

Minimum Wage

Department of Labor and Workforce Development

Wage and Hour Law Abstract

N.J.S.A. 34:11-56a et seq.

STATUTORY MINIMUM WAGE RATE
Employees are to be paid not less than the New Jersey minimum wage in accordance with the schedule below.

Date	Most Employers	Seasonal & Small Employers (fewer than 6)	Agricultural Employers	Cash for Tipped Workers	Wage for Long-Term Care Facility Direct Care Staff
1-1-2020	\$11	\$10.30	\$10.30	\$3.13	\$11; \$14 as of 11/1/20
1-1-2021	\$12	\$11.10	\$10.30	\$4.13	\$15
1-1-2022	\$13	\$11.90	\$11.05	\$5.13	\$16
1-1-2023	\$14.13	\$12.93	\$12.01	\$5.26	\$17.13
1-1-2024	\$15.13	\$13.73	\$12.81	\$5.26	\$18.13
1-1-2025	\$15.49	\$14.53	\$13.40	\$5.62	\$18.49
1-1-2026*	\$15.92	\$15.23	\$14.20	\$6.05	\$18.92

* Minimum wage may continue to increase each January 1 based on a measure of inflation.

OVERTIME

Overtime is payable at the rate of 1.5 times the employee's regular hourly rate for hours worked in excess of 40 in any week except where otherwise specifically provided by wage order.

Exempt from the overtime entitlement are:

- executive, administrative, and professional employees
- employees engaged in labor on a farm or related to raising or care of livestock; and
- limousine drivers.

WAGE ORDER REGULATIONS

Employees in the occupations found below are covered by this wage order and regulations and must be paid not less than the statutory minimum wage rate.

- First processing of farm products
- Hotel and motel
- Food service (restaurant industry)
- Seasonal amusement

These regulations are contained in N.J.A.C. 12:56-11.1 et seq.

EXEMPTIONS

Exempt from the statutory minimum wage rate are full-time students employed by the college or university at which they are enrolled at not less than 85% of the effective minimum wage rate; outside sales persons; sales person of motor vehicles; part-time employees primarily engaged in the care and tending of children in the home of the employer; and minors under 18 (EXCEPT that minors under 18 in the first processing of farm products, hotels, motels, restaurants, retail, beauty culture, laundry, cleaning, dyeing, light manufacturing and apparel occupations are covered by the wage order rates as above and vocational school graduates with special permits under the Child Labor Law are covered by the statutory rate).

Employees at summer camps, conferences and retreats operated by any nonprofit or religious corporation or association are exempt from minimum and overtime rates during the months of June, July, August and September.

NOTE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.



The New Jersey Family Leave Act (NJFLA)

entitles certain employees to take up to 12 weeks of family leave in a 24-month period without losing their jobs

Employers generally must provide NJFLA leave if

- The EMPLOYER has at least 15 employees worldwide OR is a government entity, regardless of size;
- The EMPLOYEE has worked for that employer for at least 3 months, AND has worked at least 250 hours in the past 12 months; and
- The LEAVE is being taken to:

- Care for or bond with the employee's child as long as the leave begins within 1 year of the child's birth or placement with the employee for adoption or foster care;
- Care for a family member, or someone who is the equivalent of family, who has a serious health condition, or who has been isolated or quarantined because of suspected exposure to a communicable disease during a state of emergency; or
- Provide required care or treatment for the employee's child during a state of emergency if their school or place of care is closed due to an epidemic of a communicable disease or other public health emergency.

Remedies may include money damages, an order to stop violating the Act, adoption of new policies and procedures, attorney's fees, and more.

If you believe your rights have been violated, contact the Division on Civil Rights

 **1-833-653-2748** **NJCivilRights.gov**
711 (Relay Service) #CivilRightsNJ

No one can retaliate against you for attempting to take or taking NJFLA leave, reporting NJFLA violations, or exercising other rights under the NJFLA

All entities subject to the New Jersey Family Leave Act, N.J.S.A. 34:11B-1 et seq., shall display this official poster in places easily visible to all employees and applicants for employment.

