

Title 34.
Chapter 8B.(New)
Employment
Advertisements.
§§1-2 - C.34:8B-1
to 34:8B-2
§3 - Note

P.L.2011, CHAPTER 40, *approved March 29, 2011*
Assembly, No. 3359 (*First Reprint*)

1 AN ACT concerning employment discrimination and supplementing
2 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. **[No]** Unless otherwise permitted by the provisions of Title
8 11A of the New Jersey Statutes or any other law, rule or regulation,
9 no¹ employer or employer's agent, representative, or designee shall
10 'knowingly or purposefully' publish, in print or on the Internet, an
11 advertisement for any job vacancy 'in this State' that contains one
12 or more of the following:

13 a. Any provision stating **'[or suggesting]'** that the
14 qualifications for a job include current employment;

15 b. Any provision stating **'[or suggesting]'** that the employer or
16 employer's agent, representative, or designee will not consider or
17 review an application for employment submitted by any job
18 applicant currently unemployed; or

19 c. Any provision stating **'[or suggesting]'** that the employer or
20 employer's agent, representative, or designee will only consider or
21 review applications for employment submitted by job applicants
22 who are currently employed.

23 'Nothing set forth in this section shall be construed as
24 prohibiting an employer or employer's agent, representative, or
25 designee from publishing, in print or on the Internet, an
26 advertisement for any job vacancy in this State that contains any
27 provision setting forth any other qualifications for a job, as
28 permitted by law, including, but not limited to, the holding of a
29 current and valid professional or occupational license, certificate,
30 registration, permit or other credential, or a minimum level of
31 education, training or professional, occupational or field experience.

32 In addition, nothing set forth in this section shall be construed as
33 prohibiting an employer or employer's agent, representative, or

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:

¹Assembly amendments adopted in accordance with Governor's recommendations February 17, 2011.

1 designee from publishing, in print or on the Internet, an
2 advertisement for any job vacancy that contains any provision
3 stating that only applicants who are currently employed by such
4 employer will be considered.¹

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6 2. 'a.¹ Any employer who violates this act shall be subject to a
7 civil penalty in an amount not to exceed ~~'[\$5,000]~~ \$1,000¹ for the
8 first violation ¹, \$5,000 for the second violation¹ and \$10,000 for
9 each subsequent violation, collectible by the Commissioner of
10 Labor and Workforce Development in a summary proceeding
11 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
12 c.274 (C.2A:58-10 et seq.).

13 'b. Nothing set forth in this act shall be construed as creating,
14 establishing or authorizing a private cause of action by an aggrieved
15 person against an employer who has violated, or is alleged to have
16 violated, the provisions of this act.¹

17
18 3. This act shall take effect ~~'[immediately]~~ on the first day of
19 the third month following enactment¹.

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21
22 _____
23
24 Prohibits practice of excluding unemployed individuals in
25 advertisements for job vacancies.