



Human Resources Legal Fact Sheet: **New Jersey**

Updated June 2020

Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in October 2020, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.

Are there New Jersey state laws for dairy farms about the following?

Hiring

Topic	Answer	Summary
Notice of Payday / Pay Rate ¹	YES	Employers must: <ul style="list-style-type: none"> notify their employees when they are hired of their rate of pay and the designated regular paydays. notify their employees of any changes in the pay rates or pay days before those changes go into effect. give each employee a statement of deductions made from his wages for each pay period those deductions are made. keep the Commissioner of Labor's abstract of the Wage Payment Law posted in a place accessible to employees.
Reporting ²	YES	New hires and rehires must be reported to the New Jersey New Hire Directory within 20 days.

Wages

Topic	Answer	Summary
Payday ³	YES	Employers must pay employees at least twice during each calendar month on days designated in advance as regular paydays. If a regular payday falls on a non-work day, payment must be made on the immediately preceding work day. The end of the pay period for which payment is made on a regular payday cannot more than 10 working days before such regular payday. An employer may establish regular paydays less frequently than semi-monthly for bona fide executive, supervisory and other special classifications of employees as long as the employee is paid in full at least once each calendar month on a regularly established schedule.
Final Pay ⁴	YES	An employer must pay a terminated employee and an employee who has resigned from his employment all wages due no later than the regular payday for the pay period in which he was separated from employment.
Overtime ⁵	YES	Employees engaged in farm labor are exempt from overtime pay (unless they are involved in the first processing of farm products). Please see the Department of Labor and Workforce Development website for more information on farm labor.
Minimum Wage ⁶	YES	Employers must pay nonexempt employees at least the minimum wage, which is \$11.00 per hour as of January 1, 2020. The minimum wage will increase by one dollar each year thereafter for the next four years according to the following



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		<p>schedule: For January 1, 2021, \$ 12.00; For January 1, 2022, \$ 13.00; For January 1, 2023, \$ 14.00; and For January 1, 2024, \$ 15.00.</p> <p>Beginning January 1, 2025, on an annual basis, on or about September 30, the NJ Department of Labor will revise the minimum hourly wage set forth above based on any percentage increase during the one-year period of August of the prior year through August of the current year of the consumer price index (CPI) for all urban wage earners and clerical workers (CPI-W, U.S. City Average), as released by the United States Department of Labor, Bureau of Labor Statistics. Annually, the NJ Department of Labor shall, through a public notice published in the New Jersey Register, provide the new CPI-W, U.S. City Average, adjusted minimum hourly wage.</p>
Hours Worked ⁷	YES	<p>Employers are required to pay employees minimum wage for all hours worked. Hours worked include all time employees are required to be at their place of work or on duty. If employees reside on their employer's premise and have irregular and intermittent work hours to the extent it is not feasible to determine how many hours the employees actually worked, the employer may pay the employees for no fewer than eight hours each day they are on duty.</p>
Reporting Time Pay ⁸	YES	<p>Employers must pay employees for at least one hour at the applicable wage rate if they show up or report for duty at the request of their employer, except when the employer has made available to the employee the minimum number of work hours agreed upon by the employer and employee prior to the commencement of work on the day involved.</p>
Pay Stub ⁹	YES	<p>Employers must give each employee a statement of deductions made from his wages for each pay period those deductions are made.</p>
Taxes and Withholding ¹⁰	YES	<p>Employers must withhold state income taxes from wages paid using the percentage method formula or withholding tables provided by the state Division of Taxation. Salaries, wages, tips, fees, commissions, and bonuses are subject to withholding. State law requires employers to withhold state income tax from wages paid to employees who are New Jersey residents unless:</p> <ul style="list-style-type: none"> • the income is earned completely out of state. • the employer withholds another state's income tax. • the other state's tax withholding is equal to or greater than the New Jersey withholding. <p>Employers must pay New Jersey Unemployment taxes if:</p> <ul style="list-style-type: none"> • you paid cash wages to farm workers of \$20,000 or more in a quarter in the current or prior calendar year; OR, • you employed ten or more farm workers for some part of a day in 20 or more weeks of the current or prior calendar year.
Deductions and Allowances ¹¹	YES	<p>An employer may withhold money from an employee's wages only when the deduction is:</p> <ul style="list-style-type: none"> • Authorized by state or federal law. • Authorized in writing by the employee or under a collective bargaining agreement as contributions to an employee's and his spouse's: • welfare plans;



