

# 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)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/9/2022)

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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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.