



LABOR & EMPLOYMENT DEPARTMENT

ALERT

CEPA'S POSTING REQUIREMENT FOR NEW JERSEY

In the fall of 1986, New Jersey enacted the Conscientious Employee Protection Act (CEPA), often referred to as the "whistleblower" statute. In passing that legislation, New Jersey joined a growing number of states that had enacted laws to protect the employment of workers who "blow the whistle" on employer practices that are unlawful or simply contrary to the public good. CEPA prohibits an employer from retaliating against an employee (i.e., demotion, suspension, termination, reduction in pay or hours) who has complained, reported, or objected to an employer practice or conduct that the employee reasonably believes is unlawful.

Since its enactment, CEPA has required employers (1) to "conspicuously display" notices to their employees of the protections afforded by the Act and (2) to use "other appropriate means" to keep employees so informed. The Act, however, did not specify how this was to be done or what format or language was to be used. The only specific requirement CEPA mandated with respect to the notice was that it must include the name of the person or persons the employer designated to receive written notifications pursuant to the Act.

However, on September 14, 2004, New Jersey sought to correct this lack of direction by amending CEPA's notice provisions. As a result, CEPA now requires, for those employers with 10 or more employees:

1. That an employer **conspicuously display, and annually distribute** to all employees, **written or electronic notices** of its employees' protections and obligations, rights and procedures under CEPA;

2. That the notice posted or distributed to **employees be in English and in the language spoken by the majority of the employer's employees, if that is not English, Spanish and at the employer's discretion, any other language spoken by the majority of the employer's employees;** and
3. That the notice include the name of the person or persons the employer has designated to receive written notifications.

While the amendment does not set forth exactly what the notice needs to say, it does direct the Commissioner of Labor to make available the text of a notice in both English and Spanish, as well as any other language requested by an employer (apparently at a cost to employers) fulfilling the requirements of the amendment that is suitable for displaying and distribution. The New Jersey Department of Labor has prepared and made available sample notices in English and Spanish. The notices are to be displayed where the employer posts the other required employment-related postings and they are to be annually disseminated to employees, in both English and Spanish. These samples are available by going to www.state.nj.us/labor and clicking on the button on the home page for Conscientious Employee Protection Act "Whistleblower Act."

Employers having any questions concerning the obligation to display and distribute the CEPA notice or about CEPA itself should consult one of Fox Rothschild's Labor and Employment attorneys.

FOX ROTHSCHILD LLP
LABOR & EMPLOYMENT DEPARTMENT ATTORNEYS

Peter B. Ajalat973.994.7518pajalat@foxrothschild.com
 Joseph G. Antinori609.572.2254jantinori@foxrothschild.com
 Lester F. Aponte310.556.8786laponte@foxrothschild.com
 Alka Bahal973.994.7800abahal@foxrothschild.com
 Anne Ciesla Bancroft609.895.6739abancroft@foxrothschild.com
 Michael Barabander973.994.7546mbarabander@foxrothschild.com
 Catherine T. Barbieri215.299.2839cbarbieri@foxrothschild.com
 A. Kyle Berman215.661.9483aberman@foxrothschild.com
 Dorothy M. Bollinger215.661.9419dbollinger@foxrothschild.com
 Theresa Borzelli973.994.7539tborzelli@foxrothschild.com
 Heather R. Boshak973.994.7508hboshak@foxrothschild.com
 Dominick Bratti973.994.7528dbratti@foxrothschild.com
 Christine A. Cannella973.994.7532ccannella@foxrothschild.com
 Chantel D. Carmouche702.262.6899ccarmouche@foxrothschild.com
 Francis V. Cook973.994.7524fcook@foxrothschild.com
 Debi F. Debiak973.994.7545ddebitak@foxrothschild.com
 Richard J. Delello973.994.7544rdelello@foxrothschild.com
 Margo D. Eberlein973.994.7522meberlein@foxrothschild.com
 Theodore M. Eisenberg973.994.7533teisenberg@foxrothschild.com
 Robert Epstein973.994.7526repstein@foxrothschild.com
 Francine Esposito973.994.7521fesposito@foxrothschild.com
 Nicholas Falcone973.994.7515nfalcone@foxrothschild.com
 David F. Faustman415.296.3885dfaustman@foxrothschild.com
 Howard R. Flaxman*215.299.2068hflaxman@foxrothschild.com
 Ryan J. Fleming215.299.2106rfleming@foxrothschild.com
 Deanna Forbush702.262.6899dforbush@foxrothschild.com
 Lisa Fried-Groddin973.994.7513lfried-groddin@foxrothschild.com
 Jerold E. Glassman973.994.7550jglassman@foxrothschild.com
 Stephen S. Glassman973.994.7506sglassman@foxrothschild.com
 Stanley L. Goodman973.994.7520sgoodman@foxrothschild.com
 Jack Gorny609.572.2203jgorny@foxrothschild.com
 Miray Gweon310.556.8786mgweon@foxrothschild.com
 Brett D. Halloran973.994.7578bhalloran@foxrothschild.com
 Michael S. Hanan973.994.7503mhanan@foxrothschild.com
 Beth A. Hinsdale973.994.7523bhinsdale@foxrothschild.com
 Harold L. Hoffman973.994.7555hhoffman@foxrothschild.com
 William M. Honan609.572.2218bhonan@foxrothschild.com
 John Horowitz973.994.7512jhorowitz@foxrothschild.com
 Sally E. Howe609.895.6722showe@foxrothschild.com

