Proposed New Jersey Legislation Seeks to Improve Working Conditions for Temporary Workers

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The New Jersey Legislature is now considering a revised bill from Governor Murphy, which would, among other things, require businesses to pay temporary workers no less than the average rate of pay and require them to offer no less than the equivalent benefits offered to their regular employees. The Bill (S511), called the "Temporary Worker's Bill of Rights" as originally passed by the New Jersey Legislature, was conditionally vetoed by Governor Murphy. In his conditional-veto statement, Murphy said he "wholeheartedly (supports) the overarching objectives" of the bill and proposed some revisions to the bill. Governor Murphy made clear that if his revisions are accepted by the Legislature, he will promptly sign it into law.

The proposed bill aims to address discriminatory practices in the labor industry and promote gender and racial pay equity. Under the proposed legislation, temp agencies would be required to keep written records of pertinent employment information in the worker's preferred language, as well as English, including: the location of the worksite, the hours worked, the rate of pay for each worker, a copy of any contract pursuant to which the temporary worker is performing work, and any deductions from the worker's pay. Under the bill, deductions for meals and equipment will be prohibited if it could result in bringing the worker's pay below minimum wage.

The bill also includes anti-retaliation provisions and requires that those hired by temp agencies be provided with key details about workers' compensation and contact information for the state Department of Labor and Workforce Development. If passed, the bill would allow the temporary worker to sue both the temporary labor agency as well as the third-party company for violations of the bill, either individually or in class actions. Additional affirmative protections for temporary workers in the bill include restrictions on charging workers for transportation to or from worksites and prohibiting workers from accepting positions with a third-party client. Businesses and temp agencies that violate the law would be subject to civil penalties, including financial penalties, with each day of non-compliance constituting a separate offense.

Importantly, one of the proposals that Murphy made, which is being considered by the Legislature is that the bill apply only to occupations "most vulnerable to exploitation" such as food service work, construction labor, security guards, building maintenance, cleaning, landscaping, factory, and transportation work. Among Murphy's other proposed revisions is a call for $1 million to be appropriated for the Department of Labor and Workforce Development to ensure "robust enforcement" of the new protections.

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If you have any questions concerning Bill (S511), or any other federal or state employment laws, please feel free to contact Jennine DiSomma or Osi Eigbe of Saiber LLC's Employment and Labor Law practice.