

FILED: MARCH 31, 2025

Notice of Receipt of Petition for Rulemaking

**Petition to Amend Rules to Permit Payroll Deductions for Fines Resulting from
Employee Misconduct**

N.J.A.C. 12:55-2.1

Petitioner: Guillermo C. Artiles

Take notice that on March 19, 2025, the Department of Labor and Workforce Development (Department) received a petition for rulemaking from Guillermo C. Artiles (petitioner). Mr. Artiles is an attorney with the firm of McCarter & English, LLP, in Newark, New Jersey, who indicates that he is submitting the petition for rulemaking on behalf of the New York Jets.

Petitioner requests that the Department amend N.J.A.C. 12:55-2.1, which prohibits employers from making deductions from employees' wages, except for certain specified purposes and under certain specified circumstances, so as to permit an employer to deduct from an employee's wages any fines imposed against the employee for the employee's misconduct, provided that the deduction from the employee's wages for such fines is consistent with the employee's collective bargaining agreement, and provided further that the collective bargaining agreement provides the employee with a means to appeal the fine.

Petitioner asserts that the Department is authorized by statute to amend N.J.A.C.12:55-2.1 in the manner suggested above. That is, petitioner cites N.J.S.A. 34:11-4.4(b)11., which provides that the Commissioner may add to the list of permissible payroll deductions, “[s]uch other contributions, deductions and payments as the Commissioner of Labor and Workforce Development may authorize by regulation as proper and in conformity with the intent and purpose of this act [N.J.S.A. 34:11-4.1 et seq., the Wage Payment Law], if such deductions are approved by the employer.”

In support of his petition to amend N.J.A.C. 12:55-2.1 in the manner described above, Mr. Artiles maintains the following regarding the suggested amendment:

(1) It “is consistent with the Legislature’s goal of protecting employees and promoting timely and predictable payments,” adding, “[t]he proposed [amendment] ensures that employees are guaranteed a right to appeal any fine assessed against them” and “provides employers with a consistent and convenient method of assessing fines against employees;”

(2) It “ensures [that] the employee consents to the withholdings through a collective bargaining agreement,” which, according to petitioner, is “consistent with and further promotes the intent and purpose of the Wage Payment Law;” and

(3) It “would allow for withholdings directly related to the employee’s duties;” that is, “[t]he withholdings identified in the proposed [amendment] are strictly for employee misconduct, specifically limited in scope to fines directly related to the employment.”

This notice and the full text of the petition filed in this matter are available on the Department's website at <http://www.nj.gov/labor/research-info/legalnotices.shtml>.

In accordance with N.J.A.C. 1:30-4.2, the Department will subsequently mail to the petitioner and file with the Office of Administrative Law, a notice of action on the petition.