Worker Misclassification

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 mode 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 misclass@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 the employer and the application of the ABC test to those facts.
- Employees are protected from retaliation by their employers for having made an inquiry or complaint to the employer, to the Commissioner of Labor or to an authorized representative regarding any possible violation by the employer of any State wage, benefit or tax law, including those inquiries or complaints that involve misclassification, or because the employee caused to be instituted 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://wagehour.dol.state.nj.us/default.htm>
To seek further information:

EMAIL: misclass@dol.nj.gov	CALL: 609-292-2321	FAX: 609-292-7801	WRITE: EMPLOYER ACCOUNTS SUBMIT - MISCLASSIFICATION NJ DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT J. JOSEF PULASKI P.O. Box 942 TRENTON, NJ 08625-0942
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- Whichever way you chose to reach out, multilingual staff will be able to assist you and translation assistance made available as needed.
- You can also visit www.myworkrights.nj.gov to learn more about misclassification.

NOTE: This state requires an employer to display a **Workers' Compensation** posting furnished by the employer's insurance carrier or a state agency. Employers should contact their insurance carrier or the appropriate state agency to obtain a copy of this state's **Workers' Compensation** posting or notice of compliance/certificate of insurance. Employees should refer to the **Workers' Compensation** posting or notice of compliance/certificate of insurance furnished by the state or the employer's insurance carrier for information about **Workers' Compensation**.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S WORKERS' COMPENSATION POSTING REQUIREMENT.

NOTE: In accordance with State Child Labor Law N.J.S.A. 34:21-5.1, every employer that employs minors under 18 must keep and conspicuously post the **Schedule of Hours of Minors Under 18 Years of Age** with the following information: Names of minors under 18, schedule of hours, maximum daily and weekly hours permitted, daily in and out times, and meal period in and out times. This schedule shall be on a form provided by the New Jersey Department of Labor. It is available from the New Jersey Department of Labor and Workforce Development, Office of Constituent Relations, PO Box 110, Trenton, New Jersey 08625-0110. Telephone: (609) 737-3200.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THE SCHEDULE OF HOURS POSTING REQUIREMENT.



The Law Against Discrimination (LAD) Prohibits Discrimination and Harassment in Employment Based on Actual or Perceived

- Race or color
- Sex
- Religion or creed
- Gender identity or expression
- Disability
- Liability for military service
- Age
- Sexual orientation
- National origin, nationality, or ancestry
- Pregnancy or breastfeeding
- Marital or domestic partnership or civil union status
- Atypical cellular or blood trait, genetic information including the refusal to submit to genetic testing

The law means people cannot be treated differently, harassed, or otherwise discriminated against at work based on their membership in a protected class

The law applies to all employers (including labor unions, apprenticeship and training programs, and employment agencies) and in all aspects of employment, including but not limited to:

- Recruitment and job postings
- Compensation, including salary and benefits
- Interviews and hiring decisions
- All terms, conditions, or privileges of employment
- Promotion or transfer
- Membership in a union
- Termination or demotion

Remedies may include money damages, an order to stop discrimination or harassment, adoption of new policies and procedures, attorney's fees, and more.

If you believe you have experienced discrimination, contact the Division on Civil Rights

 **1-833-NJDCR4U** **NJCivilRights.gov**
711 (Relay Service) #CivilRightsNJ

No one can retaliate against you for reporting LAD violations, filing a discrimination complaint, or exercising other rights under the LAD

All employers, employment agencies, and labor organizations shall display this official poster in places easily visible to all employees and applicants for employment. N.J.A.C. 13:8-1.2.

Unemployment Ins.

Department of Labor and Workforce Development

Your employer is subject to the New Jersey Unemployment & Temporary Disability Benefits Laws

Unemployment Insurance
Benefits are payable to workers who lose their jobs or who are working less than full time because of a lack of full-time work and who meet the eligibility requirements of the law.
If you become totally or partially unemployed, file a claim for unemployment insurance benefits as soon as possible. The easiest, quickest way is to file online at myunemployment.nj.gov. You can also file a claim over the phone by contacting our Unemployment Call Centers at one of these numbers listed below. Note, if you were a maritime employee in the last 18 months or live outside of the United States, you must file your claim over the phone. Be prepared to have information about yourself, your employer and your work history available when filing your claim.

