



# NJDOL Regulations Require Employers to Post Notice of Record-Keeping Obligations

## Client Advisories

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The New Jersey Department of Labor and Workforce Development recently issued regulations requiring employers to post and distribute notification of their obligation to maintain and report records regarding wages, benefits and taxes pursuant to New Jersey law. While this does not mark the first time employers have been required to distribute a notice to employees, it is the only notice law on the books that could cost employers their licenses to conduct business in the state. Needless to say, employers should pay attention to this one, and begin to change their practices **immediately**. Also, as explained below, a form notice must be sent to all employees by **December 7, 2011**.

### The Notice

The notice provides employees with information regarding their employer's obligation to maintain and report records pursuant to New Jersey's 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 Law. Furthermore, the notice provides contact information for employees wishing to provide information to or file a complaint with the State regarding an employer's possible failure to meet any of the requirements set forth in the notice.

A copy of the required notice can be [found here](#).

### Posting and Distribution Requirements

The new posting and distribution requirements are as follows:

- Employers must post the notice in a place accessible to all employees **immediately**.
- Employers must provide all current employees with a written copy (or copy via email) of the notice no later than **December 7, 2011**.
- Employers must provide all employees hired after **November 7, 2011** with a written copy of the notice at the time of hire.

Employers can satisfy the first requirement by posting the notice on an internet or intranet site if such site is maintained for exclusive use by employees and all employees have access to it.

## **Violations and Penalties**

Employers who fail to adhere to these regulations could be found guilty of a disorderly persons offense, resulting in fines ranging between \$100 and \$1,000.

In addition, employers who fail to maintain and report the required records and fail to pay required wages, benefits, or taxes may be subject to an NJDOL audit no later than 12 months after the determination. If the audit uncovers a continued failure to pay wages, benefits, or taxes the NJDOL (1) may issue a written determination and may suspend the employer's license(s) and (2) will conduct a second audit within 12 months. If the second audit reveals another violation, the NJDOL may issue a written determination to permanently revoke the employer's license(s).

The regulations also prohibit employers from discharging or discriminating against an employee for inquiring or complaining about possible violations of any of the above-listed laws. Employers engaging in such retaliation must offer reinstatement to the employee and must pay all wages and benefits lost as a result of the discriminatory action, all reasonable legal costs, and punitive damages in an amount equal to twice the lost wages and benefits.

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