


Temp Workers: Know Your Work Rights!





This presentation provides general information, not legal opinion.

The NJ Register and the NJ Administrative Code remain the official sources for regulatory information published by the NJDOL.

These slides were drafted with the assistance of Generative AI.

Key definitions

See the legal definition in the [law](#).

Temporary Workers

A temporary worker is someone who is employed by a “temporary help service firm” for a specific type of work.

The law refers to them as “temporary laborers.”

Temp Agencies

Temp agencies

- Hire people to help other companies with temporary, extra, or special tasks
- Pay their employees’ wages
- Are responsible for employee actions while they are working for their third-party clients

The law refers to them as “temporary help service firms.”

Third-party clients

Temp agencies assign temporary workers to third-party clients, also known as client companies. This is where a temporary worker performs their job.



Temporary Workers Bill of Rights

All temporary workers are protected under Wage and Hour Law. Some types of temporary workers, defined by statute, are covered under the [Temporary Workers Bill of Rights](#).

Many temp workers have additional workplace rights and protections



- The Temp Workers Bill of Rights went fully into effect in August 2023.
- Establishes requirements that the temp agency and third-party client must follow.
- Addresses things like assignment rules and notifications, record keeping, fees, payments, transportation, and retaliation.

Certain types of temporary workers are covered

- Some of the most common types of work covered by the law are **warehouse work, moving and maintenance, and construction**. But there are many more.
- The law defines covered work (called designated classification placements) using codes from the [Bureau of Labor Statistics \(BLS\)](#)
 - **Food preparation and serving** (35-0000 Food Preparation and Serving Related Occupations)
 - Production such as **laundry and dry cleaning, food processing, textile and wood workers** (51-0000 Production Occupations)
 - **Construction** (47-30000 Helpers, Construction Trades; 47-2060 Construction Laborers)

Certain types of temporary workers are covered (cont'd)

- **Transportation and moving** such as drivers, parking attendants, and material moving (53-0000 Transportation and Material Moving Occupations)
- **Personal care and service**, such as amusement, entertainment, and dressing room attendants (39-0000 Personal Care and Service Occupations)
- Building and grounds **cleaning and maintenance** such as janitors, cleaners and landscaping workers (37-0000 Building and Grounds Cleaning and Maintenance Occupations)
- **Protective service** such as security guards and crossing guards (33-9000 Other Protective Service Workers)
- **Installation, maintenance and repair** (49-0000 Installation, Maintenance, and Repair Occupations)

Immigrants are protected too

- NJDOL does not ask about immigration or citizenship status and serves all workers regardless of immigration status.
- NJDOL will not share any information, including with immigration agencies, unless required by law or regulations.
- Depending on an immigrant worker's situation, NJDOL may be able to assist with **immigration relief**.

Required Notifications in your language



Temp agencies are required to share some notifications with you.

- Temp agencies must share them in a language you understand
- NJDOL has posted some example forms in multiple languages
- We recommend you keep copies. They have important information, and sometimes temp agencies do not follow the law.

Required— Assignment Notification statement

- The temp agency must provide you with this when you are sent to work
- This form includes work details, pay, and work rights

Temporary Laborer Assignment Notification
Notificação de Atribuição de Trabalhador Temporário
under | sob N.J.S.A. 34:8D-3

The Temporary Help Service Firm must give this completed form to each Temporary Laborer upon assignment to a temporary position. All parties should keep a copy of this form for their records. An updated version of this form will be available in August 2023.

A Empresa de Serviços de Ajuda Temporária deve entregar este formulário preenchido a cada Trabalhador Temporário ao ser designado para um cargo temporário. Todas as partes devem manter uma cópia deste formulário para seus registros. Uma versão atualizada deste formulário estará disponível em Agosto de 2023.