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- insurance plans;
- hospitalization plans;
- pension plans;
- retirement plans;
- profit-sharing plans; and
- individual retirement annuities or accounts.
- Authorized in writing by the employee or under a collective bargaining agreement as contributions to company-operated thrift plans or security option or security purchase plans to buy securities listed on the stock exchange or marketable over the counter.
- Authorized by the employee and approved by the employer as a payment into employee personal savings accounts or banks for Christmas, vacation, or other savings funds.
- A payment approved by the employer for:
 - company products purchased according to a periodic payment schedule contained in the original purchase agreement;
 - employer loans to employees according to a periodic payment schedule contained in the original loan agreement;
 - safety equipment;
 - the purchase of US bonds; and
 - correcting previous payroll errors.
- Authorized by the employee and approved by the employer for organized and generally recognized charities.
- Authorized by the employee or his collective bargaining agent and approved by the employer for the rental or cleaning of work clothing or uniforms.
- A payment for labor organization dues, initiation fees, and other charges permitted by law.
- Authorized in writing by the employee, under a collective bargaining agreement, as a contribution to a political committee or continuing political committee established by the employee's labor union.
- Authorized in writing by the employee as a contribution to any political committee or continuing political committee.
- Authorized by the employee as payment for employer-sponsored programs to pay for individual or group insurance or annuities if otherwise permitted by law.

An employer may also withhold money from an employee's wages when the deduction is authorized in writing either by the employee or under a collective bargaining agreement:

- To pay for health club membership fees or child care services if approved by the employer.
- For mass transportation commuter tickets or employer-provided transportation to a work site.

Bonuses¹²

YES

The definition for wages provided in Massachusetts law does not specifically include bonuses in the definition of wages. But Massachusetts courts have considered the



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		<p>question of whether bonuses are considered wages. Generally, discretionary bonuses or bonuses contingent on some outcome are not considered wages, while nondiscretionary bonuses paid under an agreement are likely to be considered wages because they are comparable to other specifically referenced forms of compensation and protected under wage law.</p> <p>Employers should follow any written policy they have about paying bonuses as a best practice.</p> <p>A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals). Discretionary bonuses are ones that are generally not expected by the employee – the employer has discretion as to whether the employee receives a bonus and the amount of the bonus received. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.</p>
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Recordkeeping

Topic	Answer	Summary
Payroll ¹³	YES	<p>All employers must keep records of each employee's:</p> <ul style="list-style-type: none"> • Full name and address. • Birth date, if the employee is under 18 years old. • Total hours worked each day and each workweek. • Beginning and end dates of each pay period. • Earnings, including: <ul style="list-style-type: none"> • the regular hourly wage; • gross to net amounts with itemized deductions; and • the basis on which wages are paid. <p>Records must be kept:</p> <ul style="list-style-type: none"> • For six years. • At the place of employment or in a central office in New Jersey, although the New Jersey Commissioner of Labor may make an exception if it is not feasible for the employer to keep records in New Jersey. <p>Any employer that claims credit for food or lodging as a cash substitute must maintain and preserve records that include the nature and amount of any expenses that enter into the computation of the fair value of the food or lodging. The records must also include whatever date is required to compute depreciation of assets allocable to the lodgings.</p>
Personnel File – Employee Access	NO	New Jersey does not have an access to personnel files law that applies to private employers.
Unemployment Insurance ¹⁴	YES	<p>An employer must keep records which show, for each pay period:</p> <ol style="list-style-type: none"> 1. The beginning and ending dates; 2. The full name of each employee and the day or days in each calendar week on which services for remuneration are performed;



