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NJDOL Reflects on a Year of Enhanced Worker Protections, Improved Unemployment Application as Garden State Touts More Workers, Employers Than Ever Before

FOR IMMEDIATE RELEASE

January 6, 2023

TRENTON – New Jersey began 2023 with more workers and employers than at any time in the state's history. With its mission of providing opportunity, stability, and dignity in mind, the New Jersey Department of Labor and Workforce Development (NJDOL) reflected on its customer improvements over the past year, as the organization's 3,000 dedicated employees begin the sixth year of carrying out Governor Murphy's vision for a stronger, fairer economy.

"This department – our entire state – was knocked off its axis in 2020, but New Jersey has seen an incredible recovery in the past year," said Labor Commissioner Robert Asaro-Angelo. "Our state has enacted stronger worker protections, including a higher minimum wage, paid sick days and expanded family leave. While alarmist naysayers insist enhanced worker protections lead to layoffs and business closings, the real data is clear: It is because of – not despite – these proactive measures that New Jersey is among the Northeast leaders in year-over-year employment growth."

UNEMPLOYMENT

The massive and sudden uptick in Unemployment Insurance claims resulting from the pandemic and the ever-changing provisions of the CARES Act have dwindled as more people have returned to work. Today, unemployment insurance claims hover at pre-pandemic levels as New Jersey's economy bests its regional neighbors. NJDOL teams continue to work through cases that have been appealed, and some of the more nuanced claims for benefits. Though there still remains a need for more telephone assistance and the Department continues to seek additional staff, One-Stop Career Centers that offered unemployment assistance resumed in-person services in the spring. Since that time, nearly 60,000 claimants were able to conveniently address lingering issues on-site.

Any claimant wishing to make an in-person appointment to speak with a local unemployment specialist may do so at <https://telegov.njportal.com/njdolui/AppointmentWizard>.

In 2022, New Jersey launched the first of many planned improvements to the Unemployment Insurance system with a mobile-responsive, plain-language application. The initial application was redesigned in partnership with the New Jersey Office of Innovation as part of a comprehensive rethinking of communications with claimants. The [new initial application](#) has reduced the average completion time by 47 minutes. For a more detailed explanation about the new, user-friendly unemployment application: https://www.nj.gov/labor/lwdhome/press/2022/20220429_newapplication.shtml.

In addition, the State has begun reimagining its communications with claimants. Emails are being rewritten and designed to be clearer and more concise. Early feedback indicates the new emails are easier to follow and less confusing than similar communication received in the past.

LEAVE BENEFITS

Since January 2022, staff in the Temporary Disability (TDI) and Family Leave Insurance (FLI) divisions have reduced claims processing times by 50 percent. A new Community Outreach Team is helping to raise awareness of TDI/FLI benefits and has spread the word about these programs at 80 in-person and virtual events across the state.

In July, [NJDOL awarded \\$1.1 million](#) through its inaugural Cultivating Access, Rights, and Equity (CARE) grant to 13 grantees, including four collaboratives, totaling 28 organizations to facilitate equitable outreach, education, and access to New Jersey's many generous benefits and protections



NJ Labor Department
Retweeted

Tammy Murphy  
@FirstLadyNJ · Jan 20

Next week I'm passing the mic to Rose-Anne Uwague, a Maternal Health Advocate and Parent Ambassador, for a [#NurtureNJTakeover!](#)

Our mission? To elevate the voices of those fighting to make New Jersey the safest, most equitable place to deliver and raise a baby. [#MHAD](#)

programs for eligible workers, including Temporary Disability Insurance, Family Leave Insurance, and Earned Sick Leave. These trusted local organizations are able to educate a wide range of communities about their rights and benefits as New Jersey workers.

Also in July, Commissioner Asaro-Angelo announced the [Maternity Coverage Timeline Tool](#), a new way for expecting parents to calculate coverage periods for TDI and FLI. The tool empowers parents by providing them a personalized timeline estimate of benefit coverage periods.

Developed in collaboration with the New Jersey State Office of Innovation, the tool helps expecting parents plan when and how to maximize their maternity leave.

WORKERS' COMPENSATION

NJDOL's Office of Compliance Enforcement collected a record number of fines and penalties in 2022 totaling more than \$3 million, which is important not only to ensure workers are properly protected, but also because lack of proper workers' compensation coverage is often a sign of worker misclassification.

MAKING SURE ALL EMPLOYEES ARE TREATED EQUALLY

Employee classification audits for the years 2014-2018 resulted in a [\\$100 million payment](#) from ride-share companies Uber and Raiser Inc. In 2022. It was the largest such payment in New Jersey history, covering 297,866 drivers.

