



WORKER RIGHTS · NEW JERSEY

Know Your Rights in New Jersey

What every hospitality worker should know, in plain language.
No legal jargon.

This guide is general information about New Jersey employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

General information only — not legal advice.

As of October 2026 · Prepared by JYNX Recruiting · jynxrecruiting.com

Working in New Jersey: The Basics

New Jersey is a high-protection state. Most of what this guide says, the state itself guarantees: a \$15.92 floor, earned sick leave at every employer, paid family leave with job protection, and salary ranges in job postings by law. Know the numbers, because they are yours to claim.

- New Jersey is an employment-at-will state. No notice of termination is required from either side, but illegal reasons for firing are still illegal.
- The NJ Law Against Discrimination (LAD) bars employment discrimination and bias-based harassment based on race, religion (creed), national origin, gender, sexual orientation, gender identity or expression, disability, and other protected characteristics. Complaints go to the NJ Division on Civil Rights. The deadline is in Section 11.
- Fringe benefits such as vacation, severance, and holiday pay are not required by NJ law. But an employer that offers them must follow its own policy or agreement.

Your Paycheck

- Minimum wage, from January 1, 2026: \$15.92 an hour for most employees. New Jersey adjusts the rate every January 1 for inflation. NJDOL has announced \$16.48 for January 1, 2027.
- Lower tiers are on their own schedules: \$15.23 for employees of seasonal and small employers (the phase-in finishes in 2028); \$14.20 for farm workers paid hourly or piece-rate (phase-in to 2030); and \$18.92 for direct care staff at long-term care facilities.
- Paydays: at least twice a month, on regular paydays set in advance, with an itemized statement of deductions.
- Final paycheck: by the next regular payday. The rule is the same whether you quit or were fired. New Jersey has no faster deadline for fired workers.
- Deductions: NJ law does not allow deductions for shortages, breakage, damaged equipment, unreturned property, or uniforms. Deductions are limited to what the law requires or specifically permits.
- Your employer may cut your pay rate only with advance notice. Never retroactively, and never below the minimum wage.

Tips

- Tipped cash wage for 2026: \$6.05 an hour, with a maximum tip credit of \$9.87. If your cash wage plus tips does not reach \$15.92, your employer must pay the difference. The announced cash wage for January 1, 2027 is \$6.61.
- You are a tipped employee if you customarily receive more than \$30 a month in tips. Your tips are your sole property. Your employer may not take any part of them for any purpose, and may not skim credit or debit card processing fees from them.
- A compulsory service charge is not a tip. A hotel banquet charge or a restaurant's large-party surcharge cannot count as a tip or toward the tip credit, even if the employer passes the money to staff.
- Tip pooling: a valid pool is limited to tipped employees only. Your employer must tell you in advance about any required pool contribution, and may claim a tip credit only on tips you actually receive.
- The 80/20 rule: if you spend more than 20% of your time on related non-tipped side work, such as setting tables, prep, or folding, your employer owes you the full minimum wage for that time, with no tip credit.
- Overtime for tipped workers is calculated on the full minimum wage, not the cash wage, and the tip credit cannot grow in an overtime hour.
- Before claiming any tip credit, your employer must inform you in advance of the cash wage, the credit amount, and these rules. An uninformed employee's tips cannot be credited at all.

Overtime

- Time and a half after 40 hours actually worked in a workweek. Time not worked, such as a paid holiday you stayed home for, does not count toward the 40.
- Your right to overtime cannot be waived by any agreement with your employer.
- No state premium exists for weekend or holiday work as such. The premium is only for hours over 40.

Breaks

- Adults: New Jersey law does not require meal or rest breaks. Breaks for workers 18 and over are set by company policy.
- Minors under 18 must receive a 30-minute meal period after five consecutive hours of work.

Earned Sick Leave

- The NJ Earned Sick Leave Law covers employees at employers of all sizes, including full-time, part-time, and temporary workers. You earn 1 hour of sick leave for every 30 hours worked, up to 40 hours a year. Your employer may instead front-load the 40 hours.
- You may carry over up to 40 unused hours, though your employer only has to let you use 40 hours per year.

- Covered uses include your own or a family member's physical or mental health, including testing, vaccination, and quarantine; dealing with domestic or sexual violence, including medical care, counseling, legal services, safety planning, and court; a child's school meeting or event; and closures of a child's school or childcare for a public health emergency.
- Family member is defined broadly. It includes chosen family: anyone whose close association with you is the equivalent of family.
- Sick pay is your regular rate, never below the minimum wage. For tipped workers, the rate is figured from your total earnings, including tips and excluding overtime premium, over your seven most recent workdays. Your employer may not take a tip credit during your sick leave.
- Your employer may ask for reasonable documentation when you use three or more consecutive workdays, but cannot require you to find your own replacement as a condition of using leave. Retaliation for using sick leave is prohibited.