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		<ol style="list-style-type: none"> 3. The total amount of remuneration paid to each employee showing separately cash, including commissions and bonuses; the cash value of all compensation in any medium other than cash; gratuities received regularly in the course of employment if reported by the employee, or if not so reported, the minimum wage rate prescribed under applicable laws of this State or of the United States or the amount of remuneration actually received by the employee from his employing unit, whichever is the higher; and service charges collected by the employer and distributed to workers in lieu of gratuities and tips; 4. The total amount of all remuneration paid to all employees; 5. The number of weeks worked. <p>Each employing unit must also maintain a record for each worker containing:</p> <ol style="list-style-type: none"> 1. Full name, address, and Social Security account number; 2. An entry under the heading "special payments" of the amount of any special payments such as bonuses and gifts which have been paid during the pay period but which relate to employment in a prior period. The following shall be shown separately under this heading: cash payments, cash value of other remuneration, the nature of such payments, the period during which the services were performed for which special payments were payable; 3. The date hired, rehired and returned to work after temporary layoff; and 4. The date separated from employment and the reason for such separation.
<p>Workers' Compensation¹⁵</p>	<p>YES</p>	<p>All NJ employers must have workers' compensation coverage or be approved for self-insurance. However, there are no specific recordkeeping requirements.</p> <p>After an accident or the occurrence of an occupational disease, an employer who has insurance coverage or utilizes a third-party administrator must promptly furnish the insurance carrier or the third-party administrator with the accident or occupational disease information. And within three weeks after an accident or the occurrence of an occupational disease, every insurance carrier, third-party administrator, statutory non-insured employer, and duly authorized self-insured employer not utilizing a third-party administrator must file a report designated as "first notice of injury" with the Division of Workers' Compensation through the Compensation Rating and Inspection Bureau.</p> <p>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, it may prepare and sign an amended report and file it with the insurance carrier or third-party administrator. The amended report must then be filed electronically with the Division through the Compensation Rating and Inspection Bureau.</p>
<p>OSHA</p>	<p>YES</p>	<p>New Jersey has incorporated the federal standard for OSHA recordkeeping and reporting. Refer to the federal fact sheet.</p>
<p>Federal</p>	<p>YES</p>	<p>There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.</p>



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Working Conditions

Topic	Answer	Summary
Bathrooms ¹⁶	YES	<p>A commercial farm shall provide sanitary facilities if (i) indoor seating space, outdoor picnic tables, or other areas are made available to enable customers to consume food on-site; or (ii) an on-farm direct marketing activity or event promotes customers staying on-site for more than 90 minutes.</p> <p>A commercial farm shall provide hand-sanitizing facilities for visitors to utilize after the use of the sanitary facilities. Hand-sanitizing facilities include running water with soap, antibacterial hand wipes, waterless hand sanitizers, and/or other hand-washing stations. Sanitary facilities shall be located and managed with an appropriate cleaning schedule, so as to prevent adverse impacts on adjacent properties, such as odors.</p> <p>At any farm where seasonal farm workers labor in a field that is an unreasonable distance from central facilities, the farm operator must provide a sufficient supply of cool, potable water, and for each sex sufficient, suitable and separate privies or other toilet facilities in the working area which shall be properly screened, ventilated and kept clean and suitable facilities for the washing of hands.</p> <p>Employers must provide access to a toilet and sink within ¼ mile from where an employee works. Additionally, there must be one toilet for every 20 workers, and employers must allow employees to use the bathroom whenever they need to do so, and cannot charge employees for bathroom use or water.</p>
Working Hours	NO	<p>New Jersey law does not limit the number of hours or days that an adult can work.</p>
Rest and Meal Breaks	NO	<p>New Jersey does not require employers to provide breaks, including lunch breaks, for workers eighteen years old or older.</p> <p>An employer who chooses to provide a break in excess of twenty 20 minutes does not have to pay wages for lunch periods or other breaks if the employee is free to leave the worksite, in fact takes their lunch or break, and the employee does not actually perform work. According to federal law, breaks twenty 20 minutes or shorter typically must be paid.</p>
Labor Relations	NO	<p>No provision in state law recognizing farm worker rights to organize.</p>
Whistleblower Protection ¹⁷	YES	<p>The New Jersey Conscientious Employee Protection Act (CEPA) protects whistleblowers against unlawful retaliation for their whistleblowing activity. Under CEPA, an employer cannot discharge, suspend, demote, or take other retaliatory action against an employee if that employee discloses or threatens to disclose an activity, policy, or practice of employer or other, with whom there's a business relationship, testify or object to or refuse to participate if action violates law, rule is fraudulent or criminal or incompatible with clear mandate concerning public health, safety, welfare, or protection of the environment.</p>
Paid Sick and Vacation Leave ¹⁸	YES	<p>An employee may take leave under the New Jersey Earned Sick Leave Act (NJ-ESLA) for:</p>



