

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3937

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 11, 2023

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 3937.

As amended and reported by the committee, this bill requires employers to make reasonable efforts to announce, post, or otherwise make known all opportunities for promotion to all current employees on the same calendar day and 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 each job opening the hourly wage or salary, or a range of the compensation, and a general description of all of the benefits and other compensation to be offered to the hired applicant. 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.

An aggrieved person may institute a cause of action for damages incurred from a violation of the provisions of the bill.

#### COMMITTEE AMENDMENTS:

The committee proposes to amend the bill to:

(1) provide that the notification requirements of the bill are not intended to prohibit promotions on an emergent basis;

(2) provide that nothing in the bill prohibits an employer from increasing the wages, benefits, or compensation listed in the job posting at the time of the offer;

(3) clarify that an employer is required to make reasonable efforts to announce a promotion that is advertised internally within the employer or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees.