

Guidance for Temporary Help Service Firms Seeking DCP Certification – Bonding Requirements

The Office of Consumer Protection has received several inquiries regarding the obligation of temporary help service firms to obtain a bond for the benefit of temporary laborers pursuant to section 8(b) of the Temporary Workers' Bill of Rights (codified at N.J.S.A. 34:8D-8(b)). This notice is meant to clarify the bond requirement for temporary help service firms ("THSF") that maintain both a primary location and one or more branch offices or other locations where the temporary help service firm regularly conducts its business ("secondary locations").

As noted in the [adoption notice](#) for the rules implementing the certification and bond provisions of the Temporary Workers' Bill of Rights (P.L. 2023, c. 10), each THSF that seeks to make "designated classification placements," as that term is defined in N.J.S.A. 34:8D-2, and each secondary location must obtain a certification from the Division of Consumer Affairs ("Division") and maintain a surety bond with a principal sum of at least \$200,000. If a THSF has both a primary location and one or more secondary locations, each primary location and each secondary location must obtain its own, separate certification. This will ensure that the Division is able to track each location and take targeted action against individual locations where appropriate.

However, a THSF with both a primary location and one or more secondary locations may submit a single bond with a principal sum of at least \$200,000 to cover all its locations. The bond shall be in favor of, and payable to, the people of the State of New Jersey, and for the benefit of any temporary laborer damaged by the THSF's failure to pay wages, interest on wages, or fringe benefits, or damaged by a violation of section 8 of the Temporary Workers' Bill of Rights (codified at N.J.S.A. 34:8D-8).

The THSF must ensure that the principal sum of the bond is at least \$200,000 at all times. If the payment of a claim results in the principal sum of the bond falling below \$200,000, the THSF must replenish the bond immediately. Pursuant to section 12(b)(1) of the Temporary Workers' Bill of Rights (codified at N.J.S.A. 34:8D-12(b)(1)), the Division may deny, suspend, revoke, or refuse to renew a THSF's certification to make designated classification placements if the THSF fails to obtain or maintain a bond of at least \$200,000 or if it terminates the bond.