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		<ul style="list-style-type: none"> • The diagnosis, care, treatment, or recovery from an existing mental or physical illness or injury or preventative care for the employee or member of the employee's family. • Circumstances resulting from domestic or sexual violence committed against the employee or a family member of the employee. • Time during which a public health emergency prevents the employee from being able to work because of a closure of the employee's workplace or the school or place of care of a child of the employee. • The employee's child, to attend a school-related conference or other event requested or required by a school administrator or other professional staff member responsible for the child's education; or a meeting regarding care provided to the child about the child's health conditions or disability. <p>Employers may limit an employee:</p> <ul style="list-style-type: none"> • To accruing no more than 40 hours of sick time per benefit year (although employers are no longer required to establish a single benefit year for all employees). • To using not more than 40 hours of sick time per year. • From carrying forward no more than 40 hours of sick time per year. <p>Under the NJ-ESLA, employers may determine the amount of time an employee must use for each absence; however, the amount of time an employee may be required to use per day may not exceed the number of hours of that employee's shift for the day.</p> <p>If both the employee and employer agree, an employee may voluntarily work additional hours or shifts during the same or following pay period instead of using accrued earned sick leave.</p> <p>For persons employed prior to the October 29, 2018 effective date of the law, sick leave began to accrue immediately. Such employees were eligible to use sick leave 120 days after the effective date.</p> <p>For persons employed after the effective date, earned sick leave begins to accrue upon the date that employment and employees may use sick leave beginning on the 120th calendar day after the employee commences employment, unless the employer agrees to an earlier date. After the initial period, employees may use earned sick leave as soon as it is accrued.</p>
Paid Family Leave ¹⁹	YES	<p>The New Jersey Family Leave Insurance Law (NJFLIL) does not require employers to provide leave, but provides eligible employees with monetary benefits during leave, if the leave is to:</p> <ul style="list-style-type: none"> • Care for or bond with a newborn or newly-adopted child during the first 12 months after the child's birth or placement for adoption with the employee. • Care for a family member with a serious health condition.



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		<p>The NJFLIL provides benefits for up to six weeks to compensate eligible employees for wages lost because of covered, unpaid leave such as the NJFLA or the federal Family and Medical Leave Act.</p> <p>There is no specific method for calculating leave time, but it limits benefit payments to six weeks (42 days). Employers may require employees to use up to two weeks of paid time off at the beginning of the leave, which counts toward the six-week total. The NJFLIL covers employees who, during the 12 months before the leave, worked at least 20 calendar weeks and earned at least \$145 or earned at least 1,000 times the New Jersey minimum wage.</p> <p>Beginning July 1, 2020, employees will be entitled to 12 weeks of continuous or 56 days of intermittent NJ FLIL benefits in a 12-month period. The NJFLIL reasons for use include bonding within 12 months of the child’s birth or placement with adoptive or foster parents, to care for a family member with a serious health condition, or to care for a victim of domestic violence or a sexually violent offense.</p>
Breaks for Nursing Mothers ²⁰	YES	<p>Under the New Jersey Law Against Discrimination, employers must provide breastfeeding employees “reasonable break time” and a “suitable room or other location with privacy” to express breastmilk for their infant children. The room or location must be in close proximity to the employee’s work area and may not be a toilet stall.</p>
Pregnancy Accommodations and Leave ²¹	YES	<p>The New Jersey Law Against Discrimination (LAD) prohibits discrimination against women affected by pregnancy, childbirth, or related medical conditions. Under the LAD, employers are prohibited from discriminating against pregnant workers or otherwise treating pregnant women less favorably than those who are not pregnant but have similar work abilities.</p> <p>Employers must also provide reasonable accommodations for pregnant employees who request such accommodations on the advice of their physicians. Reasonable accommodations may include restroom breaks, permission to carry a water bottle, periodic rest, assistance with manual labor, job restructuring, a modified work schedule, or a temporary transfer to work that is less physically demanding or hazardous. Employers cannot retaliate against the employee for needing, using, or asking for reasonable accommodations.</p> <p>Employers are not required to make accommodations if the accommodations would impose an undue hardship on the employer.</p> <p>Factors to be considered in determining whether an accommodation imposes an undue hardship include the size of the business; the type of its operations; the nature and cost of the accommodation, taking into consideration the availability of tax credits, tax deductions, and outside funding; and the extent to which the proposed accommodation would involve waiving an essential requirement of a job.</p>



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<p>Unpaid Family and Medical Leave²²</p>	<p>YES</p>	<p>Eligible employees (of employers that have at least 50 employees) may take up to 12 weeks of leave during a 24-month period leave under the New Jersey Family Leave Act (NJFLA) for:</p> <ul style="list-style-type: none"> • The birth or adoption of a child; or • A serious health condition of: <ul style="list-style-type: none"> ○ a child, including children under 18 years old who are biological, adopted, foster, or stepchildren or legal wards and children over 18 years old who are incapable of self-care because of a physical or mental impairment; ○ a parent, including biological, adoptive, foster and stepparents, parents-in-law, and legal guardians; or ○ a spouse or partner in a civil union couple. <p>An employee is eligible for NJFLA leave if the employee has worked at least 12 months in New Jersey for the covered employer and has worked at least 1,000 base hours during the immediately preceding 12 month period.</p>
<p>Military and other Service Leave²³</p>	<p>YES</p>	<p>Under the Soldiers' and Sailors' Civil Relief Act, all employees who leave work, other than a temporary position, to do any of the following are eligible for leave:</p> <ul style="list-style-type: none"> • Complete military service for the US armed forces. • Participate in military assemblies or annual training. • Attend service schools conducted by the US armed forces for up to a total of three months (but no more than three months over any four-year period). <p>The statute does not specify the amount of leave an employee may take each year with one exception. The law limits leave to attend service schools conducted by the US armed forces to a total of three months in any four-year period.</p> <p>See federal fact sheet for further information on military and service leave under USERRA.</p>
<p>Crime Victim and Witness Leave²⁴</p>	<p>YES</p>	<p>Under the New Jersey Security and Financial Empowerment Act, an eligible employee who has been a victim of domestic violence or sexual assault or whose child, parent, spouse, domestic partner, or civil union partner has been a victim may take up to 20 days of job-protected leave in a 12 months period to:</p> <ul style="list-style-type: none"> • Seek or receive medical treatment. • Recover from the injuries caused by the domestic violence or sexual assault. • Obtain services from a victim services organization. • Obtain psychological or other counseling. • Participate in safety planning, moving, or taking other actions to increase safety. • Seek legal assistance in any civil or criminal proceeding. • Attend, participate, or prepare for criminal or civil court proceedings.



