

## **New Mandatory Poster and Notice Requirement Issued by the New Jersey Department of Labor and Workforce Development**

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On November 7, 2011, the New Jersey Department of Labor and Workforce Development (“NJDLWD”) issued new regulations directing any employer that is required to maintain and report records regarding wages, benefits, and taxes pursuant to state law to do the following: (1) “conspicuously post” notice of that obligation, and (2) provide each employee a written copy of the notice.

The new notice requirement, based on a 2009 statute, P.L. 2009 c. 194, concerning the maintenance and reporting of employment records, sets forth the recordkeeping requirements of eight existing statutes: the Wage Payment Law, Wage and Hour Law, Prevailing Wage Act, Unemployment Compensation Law, Temporary Disability Benefits Law, Family Leave Insurance Benefits Law, Workers’ Compensation Law, and Gross Income Tax Act.

The NJDLWD has issued a six-page, sample notice, “[Reporting and Recordkeeping Requirements Under State Wage, Benefit and Tax Laws](#)” (“Sample Notice”), which employers may use for both posting and distribution purposes. Employers should carefully review the Sample Notice to ensure they are in compliance with the five pages of recordkeeping requirements identified therein. The last page of the Sample Notice provides contact information for the NJDLWD and the New Jersey Department of the Treasury, which employees or their authorized representatives may use to file a complaint regarding an employer’s possible failure to meet any of the requirements set forth in the notice.

Failure to comply with the posting and distribution requirements could lead to a fine of up to \$1,000, as well as criminal penalties.

For information concerning the posters required by the NJDLWD, including the Sample Notice, visit the [NJDLWD’s website](#).

### **What New Jersey Employers Should Do Now**

Under the new regulations, employers must immediately ensure that:

- 1) The notice of the employers’ obligation to maintain and report records is “conspicuously post[ed] in a place or places accessible to all employees in each of the employer’s workplaces,” either by posting the notice where other

employment-related notices are posted, and/or, by posting the notice on the employer's Internet/intranet site, provided the employer has an Internet/intranet site for exclusive use by its employees and to which all employees have access;

- 2) Each new employee, hired on or after November 7, 2011, receives a written copy of the notice "at the time of the employee's hiring," such as in the employee's new hire packet or new hire orientation; and
- 3) Each current employee receives a written copy of the notice individually, such as by email or as an enclosure with the employee's paycheck/paystub, no later than December 7, 2011.

For more information about this advisory, please contact:

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