

ASSEMBLY, No. 3937

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 12, 2022

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywomen Jaffer and Reynolds-Jackson

SYNOPSIS

Requires transparency concerning compensation with promotional opportunities and in employment listings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/8/2023)

1 AN ACT concerning transparency in employment listings and
2 supplementing Title 34 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. An employer shall make reasonable efforts to announce,
8 post, or otherwise make known all opportunities for promotion to all
9 current employees on the same calendar day and prior to making a
10 promotion decision. Each failure to announce, post, or otherwise
11 make known one promotional opportunity shall constitute a separate
12 violation of this subsection.

13 b. An employer shall disclose in each posting for each job opening
14 the hourly wage or salary, or a range of the compensation, and a
15 general description of all of the benefits and other compensation to
16 be offered to the hired applicant. Each failure to include the
17 information required in this subsection in a particular job posting
18 shall constitute a separate violation of this subsection.

19 c. Any employer who violates this act shall be subject to a civil
20 penalty in an amount not to exceed \$1,000 for the first violation,
21 \$5,000 for the second violation and \$10,000 for each subsequent
22 violation, collectible by the Commissioner of Labor and Workforce
23 Development in a summary proceeding pursuant to the "Penalty
24 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

25 d. Upon a violation of any provision of this act, an aggrieved
26 person may, in addition to any other available remedy, institute civil
27 action in a court of competent jurisdiction, within one year from the
28 date of the alleged violation, for relief as follows:

29 (1) injunctive relief as it deems appropriate;

30 (2) compensatory damages incurred as a result of the violation;
31 and

32 (3) reasonable attorneys' fees and court costs.

33 e. As used in this act, "employer" means any person, company,
34 corporation, firm, labor organization, or association which has five
35 or more employees over 20 calendar weeks and does business,
36 employs persons, or takes applications for employment within this
37 State, including the State, any county or municipality, or any
38 instrumentality thereof. The term shall include job placement and
39 referral agencies and other employment agencies.

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41 2. This act shall take effect on the first day of the seventh month
42 next following the date of enactment.

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45 STATEMENT

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47 This bill requires employers to make reasonable efforts to
48 announce, post, or otherwise make known all opportunities for

1 promotion to all current employees on the same calendar day and
2 prior to making a promotion decision. Each failure to announce, post,
3 or otherwise make known one promotional opportunity will
4 constitute a separate violation.

5 The bill requires employers to disclose in each posting for each
6 job opening the hourly wage or salary, or a range of the
7 compensation, and a general description of all of the benefits and
8 other compensation to be offered to the hired applicant. Each failure
9 to include the information required in a particular job posting will
10 constitute a separate violation.

11 The Commissioner of Labor and Workforce Development may
12 enforce the provisions of the bill in a summary proceeding, and an
13 employer who violates the bill will be subject to a civil penalty in an
14 amount not to exceed \$1,000 for the first violation, \$5,000 for the
15 second violation and \$10,000 for each subsequent violation.

16 An aggrieved person may institute a cause of action for damages
17 incurred from a violation of the provisions of the bill.