

NEW JERSEY

Labor Laws

Payment of Wages, Earned Sick Leave, Child Labor Law Abstract, Gender Inequity, Whistleblower Act

Wage Payment

Department of Labor and Workforce Development

Display this poster in a conspicuous place

Chapter 173, Laws of New Jersey, 1965: Relating to Payment of Wages

All Employers Must Pay Wages to All Employees in Full at Least Twice a Calendar Month.
Executive and supervisory employees, however, may be paid at least once a calendar month.
Payment must be made on regular paydays designated in advance.
When a payday falls on a non-work day, payment must be made on the immediately preceding work day, unless a collective bargaining agreement states otherwise.
Pay periods must not end more than 10 working days before payday, when payment is made on a regular payday. If payment is by check, arrangements must be made to allow employees to cash the full check without difficulty.

- Employees having or terminated for any reason, including labor disputes, must be paid all wages due not later than the regular payday for the period in which employment ended.
- An additional 10 days may be allowed when a labor dispute involves payroll employees.
- Employees paid on an incentive system must be paid a reasonable estimate of wages due until exact amounts are known.
- Payment may be made through regular pay channels or by mail if requested by the employee.

It is unlawful to make any agreement for payment other than as provided in this act, except to pay at shorter intervals or to pay wages in advance.
Wages due a deceased employee may be paid to the survivors in the order of preference as outlined in the statute.

No Deductions from Employees' Wages are Permitted Except:
Amounts authorized by New Jersey or United States Law or payments to correct payroll errors.
Contributions or payments authorized by employees either in writing or under a collective bargaining agreement for:
Employee welfare - insurance - hospitalization - medical or surgical or both - pension - retirement - profit-sharing plans - group or individual retirement annuity plans - individual retirement accounts at any state or federally chartered bank, savings bank, or savings and loan association - company-operated thrift plans - security option or security purchase plans to buy marketable securities - employee personal savings accounts such as a credit union, savings fund society, savings and loan or building and loan association - Christmas, vacation or other savings funds - purchase of company products or employee loans in accordance with the payment schedule contained in the original purchase or loan agreement - safety equipment - U.S. government bonds - costs and fees to replace employee identification for access to sterile or secured areas of airports - contributions for organized and recognized charities - rental of work clothing or uniforms or for laundering or dry cleaning of work clothing or uniforms - labor union dues and fees - health club membership fees - child care services.

NEW JERSEY DEPARTMENT OF
DOL
LABOR AND WORKFORCE DEVELOPMENT
REV. 04/2022

MW-17

Sick Leave

Department of Labor and Workforce Development

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 <https://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 existing employees must receive it by November 29, 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.

Amount of 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 26, 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 diagnostic, 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.
- 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

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

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 of your intention to 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 medical 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 and using 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 can file a complaint with the New Jersey Department of Labor and Workforce Development online at nj.gov/labor/wagehour/complaint/filing_wage_claim.html or by calling 609-292-2305 between the hours of 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 usage.
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.

NEW JERSEY DEPARTMENT OF
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nj.gov/labor

MW-565

Display this poster in a conspicuous place

REV. 01/2019

Child labor

New Jersey

Child Labor Law Abstract

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.

Kind of Employment	Minimum Age	Hours of Work Not to Exceed ^{1,3}	Prohibited Hours	Certificate or Permit Required ²
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 productions* daily 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.) ³	Under 16 Before 7 a.m. After 11:30 p.m. ⁴	Under 16 Special Theatrical Permit
Apiculture: 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 Agricultural Permit
Newspaper Carriers: Minors who deliver, solicit, sell and collect for newspapers outside of school hours on residential routes.	16 years old During school hours	10 hours daily 6 days a week	None	16-17 years old Employment Certificate
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 in blacking shoes on any 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 18 hours per week During school vacation: 8 hours per day 40 hours per week 6 days per week	14-15 years old Before 7 a.m. After 7 p.m.	Special Street Trades Permit or Employment Certificate
General Employment: Includes mercantile establishments, retail clothing, private bowling alleys, offices, gas stations, garages, and other places or means of public occupations unless otherwise specified.	14 years old	When school is in session: 3 hours per day 18 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. ²	Employment Certificate
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 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
Messengers for Communications Companies: Under Supervision and Control of the F.C.C.	14 years old Outside of school hours	No Restrictions	None	Employment Certificate
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

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 this 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 P.L. 1962, 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 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 the notice.

NOTES
¹ 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 majored in said vocational school during those hours permitted for persons 18 years of age and over, if an employment certificate (or certified copy) accompanies the minor's diploma.
² When schools in the minor's district are not in session, no certificate or permit is required for minors at least 14 years old employed at agricultural fairs, horse, dog, or farm shows that last no more than 10 days.
³ No certificate is required for minors 15 and older during school vacation for first 14 days of employment in food service, restaurant, retail operations, or seasonal amusement occupations.
⁴ Does not apply to minors 16 to 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 primarily general maintenance work or food service activities.

NEW JERSEY DEPARTMENT OF
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nj.gov/labor

MW-290

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REV. 01/2014

Whistleblowers

Department of Labor and Workforce Development

Conscientious Employee Protection Act "Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

- New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - 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;
 - 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
 - Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employer, former employee, retiree or pensioner of the employer or any governmental entity.
 - 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, employer, former employee, retiree or pensioner of the employer or any governmental entity.
 - Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - 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;
 - is fraudulent or criminal; or
- 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.

The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employer 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 fears physical harm as a result of the disclosure, provided that the situation is emergent in nature.

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.

AD-270

REV. 10/2019