


# 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

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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 Empresa de Servicios de Trabajadores Temporales	Worksite Employer or Third-Party Client El proveedor de trabajo externo
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 Compañía de Seguro de Compensación para Trabajadores de la empresa	Assigned Worksite (if different from above) Lugar del Trabajo Designado (si es diferente al de arriba)
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	

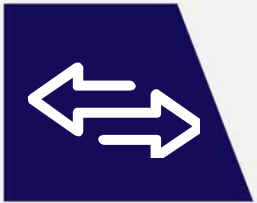
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Full Name of Temporary Laborer Nome completo do Trabalhador Temporário	
Temporary Help Service Firm Empresa de Serviços de Trabalhadores Temporais	
Worksite Employer or Third-Party Client O Cliente Terceirizado	
Name   Nome	
Street Address   Direção	
City   Cidade State   Estado ZIP Code   Cep	
Phone   Telefone Ext.   Extensão	
Workers' Compensation Carrier of Temporary Help Service Firm Companhia de Seguro de Compensação para Trabalhadores da empresa	
Assigned Worksite (if different from above) Lugar do Trabalho Designado (se conhecido) da atribuição do	
Name   Nome	
Street Address   Direção	
City   Cidade State   Estado ZIP Code   Cep	
Phone   Telefone Ext.   Extensão	
Name and nature of work to be performed   Nome y naturaleza del trabajo	

# 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:**

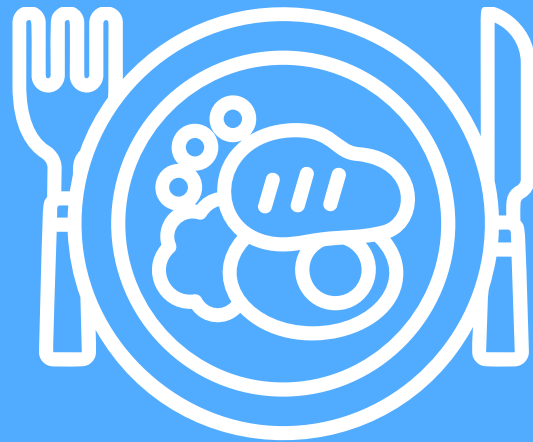
- The agency can't require you to use transportation that they provide
- The agency or third-party client can't charge you for transportation they provide you to and from the worksite.
- If the temp agency provides you with transportation, it cannot allow a vehicle to transport you if:
  - they know 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.

# Pay stub requirements

The temporary agency must provide this information to you using this **NJDOL form** or in your **paystub**.

- Name and address of third-party clients
- Number of hours worked for each third-party client
- Rate of pay, including overtime
- Total earnings
- Any deductions
- The maximum fee a temp agency can charge a third-party client to hire a temp worker directly
- The total amount the temp agency charged the third-party client for your services in that pay period.
- The total cost of benefits the temp agency provided to the temp worker in that pay period.

Third-Party Client\* | Cliente de Terceros\*  
Name  
Nombre  
OR Third-Party Client Code  
O Código de Cliente de Terceros  
Street Address  
Dirección  
City  
Ciudad  
State  
Estado  
ZIP Code  
Código Postal  
Phone  
Teléfono  
Ext.  
Extensión

Deductions with Descriptions\* | Deducciones con Descripciones\*  
Amount  
Cantidad  
Description  
Descripción

Third-Party Client\* | Cliente de Terceros\*  
Name  
Nombre  
OR Third-Party Client Code  
O Código de Cliente de Terceros  
Street Address  
Dirección  
City  
Ciudad  
State  
Estado  
ZIP Code  
Código Postal  
Phone  
Teléfono  
Ext.  
Extensión

Deductions with Descriptions\* | Deducciones con Descripciones\*  
Amount  
Cantidad  
Description  
Descripción

[nj.gov/labor/tempworkers](http://nj.gov/labor/tempworkers)  
for more information  
on the

Division of Wage and Hour Compliance  
N.J.S.A. 34:8

Temporary Laborer Itemized Statement of Earnings, Hours & Deductions  
Trabajador Temporal Declaración Detallada de Ganancias, Horas y Deducciones

A Temporary Help Service Firm must provide the information contained in this form to each Temporary Laborer with each wage payment. The information may be provided either on the Temporary Laborer's paycheck stub or by using this form.