WORKER PROTECTIONS

In August, the New Jersey Supreme Court in [East Bay Drywall LLC vs New Jersey Department of Labor and Workforce Development](#) affirmed the Department's methods of determining worker classification in a landmark ruling that warned against the "subterfuge" of employers who intentionally misclassify their workers and deny them "the public policy protections afforded by the ABC test." Commissioner Asaro-Angelo at the time called the decision "a significant victory that validates the Murphy Administration's commitment to solidifying our laws as the gold standard of protecting workers." The case left no doubt that the facts of the employment relationship and the application of state laws to those facts dictate whether a worker is considered an employee or an independent contractor; simply issuing a 1099 or asking a worker to form an LLC is not enough, the court ruled, in a victory for both misclassified workers and for employers who play by the rules.

The Division of Wage and Hour and Contract Compliance also continued its field enforcement work, using stop-work orders to combat wage and hour and prevailing wage violations. To date, 85 stop-work orders have been issued and 31 contractors have been debarred for egregious prevailing wage violations.

NJDOL was granted an [added enforcement tool](#) in the ability to assess a penalty to employers who misclassify their workers. The penalty equals 5 percent of the misclassified worker's gross earnings over the past 12 months. NJDOL has assessed \$1,739,901 in penalties for 1,755 workers.

In September, NJDOL negotiated a [landmark child labor settlement](#) with Chipotle Restaurants covering all the popular chain's New Jersey locations. Chipotle made a payment of \$7.67 million to the Child Labor Trust Fund and repaid \$85,000 in attorney fees to the Division for litigation costs. The settlement included an enhanced compliance agreement, which commits the fast-food chain to three years of self-audits; training for supervisors, managers and crew employees; and a system for workers to report potential child labor violations in any New Jersey-based store.

The Office of Public Safety and Occupational Health and Safety (PEOSH) led a [first-of-its-kind inspection of beach patrols](#) in response to two lifeguard fatalities in August 2021, and the growing concern over the safety of beach patrol unit employees in multiple towns. A total of 58 inspections statewide resulted in the issuance of 32 Hazard Awareness Letters on boat and/or lightning safety, 26 Orders to Comply, and 73 total violations relating to boat hazards, boat certifications, lightning policies, and recordkeeping.

Additionally, in executing the OSHA On-Site Consultation program, Department staff conducted 195 on-site safety consultations, tripling its projected goal of 60 site visits. These consultations, which are free and voluntary for employers, consist of initial site visits, training, education sessions, and follow-up to help New Jersey's public employers maintain a safe and healthy workplace for their employees.

POSITIONING NEW JERSEY'S WORKFORCE

Apprenticeship has been a proven, successful career pipeline helping workers learn on the job while earning a paycheck. Since Governor Murphy took office in January 2018, New Jersey has added 563 Registered Apprenticeship programs, a 92 percent increase statewide. A total of 12,652 newly hired apprentices and 6,346 certificates of completion have been issued. Nearly \$28 million in apprenticeship grants have been awarded since 2018, including \$8.9 million to bolster the health care sector, as demand has increased due to the pandemic.

In December, [NJDOLE announced](#) \$325,000 in funding to support the Cannabis Apprenticeship Training Initiative which will educate and train workers to help cannabis businesses in New Jersey thrive and to build pathways for employees, particularly those in marginalized communities.

LOOKING AHEAD TO 2023

The Department's unemployment modernization will pick up steam in 2023, with redesign of the self-service claim status page, a comprehensive update of email and paper notifications, upgrading the mainframe, and a new claimant intake application.

NJDOL will continue to call for federal action to reform the underlying unemployment laws and regulations that bog down so many New Jersey workers when assistance is most needed.

Additionally, NJDOL will continue its work developing groundbreaking digital workforce development tools to better serve New Jersey employers, workers and job seekers.

The Department will also be ramping up its [Strategic Enforcement efforts](#) to ensure no worker is denied any of the earnings or benefits they are entitled to under the state's labor laws. These actions will focus on industries with a history of noncompliance with existing laws and on those whose employees are less likely to file complaints with the Department.

Finally, NJDOL will continue to devote resources to advancing the Governor's economic development agenda.

"There's no doubt we have a big mission spread across more than a dozen divisions, but thankfully this Department is made up of some of the most committed, resolute workers in state government," said Commissioner Asaro-Angelo. "Our career employees are the legs this Department and our state government stand on, and they deserve our respect for the work they do day in and day out. They are the ones who will keep our state thriving in the new year."

For more NJDOL news and highlights, please visit <https://www.nj.gov/labor/lwdhome/press/>.

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