2026 UPDATE: NEW REQUIREMENTS FOR NEW JERSEY EMPLOYERS

Date: 17 March 2026

US Labor, Employment, and Workplace Safety Alert

By: George P. Barbatsuly, Maria Caceres-Boneau, Eric Moreno

Recently, New Jersey employers have faced new legal requirements. As discussed in a prior alert, recent amendments to the New Jersey Family Leave Act, scheduled to take effect on 17 July 2026, will broaden the scope of covered employers and eligible employees. Additional legal changes for New Jersey employers include minimum wage increases, expanded restrictions on mandatory employer-led political meetings, and new pay transparency requirements for job postings. The summary below outlines key provisions for compliance.

MINIMUM WAGE RATE INCREASES

As of 1 January 2026, New Jersey's minimum wage rates are as follows:

- Most employers must raise their hourly wage from US$15.49 to US$15.92, with exceptions noted below.
- Tipped workers will see their minimum wage increase from US$5.62 to US$6.05 per hour, with the maximum tip credit remaining at US$9.87.
- Employees working for seasonal or small businesses (with fewer than six employees) will have their minimum wage increased from US$14.53 to US$15.23 per hour.
- Agricultural workers will receive an increase from US$13.40 to US$14.20 per hour.
- Staff in long-term care facilities will see wages rise from US$18.49 to US$18.92 per hour.

BAN ON “CAPTIVE AUDIENCE” MEETINGS

On 2 December 2025, an amendment to the New Jersey Worker Freedom from Employer Intimidation Act (NJWFEIA) took effect. The NJWFEIA generally prohibits employers from compelling employees to attend employer-sponsored meetings or engage in communications intended to convey the employer's views on religious or political subjects. The amendment expands the NJWFEIA's prohibition against employers requiring employees to attend meetings or participate in communications—organized by the employer or its agents—that concern “political matters.”[1]

The amendment also broadens the definition of “political matters” to include topics related to electioneering communications, as well as an employee's decision to join or support any political party or political, civic, community, fraternal, or labor organization or association. In particular, the expansion of this definition to encompass topics related to an employee's decision to join a “labor organization or association” appears designed to prohibit mandatory employer meetings in the context of union organizing campaigns, a matter that is

©2005-2026 K&L Gates LLP. All Rights Reserved.

the subject of considerable oversight by the National Labor Relations Board, the federal agency charged with regulating labor management relations in the private sector. It remains to be seen whether the expansion of the NJWFEIA's definition of “political matters” in this manner will result in challenges on the grounds that the amendments are preempted by federal labor law.

NJWFEIA continues to prohibit employers from disciplining, penalizing, or retaliating against employees who refuse to attend captive audience meetings that relate primarily to religious or political matters.

Employers are required to post notice of employee rights under this amendment and must ensure that the notice is posted in a conspicuous place commonly frequented by employees where employment-related notices are posted. As of publication, the New Jersey Department of Labor and Workforce Development has not yet provided a poster to reflect the amendment.

NEW JERSEY PAY TRANSPARENCY ACT

Effective 1 June 2025, New Jersey implemented a pay transparency law (the Act) mandating employers to disclose salary or wage details, or the applicable salary range, within job postings. Under the Act, employers are also required to make reasonable efforts to notify current employees of promotional opportunities available within their departments.

The New Jersey Department of Labor and Workforce Development published proposed rules to the Act on 15 September 2025,[2] clarifying that a “covered employer” includes any individual, company, corporation, firm, labor organization, or association with at least 10 employees for more than 20 calendar weeks. This definition applies regardless of whether those employees work inside or outside New Jersey, as long as the business operates, employs people, or accepts job applications within the state.

Under the proposed rules, “reasonable efforts” to inform employees of promotion opportunities means:

1. Conspicuously posting notification of the promotional opportunity in a place(s) within the employer's workplace(s) that is/are accessible to all employees in the department(s) of the employer to which the promotional opportunity is open; and
2. In the event the employer has an Internet site or intranet site for exclusive use by its employees and to which all employees have access, posting notification of the promotional opportunity on the employer's Internet site or intranet site.

With respect to new jobs or transfer opportunities, the employer must at a minimum include the following information within notification of the new job opportunity or transfer opportunity:

3. The hourly rate of pay or annual salary, as applicable, or a range of the hourly rate of pay or annual salary, as applicable; and
4. A general description of benefits and other compensation programs for which the applicant would be eligible if selected for the new job opportunity or transfer opportunity.

When the employer includes a range of the hourly rate of pay or a range of the annual salary, the range spread from minimum hourly rate of pay or salary to maximum hourly rate of pay or salary should be no more than 60% of the minimum hourly rate of pay or minimum annual salary, as applicable. This range is calculated by

©2005-2026 K&L Gates LLP. All Rights Reserved.

subtracting the minimum pay for the position from the maximum pay, dividing the result by the minimum pay, and multiplying that number by 100. This would not apply to salary ranges established through a collective bargaining agreement or by law, rule, or local ordinance.

Employers may be held accountable for violations related to advertisements on third-party websites only if they maintain authority over the content displayed or have explicitly agreed with the third-party site to transfer control of the advertisement's content.

The proposed rules also provide clear definitions for “benefits” and “does business.”

- “Benefits” refers to fringe benefits such as health, life, and disability insurance; paid time off; training; and pension benefits, among others.
- For “does business...within New Jersey,” both the solicitation and the actual location of the potential job must be in New Jersey for the Act's requirements to apply.

While the proposed rules have not been adopted and are currently nonbinding, they are instructive for employers as they evaluate continued compliance with the Act.

In light of these developments, employers should review their compliance strategies and stay alert to further changes in the year ahead. Our lawyers in the Labor, Employment, and Workplace Safety practice will continue to monitor developments with these and other legal changes affecting New Jersey employers as they arise.

FOOTNOTES

[1] The amendment is silent on any changes to “religious matters.”

[2] The comment period closed on 14 November 2025.

KEY CONTACTS



GEORGE P. BARBATSULY
PARTNER

NEWARK
+1.973.848.4104
GEORGE.BARBATSULY@KLGATES.COM



MARIA CACERES-BONEAU
PARTNER

NEW YORK
+1.212.536.4027
MARIA.CACERES-BONEAU@KLGATES.COM



ERIC MORENO
ASSOCIATE

NEWARK, NEW YORK
+1.973.848.4097
ERIC.MORENO@KLGATES.COM

©2005-2026 K&L Gates LLP. All Rights Reserved.

This publication/newsletter is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer. Any views expressed herein are those of the author(s) and not necessarily those of the law firm's clients.

©2005-2026 K&L Gates LLP. All Rights Reserved.