Full Name of Temporary Laborer
Nome completo do Trabalhador Temporário

Temporary Laborer Assignment Notification
Notificación de Asignación de Trabajadores Temporales
under | bajo N.J.S.A. 34:8D-3

The Temporary Help Service Firm must give this completed form to each Temporary Laborer upon assignment to a temporary position. All parties should keep a copy of this form for their records. An updated version of this form will be available in August 2023.

La Empresa de Servicios de Trabajadores Temporales debe entregar este formulario completo a cada trabajador(a) temporal en asignarse a un puesto temporal. Todas las partes deben mantener una copia de este formulario en sus archivos. Una nueva versión de este formulario estará en línea en agosto de 2023.

Full Name of Temporary Laborer
Nombre completo del trabajador(a) temporal

Temporary Help Service Firm <i>Empresa de Servicios de Trabajadores Temporales</i>	Worksite Employer or Third-Party Client <i>El proveedor de trabajo externo</i>
Name Nombre	Name Nombre
Street Address Dirección	Street Address Dirección
City Ciudad State Estado ZIP Code Código postal	City Ciudad State Estado ZIP Code Código postal
Phone Teléfono Ext.	Phone Teléfono Ext.

Workers' Compensation Carrier of Temporary Help Service Firm <i>Compañía de Seguro de Compensación para Trabajadores de la empresa</i>	Assigned Worksite (if different from above) <i>Lugar del Trabajo Designado (si es diferente al de arriba)</i>
Name Nombre	Name Nombre
Street Address Dirección	Street Address Dirección
City Ciudad State Estado ZIP Code Código postal	City Ciudad State Estado ZIP Code Código postal
Phone Teléfono Ext.	Phone Teléfono Ext.

Name and nature of work to be performed | Nombre y naturaleza del trabajo

Third-Party Client
ou Cliente Terceirizado

State | Estado ZIP Code | Cep

Ext. | Extensão

(if from above)
(si es diferente de acima (anterior))

State | Estado ZIP Code | Cep

Ext. | Extensão

ção (se conhecido) da atribuição do

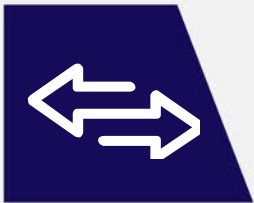
o treinamento?
ecido por:
Ajuda Temporária

Assignment changes — notice & required pay



No work at scheduled assignment:

Receive a minimum of four hours pay at the agreed upon hourly rate



Worksite changed from original schedule during the same shift:

Receive a minimum of two hours of pay at the original rate of pay, plus any hours worked at the new location.

For multi-day assignments: You should get 48-hour notices of schedule, shift, or location changes, when possible.

Assignment changes — signed confirmation

If there is no work available, you can ask for signed, written confirmation from the temp agency that you sought work that day.

The confirmation should include:

- name of temp agency
- your name and address
- date and time you received the confirmation

Transportation Guidelines

Temp agencies and third-party clients must follow rules when transporting temporary workers to and from the worksite:

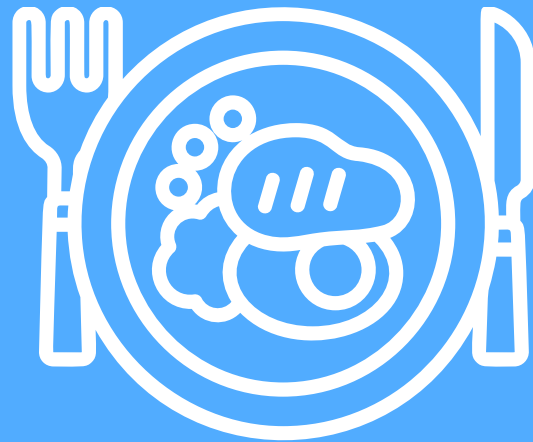
- The agency can't require you to use transportation that they provide
- The agency or third-party client can't charge you for transportation they provide you to and from the worksite.
- If the temp agency provides you with transportation, it cannot allow a vehicle to transport you if:
 - they know or should know that the vehicle is unsafe
 - if the vehicle is not insured
 - the driver of the vehicle does not hold a valid license to operate the vehicle
 - or if the vehicle does not have a seat and safety belt for each passenger.