Paid Family and Medical Leave (TDI / FLI) and Job Protection

New Jersey runs two insurance programs through the state. Both pay 85% of your average weekly wage, up to \$1,119 a week in 2026. Eligibility is based on recent NJ earnings: for 2026, 20 base weeks at \$310 or more a week, or \$15,500 in the base year. File within 30 days of the start of the disability or leave.

- Temporary Disability Insurance (TDI) covers your own non-work-related medical condition, including pregnancy and childbirth recovery, for up to 26 weeks. The first seven days are an unpaid waiting week.
- Family Leave Insurance (FLI) covers bonding with a new child, caring for a family member with a health condition, and certain domestic or sexual violence matters: up to 12 continuous weeks, or 56 individual days taken intermittently. There is no waiting period. FLI is funded entirely by worker payroll contributions.
- Job protection expanded on July 17, 2026. The NJ Family Leave Act now covers employers with 15 or more employees, and government agencies regardless of size. You qualify after 3 months and 250 hours in the past year: up to 12 weeks of job-protected leave in a 24-month period, with return to your position.
- Also new: if you receive TDI or FLI benefits for a leave the NJ Family Leave Act does not already cover, the benefit itself now carries job protection, with return to the same job or an equivalent one. There is no minimum employer size and no minimum time on the job for that protection.

- Federal FMLA still applies on its own terms: 50 or more employees, 12 months, and 1,250 hours.

Pay Transparency: Salary Ranges in Job Postings

- Since June 1, 2025, employers with 10 or more employees, including employment agencies, must include in every job posting, internal and external, in any format: the hourly wage or salary, or a true range with both a starting and an ending figure. Up to \$X does not comply. The posting must also include a general description of benefits and other compensation programs you would be eligible for.
- Covered employers must also make reasonable efforts to announce promotion opportunities to current employees in the affected department before deciding.
- An employer may still offer you more than the posting stated. The law sets the floor of honesty, not the ceiling of an offer.
- Violations carry civil penalties, up to \$300 for a first violation and \$600 after. Complaints go to NJDOL. See Section 11.

Agencies are expressly covered by this law, so JYNX postings for New Jersey roles carry the same duty as any other employer's.

Non-Competes

- New Jersey has no statute banning or regulating non-competes. Whether one can be enforced against you is decided by courts under judge-made rules. Today, a signed non-compete is not automatically void in New Jersey.
- A ban bill, S1407, is pending in the 2026 session. Bills are not law. Do not treat a pending ban as protection you already have.

Hospitality Callouts

- Hotel panic devices: hotels, inns, motels, and boarding houses with 100 or more guest rooms must give a free panic device, a wearable or carried two-way radio or electronic device, to every employee assigned to work in a guest room alone. That includes housekeeping and room service, full-time, part-time, and temporary staff alike.
- If you reasonably believe a crime is in progress, or you face an immediate threat of assault or harassment or another emergency, you may activate the device, stop work, and leave the immediate area to await help. Your employer may not punish you for it.
- The hotel must keep a five-year record of guests accused of violence, sexual assault, sexual harassment, or other inappropriate conduct toward staff. It must notify housekeeping and room service staff when a listed guest is present and where, reassign the employee who activated a device away from that guest, and offer other staff the choice of servicing a listed guest's room with a partner or not at all. A union contract that addresses panic devices can change how this applies.

- Banquet and large-party service charges are not tips. See Section 3. Minors working in hotel and motel jobs are covered by the minimum wage, and all minors get the 30-minute meal period in Section 5.

Filing a Claim

- Wage claims for unpaid minimum wage, overtime, or other wages go to the NJDOL Division of Wage and Hour Compliance. File online through NJDOL's secure wage claim portal at wagehour.dol.state.nj.us, or by mail or fax using form MW-31A to PO Box 389, Trenton, NJ 08625-0389, fax (609) 695-1174. Phone: 609-292-2305. Email: wage.hour@dol.nj.gov.
- You may file anonymously, though anonymous filers cannot check claim status. Each worker files individually; there are no group filings. The deadline is six years.
- You are covered regardless of immigration status. The Division does not ask about status or share information with immigration authorities. Retaliation for filing is illegal.
- Discrimination complaints go to the NJ Division on Civil Rights. File through NJCivilRights.gov (NJBias) or call 1-833-NJDCR4U (1-833-653-2748), generally within 180 days of the violation.
- TDI and FLI questions: 609-292-7060. The programs are at myleavebenefits.nj.gov.