

November 8, 2004

## **New Notice Obligations for Employers under New Jersey's Conscientious Employee Protection Act**

### **What is CEPA?**

The Conscientious Employee Protection Act ("CEPA") is New Jersey's whistleblower statute. See N.J.S.A. § 34:19-1 et seq. Generally, CEPA protects private sector, as well as state/local government employees who blow the whistle from retaliation for disclosing or refusing to participate in actions the employee reasonably believes to be illegal or in violation of public policy.

### **CEPA's Notice Requirements**

Since it was initially enacted in 1986, CEPA has required employers to "conspicuously display notices of its employees' protections and obligations under the act," and to use other "appropriate means to keep employees informed." CEPA also mandated that the notice include the name of a person(s) to whom employees may direct their internal written complaints, as required by N.J.S.A. § 34:19-4.

Recent amendments to CEPA have increased and clarified these notice obligations. Employers must now "conspicuously display" notices in both English and Spanish, regardless of whether they actually employ Spanish-speaking individuals. Employers are also encouraged to post notices in other languages spoken in the workplace. Furthermore, employers with 10 or more employees must also distribute written notice to their employees annually. This distribution may take the form of email, provided the subject employees typically have access to email in the course of their regular job duties. Employers are still required to designate a person(s) to receive complaints from employees.

## The New Posters

The CEPA amendments do not empower the New Jersey Commissioner of Labor to enforce the Act, however, they direct the Commissioner to draft a notice compliant with the new regulations. The language contained in the Commissioner-approved poster is a recitation of N.J.S.A. § 34:19-3.

English and Spanish language versions of the Commissioner's notice can be accessed by clicking [here](#).

Additional copies of the notice may be obtained by contacting the Commissioner's office at (609) 292-1700. The notice is also available on the New Jersey Department of Labor website: <http://www.state.nj.us/labor>.

Employers who wish to modify the enclosed notice, or who would like to discuss posting, distribution and/or other CEPA-related issues should contact Lynn Kappelman, Partner in our Boston office, at [lkappelman@seyfarth.com](mailto:lkappelman@seyfarth.com) or (617) 946-4888; or in New York, Bob Nobile, Partner, at [rnobile@seyfarth.com](mailto:rnobile@seyfarth.com) or (212) 218-5580; Chris Lowe, Associate, at [clowe@seyfarth.com](mailto:clowe@seyfarth.com) or (212) 218-5523, or the Seyfarth Shaw LLP attorney with whom you normally work.



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