Purchasing equipment, clothing, and accessories

- You can purchase equipment, clothing, and other items from the temp agency.
- The temp agency must provide it at “cost.” This means the temp agency can’t make a profit from selling these things to you.

Providing meals



- Temp agencies cannot charge you for meals you don't eat.
- You decide if you want to purchase the meal.
- Temp agencies may only provide meals at "cost". This means the temp agency can't make a profit from selling meals to you.

Pay equity

Temp workers' rate of pay and cost of benefit must be at least the same as the average rate of pay and average cost of benefits (or cash equivalent) of employees of the third-party client doing the same or **substantially similar work under similar working conditions.**

- **Substantially similar work means *the job*** requires the same skill, effort and responsibility.
 - **Skill**—measured by factors such as the experience, ability, education and training someone needs to **perform the job.**
 - **Effort**—the amount of physical or mental exertion someone needs to **perform the job.**
 - **Responsibility**—degree of accountability and discretion **required to perform a job.**
 - **Working conditions**—means the physical surroundings and hazards. This does not include job shifts.

Bi-weekly payments and other payment rights

- You can request the temp agency pay you every other week instead of daily. The temp agency must provide you written notification of this right.
- You can request payment in check, cash, or direct deposit.



Some fees are not allowed

The temp agency cannot charge you for transportation, check cashing, consumer reports, criminal background checks, or drug tests.

Accepting a permanent position

You can accept a permanent position with a third-party client.



- The temp agency can charge a placement fee to the third-party client.
- They cannot charge you a fee.

**You
can
refuse
assignment
during strikes**



- Temp agencies must tell you in writing about a strike, lockout, or other labor dispute at a workplace they assign you to.
- You can refuse to work at those workplaces.

Temp agencies must certify with NJ Division of Consumer Affairs

- Temp agencies must be certified by the Director of the NJ Division of Consumer Affairs (DCA) within the Department of Law and Public Safety to make “designated classification placements.”
- NJDOL does not enforce these certification provisions. They are enforced by DCA.



Record keeping

A temp agency must keep records relating to the assignment of temporary workers in designated classification placements for six years.

Required— Single-Day Work Verification form

Division of Wage and Hour Compliance

Temporary Laborer
Single-Day Work Verification

Trabajador Temporal
Verificación de Trabajo de un Solo Día

N.J.S.A. 34:BD-6

By law, a Third-Party Client must provide the information contained in this form to each Temporary Laborer in a designated classification placement who is contracted to work a single day, at the end of the work day.

Por ley, un Cliente de Terceros debe proveer la información contenida en este formulario a cada Trabajador/Trabajadora Temporal en una colocación de clasificación designada a quien se contrata para trabajar un solo día, al final de la jornada laboral.

Name of Temporary Laborer
Nombre del Trabajador/la Trabajadora Temporal

Third-Party Client
Cliente de Terceros

Name
Nombre

Street Address
Dirección

City
Ciudad

State
Estado

ZIP Code
Codigo Postal

Phone
Teléfono

Ext.
Extensión

Date work performed
by the Temporary Laborer
Fecha en que se realizó el trabajo
por el Trabajador/la Trabajadora Temporal

Location where work performed
by the Temporary Laborer
Lugar donde se realizó el trabajo
por el Trabajador/la Trabajadora Temporal

Street Address
Dirección

City
Ciudad

State
Estado


ZIP Code
Codigo Postal

Hours Worked
by the Temporary Laborer
Horas trabajadas
por el Trabajador/la Trabajadora Temporal

Third-Party Client Representative Signature _____ Date _____

For more information on the
Temporary Workers Bill of Rights see
nj.gov/labor/tempworkers

Para más información sobre
La Carta de Derechos de Trabajadores/
Trabajadoras Temporales véase
nj.gov/labor/tempworkers



New Jersey Department of Labor and Workforce Development

MW-51S (2/24)

- The third-party client must complete this work verification form and provide it to you when you work a single day (as opposed to a multi-day assignment).
- They must provide it to you at the end of the workday.

