

## **New Jersey Department of Labor Issues Temporary Workers' Bill of Rights Regulations**

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*Source: Saiber Employment Law Alert*

Earlier this year, [we reported](#) that Governor Phil Murphy signed the Temporary Workers' Bill of Rights (the "Act") into law. The New Jersey Department of Labor ("DOL") recently issued proposed regulations, subject to a 60-day comment period, to implement the Act.

The regulations:

- contain general provisions, including the purpose and scope of the chapter, definitions, and sections addressing violations, administrative penalties, hearings, the Act's prohibition against retaliation, and the process for filing a complaint with the DOL alleging a violation of either the Act or the regulations;
- address the notification requirements of the Act and require use of the [DOL's standard form](#) to satisfy the "assignment notification statement;"
- describe the recordkeeping requirements under the Act both for temporary help service firms and their third-party clients;
- set forth the Act's requirements and restrictions regarding transportation of temporary laborers to and from the worksite;
- address the Act's provisions regarding post-employment restrictions;
- set forth how to calculate the maximum placement fee a temporary help service firm may charge third-party clients;
- describe in detail the method for calculating the hourly rate of pay a temporary help service firm must pay temporary laborers based on the average rate of pay and average cost of benefits provided to the third-party client's comparator employees;

- explain how to determine whether a temporary laborer and third-party client employee are performing “substantially similar work;”
- set forth the Act’s restrictions relating to charges and payroll deductions for unreturned reusable equipment, additional equipment, clothing, accessories, or other items which are not required by the nature of the work, that are made available for purchase; meals; consumer reports; criminal background checks; and drug tests;
- set forth what must be included in the required wage statements provided to temporary workers by temporary help service firms; and
- require that a third-party client reimburse the temporary help service firm for wages and related payroll taxes for services performed for the third-party client by a temporary laborer, and implement the complaint process for failure to complete the required reimbursements.

If you have any questions regarding the above proposed regulations, please contact Jennifer R. O'Connor or Catherine Soliman of Saiber LLC's Employment and Labor Law practice group.