

12:55-2.4 Time and mode of payment

(a) All final payment of wages following the termination or voluntary leaving of employment shall be completed within 10 days from the end of the work period for which such wages are earned, in compliance with N.J.S.A. 34:11-4.2.

(b) When any employee is suspended as a result of a labor dispute and such labor dispute involves those employees who make up payrolls, the employer may have an additional 10 days in which to pay such wages.

(c) The employer shall:

1. Pay the employee on the regular scheduled pay date; or
2. Mail such payment of wages to the last known address of the employee.

(d) Except under the circumstances set forth in (h) and (i) below, payment of wages shall be in lawful money of the United States or with checks drawn on financial institutions where suitable arrangements are made for the cashing of such checks by employees without difficulty and for the full amount for which they were drawn.

(e) When a fee is charged for the cashing of a payroll check at the banking institution on which the check is drawn, the employer shall bear the burden of the fee.

(f) Where suitable arrangements are not made for the cashing of payroll checks as set forth in (d) above, the employer shall bear the burden of any fee charged to the employee for the cashing of such payroll check.

(g) The employer shall be responsible for payment of check-deposit-return fees.

1. When an employee with direct deposit has his or her account debited with a check-deposit-return fee, the employer shall reimburse the employee as soon as possible, but no later than the next regularly scheduled payday.
2. Reimbursement by the employer under (g)1 above shall be for the full amount of the check-deposit- return fee and shall not be paid to the employee as wages.

(h) In lieu of paying wages directly to an employee in the manner prescribed in (d) above, an employer may arrange with a financial institution or financial institutions to pay the wages of an employee by direct deposit, provided that all of the following conditions are met:

1. The employee shall first consent in writing to the direct deposit of his or her wages;
2. Consent under (h)1 above shall be obtained by the employer without intimidation, coercion, or fear of discharge or reprisal for refusal to accept the direct deposit arrangement;
3. Consent under (h)1 above shall not be a condition of hire or continued employment;

4. The employee's wages so deposited shall be subject to withdrawal and other disposition by the employee to the same extent and in the same manner as if such deposit had been made directly by the employee under (d) above;
5. The employee shall be furnished with a statement of deductions made from his or her wages for each pay period such deductions were made; and
6. The employee shall, on timely notice to the employer, be permitted by the employer to elect not to have his or her wages deposited in the manner prescribed in this subsection and to be paid his or her wages directly in the manner provided under (d) above or as provided under (i) below.

(i) In lieu of paying wages directly to an employee in the manner prescribed in (d) above, an employer may pay the wages of an employee by causing the amount of such employee's wages to be deposited in a payroll debit card account, provided that all of the following conditions are met:

1. The employee shall first consent in writing to the deposit of his or her wages in a payroll debit card account;
2. Consent under (i)1 above shall be obtained by the employer without intimidation, coercion, or fear of discharge or reprisal for refusal to accept the payroll debit card account deposit arrangement;
3. Consent under (i)1 above shall not be a condition of hire or continued employment;
4. The employee's wages so deposited in a payroll debit card account shall be subject to withdrawal and other disposition by the employee to the same extent and in the same manner as if such deposit had been made directly by the employee under (d) above into an account maintained in a financial institution in the name of the employee.

i. On at least one occasion per pay period, the employee shall be permitted, using the payroll debit card, to withdraw his or her wages in full, in lawful money of the United States, without any fee to the employee and without difficulty;

5. The employee shall be furnished with a statement of deductions made from his or her wages for each pay period such deductions were made;
6. Prior to obtaining consent from the employee under (i)1 above, the employer shall disclose in writing to the employee each of the features of the payroll debit card (for example, withdrawal at any ATM or point-of-sale use), including any fee(s), which may be charged to the card holder for the use of each of those features. The written disclosure required under this paragraph shall also include an explanation of the specific means by which the employee may, on at least one occasion per pay period, use the payroll debit card to withdraw his or her wages in full, in lawful money of the United States, without any fee to the employee and without difficulty; and
7. The employee shall, on timely notice to the employer, be permitted by the employer to elect not to have his or her wages deposited in the manner prescribed in this subsection and to be paid his or her wages directly in the manner provided under (d) above or in the manner provided under (h) above.

(j) Except under the circumstances set forth in (k) below, an employer shall pay the full amount of wages due his employees at least twice during each calendar month, on regular paydays designated in advance by the employer.

(k) An employer may establish regular paydays less frequent than semimonthly for employees who are exempt from overtime under N.J.A.C. 12:56-7, provided that the employee shall be paid in full at least once each calendar month on a regularly established schedule.

Source: New Jersey Department of Labor and Workforce Development. Last accessed on September 15, 2015. *See*, http://lwd.state.nj.us/labor/wagehour/lawregs/selected_nj_state_labor_law.html#5524