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MSS Client Alert

Meister Seelig & Schuster – Employment

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New Jersey Launches Employer Portal for Expanded Separation Reporting Obligations

New Jersey employers are required to report information related to an employee's separation from employment through the Employer Response Portal recently launched by the New Jersey Department of Labor (NJDOL).

These employer reporting obligations arise from an amendment to the New Jersey Unemployment Compensation Law, which took effect on July 31, 2023. Implementation, however, was delayed until the portal went live.

Prior to the amendment, employers could wait until an employee files a claim for unemployment benefits to provide responsive information. Now employers must proactively provide information relevant to the state's determination of an employee's unemployment insurance claim via the portal.

Required Information to Report

Notably, these obligations arise regardless of the reason for an employee's separation. Under the amended law, if an employee was laid off, terminated, resigned, or retired, the employer's reporting obligation remains the same.

Within seven days of an employee's separation, New Jersey employers must report:

- The employee's name, Social Security number, first and last days worked, work schedule, pay rate, reason for separation, temporary or permanent separation status, and relevant employer and supervisor contact information;
- Whether the employee resigned voluntarily;
- Whether the employee was terminated for misconduct;
- Whether the employee failed to apply for suitable work or accept it; or
- Whether certain payments or benefits were received by the employee.

Employers who terminate multiple employees at once can file a single report for up to 1,000 impacted employees.

Consequences of Non-Compliance

If an employer does not provide the information in the required timeframe, the NJDOL may decide an employee's unemployment claim solely based on employee-provided information. In certain circumstances, the employer may lose the ability to challenge a claim.

Employers may also face monetary penalties if they knowingly make false statements, knowingly fail to disclose material facts, or willfully fail or refuse to furnish required information. The penalty is the greater of $500 or 25%

of any amount fraudulently withheld (such as improperly denied benefits or unpaid contributions), and each violation or day of violation may count as a separate offense.

Next Steps for New Jersey Employers

If not already registered, New Jersey employers must register to access the portal via the NJDOL website: Division of Employer Accounts | Get started with Employer Access.

In addition to the continued obligation to provide departing employees with Form BC10.pdf (SECURED), Instructions for Claiming Unemployment Benefits, New Jersey employers should incorporate these reporting obligations into their standard separation procedures.

Employers who work with a professional employer organization ("PEO") should review termination procedures with the PEO. Employers may authorize their professional PEO or payroll provider to submit the required information on their behalf, but may need to provide additional information to do so. The portal includes a dedicated submission page for PEOs.

Employers nonetheless remain responsible for maintaining and providing the relevant information and documents, and may therefore consider preparing a termination memo for an employee's personnel file in advance of a termination.

For questions about New Jersey's employer reporting requirements, including which documents to submit, please contact an attorney in MSS's Employment Group.

Employment Group



Andrea B. Neuman
Partner
(212) 655-3513 | abn@mss-pllc.com



Valerie K. Ferrier
Partner
(212) 655-3589 | vkf@mss-pllc.com



Charlotte Moriarty Pramer
Associate
(646) 539-3798 | cpramer@mss-pllc.com