employer. However, only the courts are authorized by law to order reinstatement and/or back pay.

REPORTING MISCLASSIFICATION

If you have been misclassified and would like to file a claim, you can do so here:

https://www.nj.gov/labor/wagehour/contact/msc/

To seek further information:

EMAIL: misclassification@dol.gov

CALL: 609-292-2321

FAX: 609-292-7831

WRITE: Employee Accounts
Attn: Misclassification
NJ Department of Labor and Workforce Development
1 John Fitch Plaza, P.O. Box 942
Trenton, NJ 08625-0942

For more information, visit: nj.gov/labor/wagehour/contact/msc/index.html

This employer will also pay the Commissioner an administrative fee equal to at least 10% but not more than 25% of any payment due to employees. The Commissioner may direct the employer or successor firm to pay and an opportunity for a new hiring in accordance with the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14b-