Cumberland Call Center.....856-507-2340 Freehold Call Center.....732-761-2020
Union City Call Center.....201-601-4100 Out of State.....1-888-795-6672

Disability Insurance

Benefits are payable to New Jersey workers who suffer a non-work-related illness, injury, or other medical condition that prevents them from working. Temporary disability insurance coverage includes new and expecting mothers during their final weeks of pregnancy and recovery. If you become disabled and wish to apply for disability benefits, start by asking whether your employer participates in the state disability insurance plan or has a private insurance plan.

Your employer's contributions are based in part on their employment experience.
Enforced by: NJ Department of Labor and Workforce Development
Division of Temporary Disability Insurance, PO Box 387, Trenton, NJ 08625-0387

This and other required employer posters are available free online at nj.gov/labor, or from the Office of Constituent Relations, PO Box 110, Trenton, NJ 08625-0110 - 609-737-3200.

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.
PR-1

Display this poster in a conspicuous place
NEW JERSEY DEPARTMENT OF
LWD
LABOR AND WORKFORCE DEVELOPMENT
nj.gov/labor

For more information, visit mylabbenefits.nj.gov or call 609-292-7060.

SAFE Act

Department of Labor and Workforce Development

SAFE Act

Loare Act, N.J.S.A. 24:11B-1 et seq., or the federal Family and Medical Leave Act, 20 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 written notice as far in advance as 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 employee must retain any documentation provided to it in this manner in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is required by a federal or State law, rule or regulation.

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 as an employee 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 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
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 at least one day at a time, and may be taken intermittently.

NJ SAFE Act and Other Leave Laws
Unpaid leave under the SAFE Act shall run concurrently with any paid vacation leave, personal leave, or medical or sick leave, or any family temporary disability 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

Need Additional Support?
You and your loved one deserve better 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 Domestic Violence HOTLINE
1-800-572-SAFE (7233)

WOMEN'S REFUGIAL CENTRAL
1-800-322-8092

New Jersey Department of Labor and Workforce Development
AD-289

REV. 04/2022

REV. 05/2020

REV. 01/2026

REV. 03/2018

REV. 09/2025

REV. 03/2018

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Records

Department of Labor and Workforce Development

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 wage, gross to net amounts with itemized deductions, and the basis on which wages are paid;
6. The number of employees covered by the plan as of December 31.
Each employer who provides family leave insurance to its employees through a self-insured private plan must for the one-year period ending December 31 of each calendar year during which a self-insured private plan is in effect file a statement with the Division of Temporary Disability Insurance, on or before the 30th day following the end of the one-year period showing the following information with regard to each of the following types of claims: care of a sick child, care of a sick spouse, care of a sick domestic partner, care of a sick civil union partner, care of a sick parent, bonding by biological parent with a newborn child, bonding by domestic partner or civil union partner of biological parent with a newborn child, bonding by individual with newly adopted child.

1. The number of claims received during the one-year period;
2. The number of workers who received family leave insurance benefits during the one-year period;
3. The amount of family leave insurance benefits paid during the one-year period;
4. The average weekly family leave insurance benefits during the one-year period;
5. The amount of sick leave, vacation leave or other fully paid time, which resulted in reduced benefit duration during the one-year period;
6. With regard solely to family leave insurance benefits claims in care for sick family members, the amount of intermittent family leave insurance benefits paid during the one-year period, and
7. The average duration of family leave insurance benefits, in days, during the one-year period.

The information referred to in 1. through 8. above must be broken down by sex and by age group, beginning at 25 years of age and increasing in increments of 10.

On or before the 30th day following the close of each calendar year during which a self-insured private plan for family leave insurance is in effect, the employer must file a report with the Division of Temporary Disability Insurance showing:

1. The amount of funds available at the beginning of that year for payment of family leave insurance benefits;
2. The amount contributed by workers during that year;
3. The amount contributed by the employer during that year;
4. The number of employees covered by the plan as of December 31;
5. Such other information as the Division of Temporary Disability Insurance may require with respect to the financial ability of the self-insurer to meet the self-insured obligations under the plan.

Workers' Compensation Law (N.J.S.A. 34:15-1 et seq.)
Upon the happening of an accident or the occurrence of any occupational disease, an employer who has insurance coverage or utilizes a third-party administrator shall promptly furnish the insurance carrier or the third-party administrator with accurate and complete information.

