

## New Jersey Supreme Court Grants Leave to Appeal Decision Interpreting Wage and Hour Amendments

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The New Jersey Supreme Court recently granted a defendant-employer’s motion for leave to appeal an Appellate Division decision interpreting the 2019 amendments (the “Amendments”) to the Wage and Hour Law (“WHL”) and the Wage Payment Law (“WPL”).

On appeal, the Supreme Court will determine whether the Amendments should apply to the claims brought in a class action lawsuit which was filed after the effective date of the Amendments, but which encompassed conduct that occurred before the effective date of the Amendments.

The defendant-employer has argued the Amendments should not apply retroactively to the plaintiffs’ claims because generally, newly enacted laws are applied prospectively and the text of the new law states the Amendments became effective “immediately,” evidencing the Legislature’s intent to apply the Amendments prospectively. The Appellate Division disagreed and ruled that the plaintiffs are entitled to have the court apply the WHL and the WPL as they exist at the time of the commencement of the lawsuit. The Court opined that applying the law in effect at the time a complaint is filed is not applying a statute retroactively but is applying a statute prospectively to cases filed after its effective date.

Among other things, the Amendments allow employees to recover liquidated damages in civil actions brought against their employers and extended the look-back period for which employees could recover unpaid wages in violation of the WHL from two to six years. Therefore, the Supreme Court’s interpretation of the Amendments can have significant consequential effects on claims against employers for wage and hour violations that occurred prior to the effective date of the Amendments.

You can read the Appellate Division opinion below.