If your employer does not follow the law

File a complaint with
NJDOL

- Keep track of the hours you worked, pay, and the contact information of both the temp agency and third-party client.
- Complaints can be filed [online through our secure system \(En línea con nuestro sistema seguro\)](#) or [by mail or fax.](#)
- In the section titled “Complaint Reason Details”, please check “Other” and enter information about your complaint regarding a violation of the Temporary Workers Bill of Rights.

If your employer does not follow the law

(cont'd)

File a complaint with
NJDOL

- A trusted person, including a representative from a union or community-based organization, can help you file a complaint or email us on your behalf.
- For more details, [contact us.](#) We will make every effort to provide assistance in your language.
- NJDOL will protect your identity when you file a complaint.



More filing tips

- Answer accurately and submit **copies**, not originals, of all relevant documents
- Groups of employees must file separate complaints .
- You may be asked to provide additional details (i.e. employer information, hours worked)

After filing

1. **If you file online**, you receive a confirmation number
2. **Investigative process:** nj.gov/labor/investigate
3. **Check** wagehour.nj.gov with your confirmation number
4. **Your employer may be contacted.**
5. **Notification of results.**

To inquire about a paper complaint or for other questions, **call (609)292-2305 or email** wage.hour@dol.nj.gov. We will make every effort to provide assistance in your language.



Confidentiality

If you file a complaint, **NJDOL will not disclose your identity and other personally identifiable information (PII)** to your employer and others without your written permission to do so. These rules were strengthened in 2020 to better protect workers.



Confidentiality

In rare cases, NJDOL may be required to disclose your identity and/or other PII. For example, a wage proceeding could end up in court and the judge could require it. Or another government agency could compel NJDOL to disclose PII. NJDOL cannot provide PII to a government agency if your complaint was filed against them.

A law enforcement agent could also request PII from NJDOL, but they must provide a signed request and warrant, and certify they'll keep identifying information confidential.

Wage collection:

Sometimes, we direct complaints to Wage Collection. These are formal hearings to resolve disputes between employers and employees over the payment of wages up to \$50,000.00. The proceedings are recorded, and employers and employees are sworn in and required to provide evidence to prove their claim. In this case, your identity will become known to your employer through the summons complaint, and they will be present at the hearing. You decide if you want to pursue a Wag



Filing anonymously

- Your identity is kept confidential to the greatest extent allowable under the law. NJDOL will not share any information, including with immigration agencies, unless required by law or regulations.
- To file anonymously, file by mail or fax. Write “ANONYMOUS” in the name section of the complaint form and leave address blank. You won’t receive information about your complaint or be able to check its status.

Private Right of Action



- You can file a complaint with NJDOL and/or bring a civil action in the Superior Court in the county where the violation happened, or where you live.
- You can bring such an action in the Superior Court within six years of the final date of your employment with the temporary agency or within six years from the date the contract between the temporary agency and the third-party client ended.

Private Right of Action (cont'd)



- You can pursue a complaint with NJDOL at the same time as your civil action suit. You might get relief under both.
- Only Superior Court can order monetary damages or equitable relief to impacted workers. This includes reinstatement when a temp agency retaliates against a worker.
- NJDOL penalties are paid to the Department.

Protection from retaliation

The temp agency or third-party client you are working for cannot punish you for:



Filing a complaint or participating in an investigation



Complaining about a violation of the law to a temp agency, a third-party client, a co-worker or a community organization;



Filing a complaint with a State or federal agency, or with the Superior Court;

Testifying or preparing to testify in an investigation

Punishment includes firing, disciplinary action, cutting pay or hours, or other adverse actions.

