

[First Reprint]

**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:**

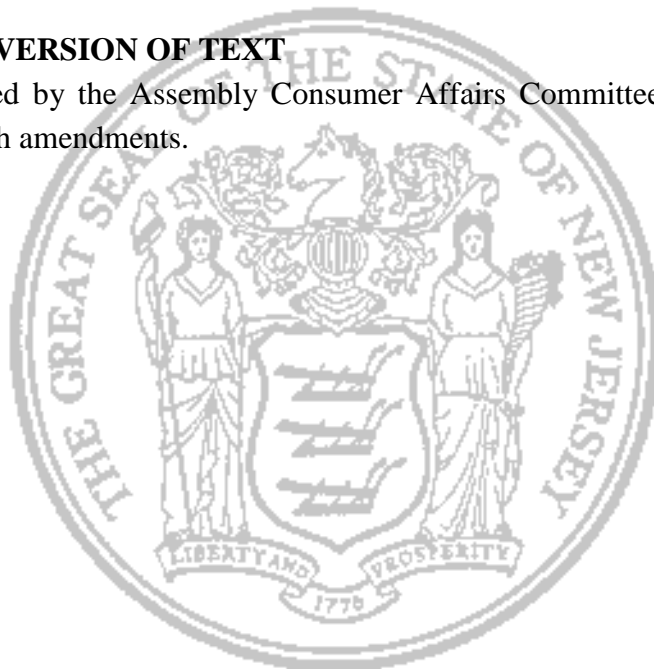
**Assemblywomen Jaffer and Reynolds-Jackson**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Consumer Affairs Committee on December 11, 2023, with amendments.



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

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

3

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

6

7 1. a. An employer shall make reasonable efforts to announce,  
8 post, or otherwise make known <sup>1</sup>**[all]**<sup>1</sup> opportunities for promotion  
9 <sup>1</sup>that are advertised internally within the employer or externally on  
10 internet-based advertisements, postings, printed flyers, or other similar  
11 advertisements<sup>1</sup> to all current employees <sup>1</sup>**[on the same calendar day**  
12 **and]** in the affected department or departments of the employer's  
13 business<sup>1</sup> prior to making a promotion decision. <sup>1</sup>Any promotion for a  
14 current employee that is awarded on the basis of years of experience or  
15 performance shall not be subject to the notification requirements  
16 established in this subsection.<sup>1</sup> Each failure to announce, post, or  
17 otherwise make known one **[promotional]** opportunity <sup>1</sup>for promotion  
18 as defined in this section<sup>1</sup> shall constitute a separate violation of this  
19 subsection. <sup>1</sup>Nothing in this subsection shall be construed to prohibit  
20 an employer from making a promotion on an emergent basis due to an  
21 unforeseen event.<sup>1</sup>

22 b. An employer shall disclose in each posting <sup>1</sup>**[for each job**  
23 **opening]** for promotions, new jobs, and transfer opportunities that are  
24 advertised by the employer either externally or internally<sup>1</sup> the hourly  
25 wage or salary, or a range of the <sup>1</sup>**[compensation]** hourly wage or  
26 salary<sup>1</sup>, and a <sup>1</sup>**[general description]** listing<sup>1</sup> of <sup>1</sup>**[all of the]**<sup>1</sup> benefits  
27 and other compensation <sup>1</sup>**[to be offered to the hired applicant]**  
28 programs for which the employee would be eligible within the  
29 employee's first 12 months of employment<sup>1</sup>. Each failure to include  
30 the information required in this subsection in a particular job posting  
31 shall constitute a separate violation of this subsection. <sup>1</sup>Nothing in this  
32 subsection shall be construed to prohibit an employer from increasing  
33 the wages, benefits, and compensation identified in the job posting at  
34 the time of making an offer for employment to an applicant.<sup>1</sup>

35 c. Any employer who violates this act shall be subject to a civil  
36 penalty in an amount not to exceed \$1,000 for the first violation,  
37 \$5,000 for the second violation and \$10,000 for each subsequent  
38 violation, collectible by the Commissioner of Labor and Workforce  
39 Development in a summary proceeding pursuant to the "Penalty  
40 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

41 d. <sup>1</sup>**[Upon a violation of any provision of this act, an aggrieved**  
42 **person may, in addition to any other available remedy, institute civil**

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ACO committee amendments adopted December 11, 2023.

1 action in a court of competent jurisdiction, within one year from the  
2 date of the alleged violation, for relief as follows:

- 3 (1) injunctive relief as it deems appropriate;  
4 (2) compensatory damages incurred as a result of the violation; and  
5 (3) reasonable attorneys' fees and court costs.】

6 (1) Temporary help service firms and consulting firms registered  
7 with the Division of Consumer Affairs in the Department of Law and  
8 Public Safety shall not be required to provide, on job postings that are  
9 posted for the purpose of identifying qualified applicants for potential  
10 future job openings and not for existing job openings:

- 11 (a) the hourly wage or salary, or range of hourly wage or salary; or  
12 (b) a listing of benefits and other compensation programs for  
13 which the employee would be eligible within the employee's first 12  
14 months of employment.

15 (2) Temporary help service firms or consulting firms shall be  
16 required to provide the pay and benefit information listed in paragraph  
17 (1) of this subsection to an applicant for temporary employment at the  
18 time of interview or hire for a specific job opening.<sup>1</sup>

19 e. As used in this act<sup>1</sup>【, “employer”】:

20 “Employer”<sup>1</sup> means any person, company, corporation, firm, labor  
21 organization, or association which has <sup>1</sup>【five】 10<sup>1</sup> or more employees  
22 over 20 calendar weeks and does business, employs persons, or takes  
23 applications for employment within this State, including the State, any  
24 county or municipality, or any instrumentality thereof. The term shall  
25 include job placement and referral agencies and other employment  
26 agencies.

27 <sup>1</sup>“Promotion” means a change in job title and an increase in  
28 compensation.<sup>1</sup>

29

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