

SENATE, No. 2136

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

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

Introduced Pending Technical Review by Legislative Counsel.



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 or third-party job posting company who
8 publicly advertises a job posting shall 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, or, if the
12 posting is not for an existing vacancy, a disclaimer that there is not
13 an existing vacancy, provided that the posting and disclaimer shall
14 not be permitted unless the employer has, within the preceding 12
15 months, listed the same position not less than three times or hired
16 not less than six employees for similar roles, and provided further
17 that the posting and disclaimer shall expire after 90 days and the
18 posting shall be removed; and

19 (2) any other information relating to the position as deemed
20 appropriate by the Commissioner of Labor and Workforce
21 Development.

22 b. For job postings that are for existing job vacancies,
23 employers and third-party job posting companies shall comply with
24 the following requirements:

25 (1) When a position for which an employer has publicly
26 advertised has been filled, the employer shall remove any posting or
27 advertisement made by the employer within two weeks of the
28 position having been filled or within 30 days of the original posting,
29 whichever is later. If the employer is aware or should reasonably be
30 aware that a third-party job posting company posted the position
31 independently of the employer, the employer shall notify the third-
32 party company that the position has been filled.

33 (2) If a third-party job posting company knows or has reason to
34 know that a post for a particular position has been filled or has
35 otherwise expired, the third-party job posting company shall
36 remove the post within two weeks of the date it knows or has reason
37 to know of the position being filled or within 30 days of the original
38 posting, whichever is later.

39 c. If an employer conducts an interview with an applicant for a
40 publicly advertised job posting for an existing job vacancy, the
41 employer shall, within the timeframe provided in the job
42 advertisement, provide the applicant with an affirmative response as
43 to whether the position has been filled, or if the position has not
44 been filled, whether the employer is still considering the applicant
45 for the position. If the employer notifies the applicant that the
46 applicant is still in consideration for the position, the employer shall
47 provide the applicant with an estimated timeframe of when the
48 employer will make a final decision as to the position.

1 d. The Department of Labor and Workforce Development shall
2 have the authority to conduct audits of employer and third-party job
3 posting company practices to determine ongoing violations of this
4 act. Any person aggrieved by a violation of this act may report the
5 violation to the department.

6 e. Any employer or third-party job posting company violating
7 any of the provisions of this act shall be liable to a penalty of not
8 more than \$300 for a first offense, and not more than \$600 for a
9 subsequent offense, to be collected in a civil action by a summary
10 proceeding under the "Penalty Enforcement Law of 1999,"
11 P.L.1999, c.274 (C.2A:58-10 et seq.). Each week that a job
12 advertisement is posted in violation of this act shall constitute a
13 separate and distinct violation, except during the time an appeal
14 from the summary proceeding may be taken or is pending.

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

19 g. For the purposes of this section:

20 (1) A position shall be regarded as filled on the first day that a
21 selected candidate begins the performance of job duties under the
22 terms of employment.

23 (2) "Interview" means a formal or informal meeting or
24 conversation between an employer or representative of the
25 employer and a job applicant that is conducted with the intention of
26 assessing the candidate's qualifications, skill, or suitability for a
27 specific position, provided that "interview" does not include
28 preliminary screenings or assessments of information about a job
29 applicant, including information submitted by the applicant, which
30 is conducted by human resources personnel or other representatives
31 of the employer solely to verify basic qualifications or interest in
32 the position or to determine whether to interview the applicant.

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34 2. This act shall take effect immediately.

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STATEMENT

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39 This bill requires an employer to include in any posting for a
40 publicly advertised job, information concerning whether the posting
41 is for an existing, vacant position, and remove a job posting when a
42 position has been filled within two weeks after the position being
43 filled or 30 days after the original posting, whichever is later.

44 If the posting is for a position which is vacant, the employer is
45 required to provide an estimated timeframe of when the position
46 will be filled. If the employer interviews an applicant for the
47 position, the employer is required, within the timeframe provided in
48 the job advertisement, to provide the applicant with an affirmative

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1 response as to whether the position has been filled, or if the position
2 has not been filled, whether the employer is still considering the
3 applicant for the position. The employer is required to give notice
4 that the position has been filled to any third-party job posting
5 company that also posted the vacant position.

6 If the posting is for a position which is not vacant, the employer
7 is required to include a disclaimer that there is no existing vacancy.
8 Such a posting and disclaimer is not allowed unless the employer
9 has, in the preceding 12 months, listed the same position at least
10 three times or hired not less than six employees for similar roles.
11 The posting and disclaimer shall expire after 90 days and be
12 removed.

13 The bill also requires third-party job posting companies to
14 remove postings for positions that have been filled, and provides
15 the Department of Labor and Workforce Development with the
16 authority to audit employers and third-party job posting companies
17 for ongoing violations. Any person who violates the provisions of
18 the bill will be subject to civil penalties.