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		<p>An eligible employee is an employee that has been employed by the employer for at least 12 months and has worked 1,000 hours during the 12-month period immediately preceding the leave.</p> <p>Employers may not:</p> <ul style="list-style-type: none"> • Rescind or reduce any employment benefit accrued before the date of leave, unless based on changes that would have occurred if the employee continued to work without taking leave; or • Discharge, harass, discriminate, retaliate, or threaten to discharge, harass, discriminate, or retaliate against an employee concerning: <ul style="list-style-type: none"> ○ compensation; ○ terms; ○ conditions; or ○ privileges.
Jury Duty Leave ²⁵	YES	<p>Employees may take leave when required to attend court for jury service. The statute provides no specific amount of leave time an employee may take for jury service. Employers cannot penalize, threaten, or otherwise coerce an employee because that employee must attend court for jury service. An employer is not required to pay an employee any wages for time spent complying with a jury summons or serving on a jury.</p>
Voting Leave	NO	<p>New Jersey does not have a law that requires an employer to grant its employees leave, either paid or unpaid, to vote.</p>
Emergency Responders Leave ²⁶	YES	<p>The New Jersey Emergency Responder Employment Protection Act protects “voluntary emergency responders” who are absent from work because they are either (i) serving as volunteer emergency responders during a state of emergency declared by the US President or the New Jersey Governor; or (ii) actively engaging in responding to an emergency alarm.</p> <p>Volunteer emergency responders include:</p> <ol style="list-style-type: none"> 1) Active members in good standing of a volunteer fire company. 2) Volunteer members of a duly incorporated first aid, rescue, or ambulance squad. 3) Members of any county or municipal volunteer Office of Emergency Management, if the member's official duties include responding to a fire or emergency call. <p>However, volunteer emergency responders must provide their employers with:</p> <ul style="list-style-type: none"> • Notice at least one hour before the start of a scheduled shift or workday. • A copy of the incident report and a certification by the incident commander or other official or officer in charge affirming that the volunteer emergency responder was actively engaged in, and necessary for, rendering emergency services, and setting forth the date and time the volunteer emergency responder was relieved from duty. <p>The statute does not specify an amount of leave time that an employee may take each year. However, the statute requires daily notice from the incident commander if the leave extends beyond one work day.</p>



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School Activity Leave²⁷

YES

See analysis of New Jersey Earned Sick Leave Act, above.

Human Rights

Topic	Answer	Summary
Employment Discrimination ²⁸	YES	<p>The N.J. Law Against Discrimination makes it unlawful to subject people to differential treatment based on race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), familial status, marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status.</p> <p>The LAD prohibits employers from discriminating in any job-related action, including recruitment, interviewing, hiring, promotions, discharge, compensation and the terms, conditions and privileges of employment on the basis of any of the law's specified protected categories set forth above. It is also an unlawful employment practice under the LAD to pay less to any member of a protected employee category for "substantially similar work."</p>
Harassment / Sexual Harassment ²⁹	YES	<p>Employers have an obligation to provide a workplace that is free from harassment. State law prohibits harassment based on race, age, gender, pregnancy, mental or physical disability, religion, color, national origin, sexual orientation, military/veteran status, or any other protected category. Harassment is illegal when it creates a hostile work environment and would cause a reasonable person in a protected category to feel humiliated or intimidated based on their protected category such that the terms and conditions of employment are altered.</p> <p>Harassment need not be committed by a supervisor or manager in order to be actionable. Employers have an obligation to protect employees from all forms of workplace harassment, and under certain circumstances, employers may be held liable for the actions of non-supervisory co-workers who commit harassment.</p> <p>Under the LAD, sexual harassment includes unwelcome sexual advances, requests for sexual relations or other verbal or physical conduct of a sexual nature. There are generally two types of sexual harassment. Quid pro quo harassment occurs when an employer, or an employer's agent, implicitly or explicitly attempts to make submission to sexual demands a condition of employment. Thus, an employee may perceive that he or she must tolerate sexual advances or engage in a sexual relationship in order to continue employment, to achieve advancement, or to avoid adverse employment consequences such as poor evaluations or demotions. Similarly, it is unlawful for an employer or an employer's agent to condition favorable treatment such as promotions, salary increases, or preferred assignments, on an employee's acceptance of sexual advances or relations.</p>



