

## New Jersey Supreme Court Finds 2019 Amendments to the Wage Payment Law and Wage and Hour Law are Not Retroactive

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In a recent unanimous decision by the New Jersey Supreme Court in Christopher Maia v. IEW Construction Group, the seven-judge panel reversed the prior judgment of the Appellate Division and held that the August 6, 2019, amendments to the Wage Payment Law (“WPL”) and the Wage and Hour Law (“WHL”) in L. 2019, c. 212 (“Chapter 212”) do not apply retroactively to conduct that preceded August 6, 2019.

The Supreme Court’s decision is significant because Chapter 212 allows for the recovery of liquidated damages in an amount of up to 200% of the amount at issue under both the WPL and WHL, adds a retaliation claim to both the WPL and WHL, permits the recovery of attorneys’ fees under the WPL, and extends the statute of limitations in the WHL from two to six years. Thus, Chapter 212 allows plaintiffs to bring new claims with enhanced damages that were previously unavailable. In reversing the Appellate Division, the Supreme Court recognized that application of Chapter 212 to conduct prior to August 6, 2019, would constitute retroactive application as the changes to the WPL and WHL are not merely procedural; instead, they affect substantive duties and liabilities.

Accordingly, the Supreme Court examined whether the Legislature intended Chapter 212 to apply retroactively. Given that Chapter 212 states that the new provisions “shall take effect immediately,” which courts have repeatedly interpreted to mean prospective application, the Court held that Chapter 212, and its enhanced remedies and extended statute of limitations, does not apply retroactively to conduct that occurred prior to August 6, 2019.

If you have any questions on the WPL, WHL, or the Chapter 212 amendments, please contact Vincent C. Cirilli of Saiber LLC’s Employment & Labor Law practice group.