

[First Reprint]

SENATE, No. 2310

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 25, 2024

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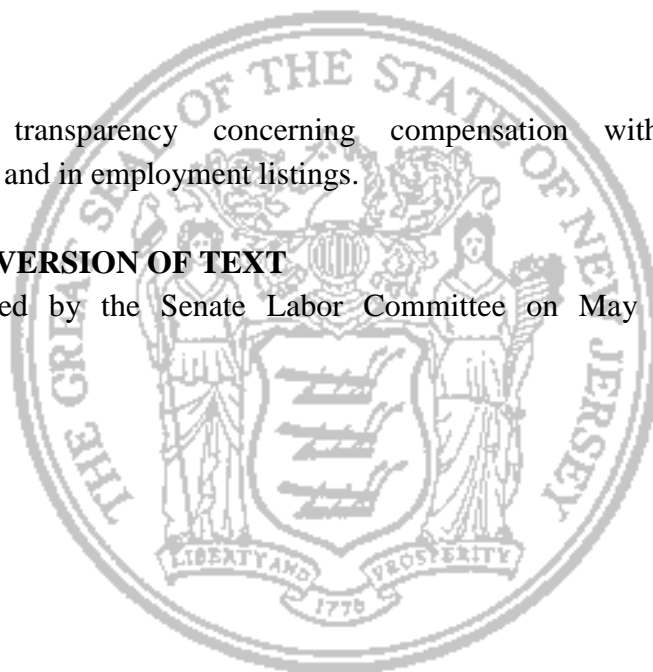
**Assemblywoman Carter, Assemblymen Sampson, Wimberly, Miller,
Assemblywomen Katz and Speight**

SYNOPSIS

Requires transparency concerning compensation with promotional opportunities and in employment listings.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on May 6, 2024, with amendments.



(Sponsorship Updated As Of: 9/26/2024)

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

3

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

6

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

21 b. An employer shall disclose in each posting for ¹promotions,¹
22 new jobs¹[,]¹ and transfer opportunities that are advertised by the
23 employer either externally or internally the hourly wage or salary, or a
24 range of the hourly wage or salary, and a ¹listing] general
25 description¹ of benefits and other compensation programs for which
26 the employee would be eligible ¹within the employee's first 12
27 months of employment¹. ¹Each failure to include the information
28 required in this subsection in a particular job posting shall constitute a
29 separate violation of this subsection.¹ Nothing in this subsection
30 shall be construed to prohibit an employer from increasing the wages,
31 benefits, and compensation identified in the job ¹opening¹ posting at
32 the time of making an offer for employment to an applicant.

33 c. ¹(1)¹ Any employer who violates this act shall be subject to a
34 civil penalty in an amount not to exceed ¹[\$1,000] \$300¹ for the first
35 violation, ¹[\$5,000 for the second violation]¹ and ¹[\$10,000] \$600¹
36 for each subsequent violation, collectible by the Commissioner of
37 Labor and Workforce Development in a summary proceeding pursuant
38 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
39 10 et seq.).

40 ¹(2) An employer's failure to comply with subsection a. of this
41 section for one promotional opportunity shall be considered one
42 violation for all listings of a particular promotion, even if that
43 promotion is listed on multiple forums.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLA committee amendments adopted May 6, 2024.

1 (3) An employer's failure to comply with subsection b. of this
2 section for all postings for a particular job opening or transfer
3 opportunity shall be considered one violation regardless of the number
4 of postings that list, or forums that advertise, that job opening or
5 transfer opportunity, as appropriate.¹

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

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

12 (b) a ¹**[listing]** general description¹ of benefits and other
13 compensation programs for which the employee would be eligible
14 ¹**[within the employee's first 12 months of employment]**¹.

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

19 e. As used in this act:

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

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

29
30 2. This act shall take effect on the first day of the seventh
31 month next following the date of enactment.