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	<p>Hostile work environment sexual harassment occurs when an employee is subjected to sexual, abusive, or offensive conduct because of his or her gender. Such conduct creates an unlawful work environment when it is severe or pervasive enough to make a reasonable person of the employee's gender believe that the conditions of employment have been altered and the working environment has become hostile or abusive. The conduct does not have to be sexual in nature and does not have to involve physical contact. For example, if a woman is subjected to non-sexual taunts or adverse treatment because of her gender, her work environment may be deemed unlawfully hostile and abusive. Other examples of actions which can be part of a hostile work environment can include physical touching and assaults, inappropriate or insulting comments and jokes, racial, sexual or other epithets, explicit emails or pictures, excessive yelling, screaming or swearing, less desirable job assignments, undeserved verbal or written reprimands, and other offensive or demeaning conduct that is motivated by your race, age, gender, pregnancy, mental or physical disability, religion, color, national origin, sexual orientation, military status, or any other protected category.</p>
<p>Forced Labor³⁰</p>	<p>YES</p> <p>Human trafficking is illegal in New Jersey. A person commits the crime of human trafficking if he:</p> <ol style="list-style-type: none"> 1) knowingly holds, recruits, lures, entices, harbors, transports, provides or obtains, by any means, another, to engage in sexual activity or to provide labor or services: <ol style="list-style-type: none"> a. by causing or threatening to cause serious bodily harm or physical restraint against the person or any other person; b. by means of any scheme, plan, or pattern intended to cause the person to believe that the person or any other person would suffer serious bodily harm or physical restraint; c. by committing a violation of criminal coercion against the person; d. by destroying, concealing, removing, confiscating, or possessing any passport, immigration-related document or other document issued by a governmental agency to any person which could be used as a means of verifying the person's identity or age or any other personal identifying information; e. by means of the abuse or threatened abuse of the law or legal process; f. by means of fraud, deceit, or misrepresentation against the person; or g. by facilitating access to a controlled dangerous substance or controlled substance; or 2) receives anything of value from participation as an organizer, supervisor, financier or manager of a scheme; or 3) knowingly holds, recruits, lures, entices, harbors, transports, provides or obtains, by any means, a child under 18 years of age, to engage in sexual activity, whether or not the actor mistakenly believed that the child was 18 years of age or older, even if that mistaken belief was reasonable.



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Child Labor

Topic	Answer	Summary
Child Labor ³¹	YES	<p>No minor under age 12 may do farm or agricultural work.</p> <p>A person must be at least 12 years old to work on a farm. Permitted farm work includes helping raise livestock; working in a nursery; using nonpowered hand tools to rake, shovel, plant; or do “first processing” of farm products.</p> <p>Minors under 16 years of age must obtain a special agricultural permit. The permit must state exactly what kind of work the minor will do, the minor’s work hours, pay, and any special conditions or work requirements. An agricultural permit is valid for only 6 months.</p> <p>Minors aged 16 and 17 do not need an agricultural permit or working paper.</p> <p>12-year-old workers may work no more than 10 hours a day, 6 days a week, outside of school hours.</p> <p>16-year-old workers may work no more than 10 hours a day, 6 days a week during school hours.</p> <p>Workers under 18 must get a 30-minute meal or rest break after 5 continuous hours of work.</p> <p>The law does not restrict the number of hours that minors can work directly for their own parents or legal guardian, in connection with their own home, outside of school hours.</p> <p>Workers must be 16 to work with conveyor belts, farm tractors, power lawn mowers, power woodworking or metal working tools, or power-driven machinery. Power-driven machinery does not include agricultural machines when used on farms, such as standard type poultry feeders, egg washers, egg coolers, and milking machines.</p> <p>Please see New Jersey Department of Labor and Workforce Development Abstract for further information.</p>