Una Agencia de Empleo Temporal tiene que proveer la información contenida en este formulario a cada Trabajador/Trabajadora Temporal con cada pago de salarios. La información puede ser provista o en el comprobante del Trabajador/de la Trabajadora Temporal o al usar este formulario.

Name of Temporary Laborer  
Nombre del Trabajador/de la Trabajadora Temporal

Third-Party Client\* | Cliente de Terceros\*  
Name  
Nombre  
OR Third-Party Client Code  
O Código de Cliente de Terceros  
Street Address  
Dirección  
City  
Ciudad  
State  
Estado  
ZIP Code  
Código Postal  
Phone  
Teléfono  
Ext.  
Extensión

Deductions with Descriptions\* | Deducciones con Descripciones\*  
Amount  
Cantidad  
Description  
Descripción

Hourly Rate of Pay\* | Tasa de pago por hora\*  
Regular  
Overtime | Horas Extras  
Bonus | Bonificación

Pay Week 1 | 1ra Semana de Pago  
Number of hours worked\*  
Número de horas trabajadas\*  
On Date  
Fecha  
Hours Worked  
Horas Trabajadas  
From (date) | De (fechas)  
To (date) | Hasta (fechas)  
Total Hours Worked  
Total de Horas Trabajadas

Pay Week 2 | 2da Semana de Pago  
Number of hours worked\*  
Número de horas trabajadas\*  
On Date  
Fecha  
Hours Worked  
Horas Trabajadas  
From (date) | De (fechas)  
To (date) | Hasta (fechas)  
Total Hours Worked  
Total de Horas Trabajadas

Pay Week 1 | 1ra Semana de Pago  
Number of hours worked\*  
Número de horas trabajadas\*  
On Date  
Fecha  
Hours Worked  
Horas Trabajadas  
From (date) | De (fechas)  
To (date) | Hasta (fechas)  
Total Hours Worked  
Total de Horas Trabajadas

Pay Week 2 | 2ra Semana de Pago  
Number of hours worked\*  
Número de horas trabajadas\*  
On Date  
Fecha  
Hours Worked  
Horas Trabajadas  
From (date) | De (fechas)  
To (date) | Hasta (fechas)  
Total Hours Worked  
Total de Horas Trabajadas

Current maximum fee charged to a client  
Monto máximo cobrado a un Cliente

\*If the name, address, and phone number of the third-party client appears on the temporary laborer's paycheck stub from the temporary help service firm, the firm may use the same third-party client information on each third-party client assignment.  
\*Si el nombre, la dirección y el teléfono del cliente de terceros aparece en el comprobante de pago de la agencia temporal, la agencia puede optar por utilizar el mismo código del cliente en cada asignación de trabajo de un trabajador temporal.  
\*Hourly rate of payment (including overtime and bonus) paid to the temporary laborer on each third-party client assignment.  
\*Tasa de pago por hora (incluyendo horas extras y bonificación) pagada al trabajador temporal en cada asignación de cliente.  
\*Description & amount of each deduction made from the temporary laborer's paycheck. Each third-party client assignment of deduction descriptions includes limited food, equipment, withheld contributions to the state compensation trust fund and the benefits trust fund, and withheld deductions.  
\*Descripción y monto de cada deducción hecha al trabajador temporal en cada asignación de cliente. Ejemplos de descripciones de deducción (pero no se limitan a): impuesto sobre la renta retenido, retención al fondo fiduciario estatal y el fondo fiduciario de beneficios y deducciones retenidas del Seguro Social.

New Jersey Department of Labor and Workforce Development  
MW-24S (2/2018)



## **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. 34:8D-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 \_\_\_\_\_

**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](http://nj.gov/labor/tempworkers)



Para más información sobre  
La Carta de Derechos de Trabajadores/  
Trabajadoras Temporales véase  
[nj.gov/labor/tempworkers](http://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](https://nj.gov/labor/investigate)
3. **Check** [wagehour.nj.gov](https://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](mailto: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

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- 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.



## **Additional protections for immigrants**

Employers cannot disclose, or threaten to disclose, your immigration status to hide that they broke certain laws. If they do, they face bigger penalties.

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/immigrants](https://nj.gov/labor/immigrants)

# More work rights

[myworkrights.nj.gov](https://myworkrights.nj.gov)


## 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](https://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](https://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](https://myunemployment.nj.gov)**.





THANK YOU