

[First Reprint]

ASSEMBLY, No. 3365

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED OCTOBER 11, 2012

Sponsored by:

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

SYNOPSIS

Establishes the “New Jersey Employer Identity Disclosure Act.”

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on October 15, 2012, with amendments.



1 AN ACT ¹**[requiring employers to disclose]** concerning disclosure
 2 of ¹ certain information to job seekers and supplementing Title
 3 34 of the Revised Statutes.

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

7
 8 1. This act shall be known and may be cited as the “New Jersey
 9 Employer Identity Disclosure Act.”

10
 11 2. As used in this act:

12 “Accepting employment” means that a job seeker has entered
 13 into an agreement with an employer which includes the terms and
 14 conditions of employment, the salary or wages and any benefits to
 15 be paid to the job seeker as compensation for employment, and the
 16 date, time, and place at which employment will commence.

17 “Employer” means a person, partnership, corporation, limited
 18 liability company, trust, association or any other entity that employs
 19 individuals in this State.

20 “Job seeker” means any individual seeking employment.

21
 22 3. Every employer, or employer’s agent or representative, shall
 23 provide ¹**[to]** at the request of¹ a job seeker, prior to accepting
 24 employment with the employer, a disclosure statement setting forth
 25 the following information:

26 a. The full, legal name of the employer who will be in charge
 27 of directing or supervising the services performed by, and paying
 28 compensation to, the job seeker upon accepting employment;
 29 ¹**[and]**¹

30 b. The precise address of the employer’s base of operations, or,
 31 if there is no base of operations, the place from which the employer
 32 will direct or supervise the services to be performed by the job
 33 seeker upon accepting employment¹; and

34 c. The nature of the employer-employee relationship, including
 35 whether the job seeker, upon accepting employment, will be
 36 considered an employee, temporary employee, independent
 37 contractor, or otherwise¹.

38 At any time before or after accepting employment with an
 39 employer, a job seeker may request a written or electronic copy of
 40 the disclosure statement ¹**[required]** requested by the job seeker¹
 41 pursuant to this section, and the copy of the disclosure shall be
 42 provided to the job seeker in a timely manner.

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 ALA committee amendments adopted October 15, 2012.

- 1 4. No employer, or employer's agent or representative, shall
2 knowingly or purposefully publish, in print or electronically, an
3 advertisement for any job vacancy in this State that distorts,
4 obscures, or in any way attempts to misinform a jobseeker by
5 providing information regarding the employer-employee
6 relationship that is false or contrary to the disclosure statement
7 required pursuant to section 3 of this act.
8
- 9 5. a. No employer, or employer's agent or representative, shall
10 in any way penalize or discriminate against a job seeker because the
11 job seeker has exercised any right established in this act.
- 12 b. An employer who is found to have penalized or
13 discriminated against any job seeker for exercising a right
14 established in this act commits a disorderly persons offense and
15 shall be liable to the job seeker for damages.
16
- 17 6. A violation of any provision of this act shall constitute an
18 unlawful practice and shall be subject to, in addition to any other
19 remedies or penalties provided by law, a civil penalty in the amount
20 of \$1,000 for a first offense, and \$2,500 for subsequent offenses,
21 collectible by the Commissioner of Labor and Workforce
22 Development in a summary proceeding pursuant to the "Penalty
23 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
24
- 25 7. This act shall take effect immediately.