

Questions Employers Should Ask Themselves

01/24/24

It is the start of a new year, time for employers to make sure they are complying with employment laws:

1. Do any employees have written contracts? Do the contracts change the employees' at-will status and require notice for termination? If not, are the "contracts" just offer letters?
- [New Year, New Hires? Protect Your Business with an Offer Letter](#)

2.

Do the employees sign any of the following agreements: confidentiality, restrictive covenant, or arbitration? If not, should they?

- [Non-Disparagement Provisions, Confidentiality Provisions, and now Non-Competition Agreements](#)
- [Employment Law Update: Biden Signs Law Prohibiting Employer Agreements From Requiring the Arbitration of Sexual Harassment or Sexual Assault Claims](#)

3.

Does the employer hire any independent contractors? Do the independent contractors meet the test to be appropriately classified as independent contractors?

- [Employment Law Update: Recent Case Law Supports Categorization of Workers as Employees](#)

4.

Has the employer recently reviewed job applications, the employees' job descriptions and compensation to ensure compliance with the Fair Labor Standards Act (i.e. does the employee, who is exempt from overtime, meet the duties test to be exempt from overtime) and the NJ Equal Pay Act?

- [Employers: Don't Ask, Because Job Candidates Don't Have To Disclose Their Salary History](#)
- [Employment Law Update: Amendment to New Jersey's Ban the Box Law Clarifies Its Reach](#)
- [Salaried Employees May be Entitled to Overtime Pay](#)
- [A New Type of Claim Under The New Jersey Law Against Discrimination: Equal Pay Violations](#)

5.

Does the company have an employee handbook? Does the handbook have: anti-discrimination, equal employment opportunity and reasonable accommodation policies? Does the company provide in-person training, to all employees, regarding same?

- [Employment Law Update: NLRB Attack #3 – Employee Handbooks](#)
- [An Employer Must Take Certain Steps to Assert an Affirmative Defense Against Harassment or Discrimination](#)

6.

Is the company aware of the poster requirements for an employer of its size? Is the employer aware of the distribution of policies/DOL notice requirements for an employer of its size?

- [Employer Alert: Deck the Walls-New Division of Civil Rights Posters Must Be Distributed by December 31, 2022](#)

7.

Does the employer have to post the notice regarding human trafficking?

- State of New Jersey, Department of Law & Public Safety: [Human Trafficking](#)

8.

If the employer has 30 or more employees, are they appropriately complying with the New Jersey Family Leave Act (NJFLA)? If the employer has 50 or more employees, are they appropriately complying with the federal Family and Medical Leave Act (FMLA) and understand the interaction between the NJFLA and FMLA as well as the interaction with job paying statutes such as Workers Compensation, NJ Family Leave Insurance and Temporary Disability?

- [Family and Medical Leave Act, NJ Family Leave Act and NJ Family Leave Insurance: Employment Law "F" Words](#)

- [New Jersey's Paid Family Leave Has Changed!](#)

9.

Does the employer understand the impact of the reasonable accommodation section of the New Jersey Law Against Discrimination?

- [An Employee Request for a Reasonable Accommodation Requires Employers to Engage in the Interactive Process and Assess if the Requested Accommodation Creates an Undue Hardship](#)

- [On the Horizon: Telework as a Reasonable Accommodation under the New Jersey Law Against Discrimination](#)

10.

Is the employer complying with the requirements of the NJ Earned Sick Leave law, including the carry-over provision?

- [New Jersey Passes Paid Sick Leave Bill!](#)

- [Employment Law Update: DOL Releases Notice for NJ Paid Sick Leave Law](#)

- [Are you keeping sick leave records? . . . The DOL wants to know.](#)

- [Employers Should Exercise Caution in Using a Single PTO Policy to Comply with the New Jersey Earned Sick Leave Act](#)

11.

Does the employer provide all employees that are terminated or resign a NJ BC-10?

- [Significant Changes to New Jersey's Unemployment Compensation Law Will Take Effect on July 31, 2023](#)

12.

Does the employer have EPLI (Employment Practices Liability Insurance) and is the coverage adequate?

- ADP article: [Understanding the Benefits of Employment Practices Liability Insurance \(EPLI\)](#)

13.

Has the employer granted any accommodations to employee?

- [Employment Law Update: An Indefinite Accommodation May Not Be a Reasonable Accommodation](#)

Takeaway: There are a multitude of employment laws with which employers must comply. If you have any questions regarding any of the laws, please reach out to [Tracy Armstrong](#) or any attorney on our [Employment Law](#) team.

Attorney

- Tracy Armstrong

Practice

- Employment Law