* Co-Chair

Leslie A. Lajewski973.994.7505llajewski@foxrothschild.com
 Steven J. Luckner973.994.7540sluckner@foxrothschild.com
 Steven K. Ludwig215.299.2164sludwig@foxrothschild.com
 Shea H. Lukacsko973.994.7517slukacsko@foxrothschild.com
 Nicole Manning973.994.7565nmmanning@foxrothschild.com
 Desmond Massey973.994.7511dmassey@foxrothschild.com
 James A. Matthews, III215.299.2762jmatthews@foxrothschild.com
 Kelly A. McGrady215.299.2795kmcgrady@foxrothschild.com
 Ian D. Meklinsky609.895.6756imeklinsky@foxrothschild.com
 215.299.2758
 Jedd E. Mendelson973.994.7553jmendelson@foxrothschild.com
 Jonathan Meyers973.994.7535jmeyers@foxrothschild.com
 Stephen A. Ploscowe*973.994.7500sploscowe@foxrothschild.com
 Jessica L. Pollock215.299.2017jpollock@foxrothschild.com
 Keith Reinfeld973.994.7547kreinfeld@foxrothschild.com
 Karl A. Romberger, Jr.215.661.9433kromberger@foxrothschild.com
 Kenneth A. Rosenberg973.994.7510krosenberg@foxrothschild.com
 Wendy G. Rothstein215.661.9409wrothstein@foxrothschild.com
 Suzanne J. Ruderman973.994.7566sruderman@foxrothschild.com
 Barnett Satinsky215.299.2088bsatinsky@foxrothschild.com
 Donia F. Sawwan973.994.7570dsawwan@foxrothschild.com
 Bonnie A. Sheehan215.661.9418bsheehan@foxrothschild.com
 Nima Shivayi310.556.8786nshivayi@foxrothschild.com
 Ian W. Siminoff973.994.7507isiminoff@foxrothschild.com
 Karen L. Stephenson415.296.3885kstephenson@foxrothschild.com
 Christina A. Stoneburner973.994.7551cstoneburner@foxrothschild.com
 Brian E. Subers215.661.9413bsubers@foxrothschild.com
 Min S. Suh215.299.2801msuh@foxrothschild.com
 Jeffrey T. Sultanik215.661.9407jsultanik@foxrothschild.com
 Mark E. Tabakman973.994.7554mtabakman@foxrothschild.com
 Lauren A. Talan973.994.7514ltalan@foxrothschild.com
 Marvin L. Weinberg215.299.2836mweinberg@foxrothschild.com
 Cheryl J. Weller973.994.7502cweller@foxrothschild.com
 Randal S. White215.918.3610rwhite@foxrothschild.com
 Robert S. Whitehill412.394.5595rwhitehill@foxrothschild.com
 Beatrice S. Williams973.994.7803bwilliams@foxrothschild.com
 Luke Wright973.994.7579lwright@foxrothschild.com
 Alicia A. Zonetti609.895.6624azonetti@foxrothschild.com
 Polina Zuccolotto412.391.6423pzuccolotto@foxrothschild.com