

December 2016

## New Jersey Employers Prepare for 2017

With 2016 coming to an end, New Jersey employers must ready their business for the coming year. With this in mind, we have compiled the following information for New Jersey employers to consider as we enter 2017:

- The New Jersey Department of Labor announced in September 2015 that the state minimum wage would be raised from \$8.38 to \$8.44 per hour.
- Paid sick leave ordinances continue to sprout up in municipalities around the state. This year Plainfield and Morristown became the 12<sup>th</sup> and 13<sup>th</sup> New Jersey municipalities to require paid sick leave. (The others are Newark, Elizabeth, New Brunswick, Jersey City, East Orange, Paterson, Passaic, Trenton, Montclair, Irvington, and Bloomfield.) If you have employees working in any of these municipalities, review your sick leave policies to ensure they meet the requirements of the applicable ordinance.
- Each year provides an opportunity to review the posting requirements of various laws. For example, posters addressing state wage and hour laws, unemployment benefits, workers compensation, the New Jersey Safe Act, and the Law Against Discrimination must be conspicuously displayed in the workplace. The Conscientious Employee Protection Act requires that notices be distributed to employees on an annual basis. Posting and notice requirements also are required under the New Jersey Family Leave Insurance Law. Employers may access posters through the New Jersey Department of Labor website by [clicking here](#).
- The end of the calendar year ushers in the holiday season...as well as the commencement of the reporting requirements for employers under the Affordable Care Act. In a somewhat surprising act of holiday spirit, the Internal Revenue Service issued Notice 2016-70 in mid-November. Under the provisions of this Notice, employers that are required to provide a Form 1095-C or 1095-B have an additional 30 days to complete and distribute these informational documents. While the original deadline for the dissemination of Forms 1095-C and 1095-B was January 31, 2017, an employer will be deemed to be compliant if it sends them to all interested parties no later than March 2, 2017.
- While this extended distribution deadline may be welcome news to employers that need additional time to compile all of the information necessary to satisfy their reporting requirements, Notice 2016-70 does not extend the deadline for the submission of such information to the Internal Revenue Service. Forms 1094-B and 1094-C must still be sent to the IRS in a timely manner and consistent with current ACA guidance. Therefore, employers that choose to file paper forms with the Internal Revenue Service must do so no later than February 28, 2017. The filing deadline for electronic submission of the forms (which is mandatory for employers having 250 or more filings) must be completed no later than March 31, 2017. As in prior years, an employer may apply for a 30-day extension to this filing deadline.



- Despite some ongoing legal challenges, the US Department of Labor continues to advance regulations that will significantly expand the definition of “fiduciary” with respect to the handling of retirement plan assets. These new rules, which have a current effective date of April 10, 2017, are intended to provide additional protections to retirement plan participants by covering certain relationships between such individuals and their respective investment advisors. While the proposed rule changes will not have a direct impact upon plan fiduciaries, plan sponsors will want to review the relationships between participants and investment advisors associated with such plans to determine whether an expanded fiduciary relationship exists, and whether additional communications must be made by the plan to limit the potential liability of its sponsor.
- Employers are still waiting for the final word on the United States Department of Labor’s Final Rule which nearly doubles the minimum salary needed to qualify for the most common white collar exemptions. A federal district court in Texas issued an injunction against the implementation of the Final Rule, which was to go into effect on December 1, 2016. The Department of Labor has appealed the injunction, but this matter will not be resolved before year end.
- The Equal Employment Opportunity Commission was very active in 2016, issuing Enforcement Guidance on a number of topics including Health and Wellness Programs, Leave As An Accommodation under ADA, Retaliation, and National Origin Discrimination. Employers should review these publications to ensure that their workplace policies are in compliance.
- If employers have not changed the way they conduct employee training on harassment, now is the time to do so. The Equal Employment Opportunity Commission’s Report on Harassment In The Workplace, issued in June 2016, concluded that harassment remains a persistent problem in the workplace. The Report also provides guidance on the steps employers should take to eliminate harassment including a completely different approach to employee training.

Wishing everyone the best for a healthy and successful New Year!

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