

# WILENTZ

—ATTORNEYS AT LAW—

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## Employment Law Update: NJ Employers Required to Provide Form BC-10 to All Separated Employees

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The New Jersey Division of Unemployment, Department of Labor and Workforce Development (“Unemployment”) mandates that all employers provide a completed [Form BC-10](#), Instructions for Claiming Unemployment Benefits, to employees separated from employment. Previously, New Jersey did not require that employers provide the form to employees who were separated for fewer than seven days. Under the newly enacted law, [P.L.2011, Chapter 87](#), Form BC-10 must be given to any employee who becomes unemployed for any reason, whether the separation is permanent or temporary.

**The law requires employers to submit additional information about the employee’s employment, including:**

- the date the employee became unemployed;
- any return to work date for the employee, if the employment separation is temporary;
- a notification that the employee may lose some or all benefits if the unemployment claim is not filed in a timely manner.

**In addition to the above information, the employer must also provide:**

- the employer’s complete name and address;
- the employer’s New Jersey identification number;
- the employer’s telephone number;
- the work location of the employee;
- the date of the employee’s separation from employment.

The newly enacted law regarding Form BC-10 also provides that employers that fail to adhere to the new requirements will be subject to penalties prescribed by New Jersey Administrative Code Section 43:21-16(c). This provision establishes a fine of \$50.00 to be paid to the Unemployment Compensation Auxiliary Fund. Each day an employer fails to provide Form BC-10 to an employee constitutes a separate offense and incurs an additional \$50 fine.

**TAKEAWAY: Employers must provide Form BC-10 to employees separated from employment for any reason and for any length of time or face penalties.**

If you are an employer and need help navigating the state’s requirements for employee termination or any other employment laws, contact [Stephanie Gironda](#) or any member of the Wilentz [Employment Law](#) Team.

### Sources:

[1] [Instructions for Claiming Unemployment Benefits - Form BC-10](#)

[2] [P.L.2011, Chapter 87](#)

### Attorney

- Stephanie D. Gironda

## **Practice**

- Employment Law