



TERMINATION

Was Your Layoff Illegal? A New Jersey Employee's Guide

This guide helps you determine if your recent layoff may have violated New Jersey employment laws. We outline key warning signs of illegal termination and explain your rights as a worker in the Garden State.

Retaliatory Layoffs



After Filing a Complaint

If you were laid off shortly after reporting harassment, discrimination, unsafe working conditions, or other workplace violations, this could be illegal retaliation.

Timing is crucial in these cases. Document the dates of your complaint and subsequent layoff to establish a potential connection.



Whistleblower Protection

New Jersey's Conscientious Employee Protection Act (CEPA) specifically protects workers who report illegal or unethical workplace activities from retaliatory termination.

Discriminatory Layoffs

When layoffs disproportionately affect protected groups, it may indicate discriminatory intent. Protected characteristics under New Jersey law include several categories that deserve special attention.



Age Discrimination

If employees over 40 were more heavily impacted by layoffs, this could violate age discrimination laws, even if the stated reason was "company restructuring."



Gender Discrimination

When women are disproportionately selected for layoffs, this pattern may indicate gender-based discrimination that's prohibited under New Jersey law.



Race & Ethnicity

Look for patterns where racial or ethnic minorities were more heavily affected by workforce reductions, which could be evidence of discrimination.



Pregnancy Status

Layoffs targeting pregnant employees or those who recently returned from maternity leave may violate New Jersey's strong pregnancy protection laws.

Identifying these patterns is crucial when determining if your layoff may have had discriminatory intent, even when the official explanation cited business necessities like "downsizing."



Suspicious Circumstances

No Clear Explanation

Employers who can't or won't provide a clear business reason for your termination may be hiding discriminatory or retaliatory motives.

Job Reposting

If your position was advertised as open shortly after your layoff, this contradicts the claim that your position was eliminated and suggests pretext.

Positive Performance

Recent positive performance reviews or raises followed by sudden inclusion in a layoff may indicate the stated reason is not the real one.



Protected Leave Violations

Medical and Family Leave

New Jersey law provides strong protections for employees taking medical or family leave. If you were laid off while on or shortly after returning from protected leave, this may violate both state and federal laws.



The New Jersey Family Leave Act and federal FMLA require employers to hold your position or provide an equivalent one upon your return.

Contract and Policy Violations



Written Contracts



Formal employment agreements may specify terms for termination that your employer must follow.

Employee Handbooks



Company policies outlined in handbooks can create legally binding obligations even without a formal contract.

Verbal Promises



Specific assurances from management about job security or layoff procedures may be enforceable promises.

Review all documentation carefully. If your employer didn't follow their own stated procedures, you may have grounds for a claim.

Documenting Your Case

Strong documentation significantly strengthens potential legal claims. Preserve all communications about your layoff, including emails, texts, and letters. Request a written explanation for your termination if you haven't received one.

Take detailed notes about conversations with supervisors or HR regarding your layoff, including dates, participants, and what was said. Also gather performance reviews, commendations, and evidence of any protected activities.



Taking Action

If you checked even one of the warning signs in this guide, your layoff may have been illegal under New Jersey law. Employment law cases have strict time limits, so don't delay in seeking legal advice.

180

Days

Maximum time to file with NJ Division
on Civil Rights

300

Days

Time limit for EEOC complaints

2

Years

Statute of limitations for many NJ
employment claims

Contact Swartz Swidler at (856) 685-7420 or visit [swartz-legal.com](https://www.swartz-legal.com) for a free consultation.