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Assemblywoman CELESTE M. RILEY
District 3 (Cumberland, Gloucester and Salem)
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Senators Gill, Gordon, Assemblywomen Watson Coleman, Sumter and
Assemblyman Conaway

SYNOPSIS
Prohibits employment discrimination based on applicant employment status.

CURRENT VERSION OF TEXT
As reported by the Assembly Labor Committee on May 15, 2014, with amendments.

(Sponsorship Updated As Of: 6/17/2014)
AN ACT concerning the hiring of unemployed job applicants and supplementing P.L.2011, c.40 (C.34:8b-1 et seq.).

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

1. An employer or employer's agent, representative, or designee shall not base an [discriminate against an applicant for employment in any employment decision with regard to hiring, compensation or the terms, conditions or privileges of employment on the fact that an] because the applicant is [or has been.] currently unemployed, except that nothing in this section shall be construed as prohibiting an employer, employment agency, or agent thereof, when making employment decisions with regard to hiring, compensation, or the terms, conditions or privileges of employment, from:
   a. Inquiring into the applicant’s employment history, including the circumstances surrounding an applicant’s separation from prior employment;
   b. Considering any substantially job-related qualifications, including, but not limited to, a current and valid professional or occupational license, a certificate, registration, permit, or other credential, a minimum level of education or training, or a minimum level of professional, occupational, or field experience;
   c. Determining that only applicants who are currently employed by the employer will be considered for employment or given priority for employment or with respect to compensation or terms, conditions or privileges of employment; or
   d. Setting compensation, terms, or conditions of employment for the applicant based on the applicant’s actual amount of experience.

Nothing set forth in this section shall be construed as creating, establishing or authorizing a private cause of action by an aggrieved person against an employer who has violated, or is alleged or believed to have violated, the provisions of this section; nor shall evidence that an employer has violated, or is alleged or believed to have violated the provisions of this section, be admissible in any legal proceeding with respect to any law or claim other than a proceeding to enforce the provisions of this section.

2. This act shall take effect immediately.