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New Jersey New Poster Requirements

On August 1, 2022, the New Jersey Division on Civil Rights (DCR) finalized regulations to increase the visibility and effectiveness of posters required by the State of New Jersey. Among other things, these regulations require employers to display posters informing people of their rights under New Jersey's Law Against Discrimination ("NJLAD") and Family Leave Act ("NJFLA"). The regulations went into effect immediately.

■ Background

The NJLAD protects New Jersey employees from discrimination in the workplace. It prohibits all employers in the State of New Jersey from discriminating against and harassing employees (and prospective employees) based on their protected status (including, but not limited to, race, national origin, age, sex, gender identification, sexual orientation, marital status, religion, disability, pregnancy, military status). Under the law, employers cannot refuse to hire, fire, or otherwise discriminate against an individual in compensation or other terms, conditions or privileges of employment based on the individual's protected status.

The NJFLA permits eligible employees to take up to 12 weeks of family leave in a 24-month period without losing their jobs. Employers with at least 30 employees are subject to the NJFLA.

Who Must Display the Posters?

All employers of employees covered by the NJLAD and NJFLA must display the required posters. Employers with prior versions of these posters already displayed should remove them and replace them with the new, updated and amended posters. To assist employers in determining which posters apply to them, DCR has created an employer flowchart which can be found at https://www.njoag.gov/wp-content/uploads/2022/07/Flowchart_Employment.pdf



Where Are These Posters Found?

The posters can be found on DCR's website and can be both downloaded and printed. The Employment Poster can be found at <https://www.njoag.gov/wp-content/uploads/2022/07/Employment.pdf> and the Family Leave Act Poster can be found at <https://www.njoag.gov/wp-content/uploads/2022/07/Family-Leave-Act.pdf>. Any poster printed from the website must be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. The posters can also be found at any of DCR's offices.

How Should the Posters be Displayed?

The updated posters must be displayed in a place that is easily accessible to all employees and prospective employees.

What if Employees Only Work Remotely?

In the event an employer does not have a physical location, employers should display the required posters on an internet site or intranet site that is accessed by all employees and where other notices are customarily displayed to employees.

Employers are also required to distribute copies of the NJLAD and NJFLA posters to each employee annually, on or before December 31 of each year, and upon the first request of an employee. The posters can be distributed in the following ways:

- Printed material, including, but not limited to, paycheck inserts, a brochure or similar informational packet provided to new hires, an attachment to an employee manual or policy book, or a flyer distributed at an employee meeting.
- An internet or intranet website, if the site is for the use of all employees, can be accessed by all employees, and the employer provides notice to the employees of its posting.

What is the Penalty for Not Complying?

Failure to display the required posters can result in fines up to \$10,000.

Where Can More Information on the Regulations be Found?

DCR has posted Frequently Asked Questions on its website regarding the regulations. The FAQs can be found at: <https://www.njoag.gov/wp-content/uploads/2022/08/Poster-Regulations-FAQ.pdf>

■ Employer Action

Employers should ensure they are properly posting and distributing (where applicable) all of the required updated posters.