Health and Safety

Topic	Answer	Summary
Workers Compensation ³²	YES	<p>Agricultural employers must carry workers' compensation insurance. Once an accident is reported to an employer, they should notify their insurance carrier immediately so that a <i>First Report of Injury</i> can be filed with the State. The employer's WC insurance carrier will evaluate the claim and determine if it's compensable under the WC law. More information.</p>



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		Within 26 weeks after the worker returns to work or reaches maximum medical improvement, the insurance carrier is required to submit another form to the Division called the <i>Subsequent Report of Injury</i> .
OSHA	YES	New Jersey does not have an approved OSHA “state plan.” New Jersey is under federal OSHA jurisdiction which covers most private sector workers within the state. Please refer to federal fact sheet for further information.
Housing	YES / NO	New Jersey law does not explicitly address standards for farm-provided permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.

¹ N.J.S.A. §34:11-4.6

² N.J.S.A. §2A:17-56.61

³ N.J.S.A. §34:11-4.2

⁴ N.J.S.A. §34:11-4.3

⁵ N.J.S.A. §34:11-56a4(b); N.J.S.A. §12-56-11.1.

⁶ N.J.S.A. §12:56-3.1(a)

⁷ N.J.S.A. §12:56-5.1, 5.2

⁸ N.J.S.A. §12:56-5.5

⁹ N.J.S.A. §34:11-4.6

¹⁰ N.J.R.S. §54A:7-1; 43:21-1 et seq.

¹¹ N.J.S.A. §34:11-4.4; N.J.A.C. §12:55-2.1(a)(2)(viii); §12:55-2.2(a)

¹² N.J.S.A. §34:11-56a1

¹³ N.J.S.A. §§12:56-4.1, 4.4, 4.5, 4.6; N.J.A.C. § 12:16-2.1

¹⁴ N.J.R.S. § 43:21-1 et seq.; N.J.A.C. § 12:17-6.1

¹⁵ N.J.S.A. §34:15-1 et seq; N.J.A.C. § 12:235-11.1

¹⁶ N.J.A.C. §2:76-2A.13(e) and (g); **N.J.S.A. 34:9A-28 and 38**

¹⁷ N.J.S.A. §34:19-1, et seq.

¹⁸ N.J.S.A. §34:11D-1 - §34:11D-11.

¹⁹ N.J.S.A. § 43:21-26 to 43:21-39

²⁰ N.J.S.A. §10:5-12, et seq.

²¹ N.J.S.A. §10:5-12, et seq.

²² N.J.S.A. §§34:11B-1-1 to 34:11B-16

²³ N.J.S.A. §§38:23C-1 to 38:23C-26

²⁴ N.J.S.A. §§34:11C-1 to 34:11C-5

²⁵ N.J.S.A. §2B:20-17(a).

²⁶ N.J.S.A. §§40A:14-213 - 214.

²⁷ N.J.S.A. §34:11D-1 - §34:11D-11

²⁸ N.J.S.A. §10:5-12, et seq

²⁹ N.J.S.A. §10:5-12, et seq

³⁰ N.J.R.S. §2C:13-8(2013)

³¹ *N.J.S.A. §34:2-21.1 et seq.*

³² N.J.R.S. §§34:15-1 to R.S. 34:15-142