

SENATE, No. 2310
STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED JANUARY 25, 2024

Sponsored by:
Senator PAUL D. MORIARTY
District 4 (Atlantic, 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.

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

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

1. a. An employer shall make reasonable efforts to announce, post, or otherwise make known opportunities for promotion that are advertised internally within the employer or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the employer's business prior to making a promotion decision. Any promotion for a current employee that is awarded on the basis of years of experience or performance shall not be subject to the notification requirements established in this subsection. Each failure to announce, post, or otherwise make known one opportunity for promotion as defined in this section shall constitute a separate violation of this subsection. Nothing in this subsection shall be construed to prohibit an employer from making a promotion on an emergent basis due to an unforeseen event.

b. An employer shall disclose in each posting for promotions, new jobs, and transfer opportunities that are advertised by the employer either externally or internally the hourly wage or salary, or a range of the hourly wage or salary, and a listing of benefits and other compensation programs for which the employee would be eligible within the employee's first 12 months of employment. Each failure to include the information required in this subsection in a particular job posting shall constitute a separate violation of this subsection. Nothing in this subsection shall be construed to prohibit an employer from increasing the wages, benefits, and compensation identified in the job posting at the time of making an offer for employment to an applicant.

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

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

(a) the hourly wage or salary, or range of hourly wage or salary;
or

(b) a listing of benefits and other compensation programs for which the employee would be eligible within the employee's first 12 months of employment.

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

e. As used in this act:

“Employer” means any person, company, corporation, firm, labor organization, or association which has 10 or more employees over 20 calendar weeks and does business, employs persons, or takes applications for employment within this State, including the State, any county or municipality, or any instrumentality thereof. The term shall include job placement and referral agencies and other employment agencies.

“Promotion” means a change in job title and an increase in compensation.

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

STATEMENT

This bill requires employers to make reasonable efforts to announce, post, or otherwise make known opportunities for promotion that are advertised internally within the employer or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the employer's business prior to making a promotion decision. Each failure to announce, post, or otherwise make known one promotional opportunity will constitute a separate violation.

The bill requires employers to disclose in each posting for promotions, new jobs, and transfer opportunities that are advertised by the employer either externally or internally the hourly wage or salary, or a range of the hourly wage or salary, and a listing of benefits and other compensation programs for which the employee would be eligible within the employee's first 12 months of employment. Each failure to include the information required in a particular job posting will constitute a separate violation.

The Commissioner of Labor and Workforce Development may enforce the provisions of the bill in a summary proceeding, and an employer who violates the bill will be subject to a civil penalty in an amount not to exceed \$1,000 for the first violation,

\$5,000 for the second violation and \$10,000 for each subsequent violation.