Employers breaking this law may face penalties.



Rebuttable Presumption

- If the temp agency, fires you or takes any disciplinary action against you within 90 days of you exercising your rights under the Temporary Workers Bill of Rights, there will be a “**rebuttable presumption**” that the firing or disciplinary action was retaliation.
- When there is a “rebuttable presumption,” your employer must prove that the firing or disciplinary action was not retaliation.



Immigration relief

Depending on an immigrant worker's situation, NJDOL may be able to offer:

- **Statement of Interest** – For workers who report work rights violations, NJDOL can issue Statements of Interest to the federal Department of Homeland Security (DHS) in Support of a Deferred Action application.
- **U/T Visa Certification** – NJDOL can issue a certification in support of a U/T visa application. U/T visas are for victims of certain crimes and human trafficking.

Learn more at nj.gov/labor/immigration

More work rights

myworkrights.nj.gov

The screenshot shows the homepage of the 'My Work Rights' website. At the top, there is a navigation menu with links for Home, Wages and Overtime, Safety and Health, Leave and Benefits, More Work Protections, Laws and Regulations, and Information for Employers. The main content area features a large banner with the text 'KNOW YOUR NJ WORK RIGHTS' and an illustration of a megaphone. Below the banner, there is a sub-header 'Information on work rights and benefits in New Jersey' and a note in Spanish: 'Haga clic en el botón "Translate" en la esquina superior derecha de esta página para verla en español.' The page is divided into two rows of topic cards. The first row includes: Domestic Workers' Bill of Rights, Wages and Overtime, Safety and Health, Paid Leave and Benefits, More Work Protections, and Employer Retaliation. The second row includes: Information for Employers and Laws and Regulations. Each card contains an icon, a title, a brief description, and a 'LEARN MORE >' link.

My Work Rights

Home Wages and Overtime Safety and Health Leave and Benefits More Work Protections Laws and Regulations Information for Employers

KNOW YOUR NJ WORK RIGHTS

Information on work rights and benefits in New Jersey

Haga clic en el botón "Translate" en la esquina superior derecha de esta página para verla en español.

- Domestic Workers' Bill of Rights**
New information for workers and employers.
[LEARN MORE >](#)
- Wages and Overtime**
Receive proper wages and overtime.
[LEARN MORE >](#)
- Safety and Health**
You're entitled to a safe and healthy workplace.
[LEARN MORE >](#)
- Paid Leave and Benefits**
New Jersey has you covered.
[LEARN MORE >](#)
- More Work Protections**
Certain jobs benefit from unique protections.
[LEARN MORE >](#)
- Employer Retaliation**
All workers, regardless of immigration status, are protected.
[LEARN MORE >](#)

- Information for Employers**
Know your legal obligations.
[LEARN MORE >](#)
- Laws and Regulations**
Understand NJ labor and leave laws.
[LEARN MORE >](#)

NJ Earned Sick Leave



- Temp agencies must provide all it's employees, including temporary workers, with up to 40 hours of earned sick leave per year to care for themselves or a loved one.
- If you use your sick time, your employer, the **temp agency**, pays you.
- They can not make you find coverage for your shift.

Learn more at mysickdays.nj.gov

Paid Family & Medical Leave



- Temp workers could be eligible for NJ Paid Family & Medical Leave (aka Temporary Disability and Family Leave Insurance)
- Your employer, the **temp agency**, must set up payroll contributions for you.
- Learn more and apply at myleavebenefits.nj.gov



Unemployment benefits

- Temp workers could be eligible for unemployment benefits, if they lose work from the **temp agency** and are not offered similar replacement work.
- Your employer, the **temp agency**, must set up payroll contributions for you.
- Learn more and apply at myunemployment.nj.gov.