

SENATE, No. 3663

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 27, 2023

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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.

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 all opportunities for promotion to
9 all current employees on the same calendar day and prior to making
10 a 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
14 opening the hourly wage or salary, or a range of the compensation,
15 and a general description of all of the benefits and other
16 compensation to be offered to the hired applicant. Each failure to
17 include the information required in this subsection in a particular
18 job posting 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.

40

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

43

44

45

STATEMENT

46

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,
3 post, 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
9 failure to include the information required in a particular job
10 posting will 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
14 an amount not to exceed \$1,000 for the first violation, \$5,000 for
15 the 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.