Within three weeks after an accident or upon knowledge of the occurrence of an occupational disease, every insurance carrier, third-party administrator, statutory non-insured employer, including the State, counties, municipalities and school districts, and duly authorized self-insured employer not utilizing a third-party administrator must file a report designated as "First notice of accident" in electronic data interchange media with the Division of Workers' Compensation through the Compensation Rating and Inspection Bureau in a format prescribed by the Compensation Rating and Inspection Bureau. When filed by an insurance carrier or third-party administrator, the report must also be sent to the employer. If the employer disagrees with the report, the employer may prepare and sign an amended report and file it as amended report with the insurance carrier or third-party administrator. The amended report must be filed electronically with the Division through the Compensation Rating and Inspection Bureau.

Every insurance carrier providing workers' compensation insurance and every workers' compensation self-insured employer shall designate a contact person who is responsible for responding to issues concerning medical and temporary disability benefits where no claim payment has been filed or where a claim payment has not been awarded. The full name, telephone number, mailing address, email address and fax number of the contact person must be submitted to the Division of Workers' Compensation utilizing the Division's contact person form in the manner instructed on the form.

Each employer, when directed to do so by the Division of Workers' Compensation, must submit to the Division of Workers' Compensation copies of all medical certificates and reports as it may have on file.

Gross Income Tax Act (N.J.S.A. 54:6-1 et seq.)
Employer's Quarterly Reports: The Employer's Quarterly Report, NJ-927, reports New Jersey Gross Income Tax withheld, unemployment insurance, supplemental workforce fund, workforce development partnership fund, family leave insurance and temporary disability insurance wage and withholding information.

Each employer is required to electronically file an Employer's Quarterly Report, NJ-927, for each calendar quarter, regardless of the amount of tax actually due for a particular quarter. Quarterly reports are due on the 30th day of the month following the end of each quarter.

Employers of "domestic service workers" may report and pay New Jersey Gross Income Tax withheld on an annual, rather than quarterly, basis on NJ-927H.

Records to be kept: Every employer is required to keep all pertinent records available for inspection by authorized representatives of the New Jersey Division of Taxation. Such records must include the following:

1. The amounts and dates of all wage payments subject to New Jersey Gross Income Tax;
2. The names, addresses and occupations of employees receiving such payments;
3. The periods of their employment;
4. Their social security numbers;
5. Their withholding exemption certificates;
6. The employer's New Jersey taxpayer identification number;
7. Record of weekly, monthly, quarterly remittances and/or returns and annual returns filed;
8. The dates and amounts of payments made; and
9. Days worked inside and outside of New Jersey for all nonresident employees.

Contact Information
If an employer or an employee's authorized representative wishes to contact a State representative in order to provide information or to file a complaint with the representative regarding an employer's possible failure to meet any of the requirements set forth above, he or she may use the following contact information:

For possible failure to meet the record keeping or reporting requirements of the **Wage Payment Law, Wage and Hour Law or Prevailing Wage Act**:

Phone: 609-292-2305
Email: wagehour@dol.nj.gov
Mail: New Jersey Department of Labor and Workforce Development, Division of Wage and Hour Compliance, P.O. Box 389, Trenton, NJ 08625-0389

For possible failure to meet the record keeping or reporting requirements of the **Unemployment Compensation Law, Temporary Disability Insurance and Family Leave Insurance**:

Phone: 609-292-2810
Email: emplact@dol.nj.gov
Mail: New Jersey Department of Labor and Workforce Development, Division of Employee Accounts, P.O. Box 942, Trenton, NJ 08625-0942

For possible failure to meet the record keeping or reporting requirements of the **Workers' Compensation Law**:

Phone: 609-292-2515
Email: dwc@dol.nj.gov
Mail: New Jersey Department of Labor and Workforce Development, Division of Workers' Compensation, P.O. Box 387, Trenton, NJ 08625-0387

For possible failure to meet the record keeping or reporting requirements of the **Gross Income Tax Act**:

Phone: 609-292-5400
Email: nj taxation@treasury.state.nj.us
Mail: New Jersey Department of the Treasury, Division of Taxation, Information and Publications Branch, P.O. Box 281, Trenton, NJ 08625-0281

NEW JERSEY DEPARTMENT OF
LWD
LABOR AND WORKFORCE DEVELOPMENT
nj.gov/labor

This notice must be conspicuously posted. Not 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.A.C. 12:2-1.3 for alternate methods of posting and distribution by electronic means.

MW-400