

SENATE, No. 3509

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 26, 2024

Sponsored by:

Senator PAUL D. MORIARTY

District 4 (Atlantic, Camden and Gloucester)

SYNOPSIS

Requires employers to include in job posting whether posting is for existing position and sets additional job posting requirements.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning job postings and supplementing Title 34 of the
2 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 who publicly advertises a job posting shall
8 include in the posting:

9 (1) a statement disclosing whether the posting is for an existing
10 vacancy or not, and if the posting is for an existing vacancy, an
11 estimated timeframe of when the position will be filled; and

12 (2) any other information relating to the position as deemed
13 appropriate by the Commissioner of Labor and Workforce
14 Development.

15 b. (1) When a position for which an employer has publicly
16 advertised has been filled, the employer shall remove any posting or
17 advertisement made by the employer within two weeks of the
18 position having been filled. If the employer is aware or should
19 reasonably be aware that a third-party job posting company posted
20 the position independently of the employer, the employer shall notify
21 the third-party company that the position has been filled.

22 (2) If a third-party job posting company knows or has reason to
23 know that a post for a particular position has been filled or has
24 otherwise expired, the third-party job posting company shall remove
25 the post within two weeks of the date it knows or has reason to know
26 of the position being filled.

27 c. If an employer interviews an applicant for a publicly
28 advertised job posting, the employer shall, within the timeframe
29 provided in the job advertisement, provide the applicant with an
30 affirmative response as to whether the position has been filled, or if
31 the position has not been filled, whether the employer is still
32 considering the applicant for the position. If the employer notifies
33 the applicant that the applicant is still in consideration for the
34 position, the employer shall provide the applicant with an estimated
35 timeframe of when the employer will make a final decision as to the
36 position.

37 d. The Department of Labor and Workforce Development shall
38 have the authority to conduct audits of employer and third-party job
39 posting company practices to determine ongoing violations of this
40 act. Any person aggrieved by a violation of this act may report the
41 violation to the department.

42 e. Any person violating any of the provisions of this act shall be
43 liable to a penalty of not less than \$1,000 nor more than \$5,000 to be
44 collected in a civil action by a summary proceeding under the
45 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
46 seq.). Each week that a job advertisement is posted in violation of
47 this act shall constitute a separate and distinct violation, except

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1 during the time an appeal from the summary proceeding may be taken
2 or is pending.

3 f. The commissioner shall adopt and promulgate, pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.), rules and regulations as may be necessary to effectuate the
6 purposes of this act.

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8 2. This act shall take effect immediately.

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STATEMENT

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13 This bill requires an employer to remove a job posting when a
14 position has been filled and include, within any posting for a publicly
15 advertised job, information concerning whether the posting is for an
16 existing position. Under the bill, an employer is required to provide
17 a timeframe in the job posting as to when the position is anticipated
18 to be filled. If the employer interviews an applicant for the position,
19 the employer is required, within the timeframe provided in the job
20 advertisement, to provide the applicant with an affirmative response
21 as to whether the position has been filled, or if the position has not
22 been filled, whether the employer is still considering the applicant
23 for the position.

24 The bill also requires third-party job posting companies to remove
25 positions that have been filled, and it provides the Department of
26 Labor and Workforce Development with the authority to audit
27 employers and third-party job posting companies for ongoing
28 violations. Any person who violates the provisions of the bill will be
29 subject to civil penalties.