

SENATE, No. 900

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Requires restaurant employees to receive periodic sexual harassment training.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring restaurant employees to receive periodic sexual
2 harassment training and supplementing Title 26 of the Revised
3 Statutes.

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

7
8 1. As used in this act:

9 “Restaurant” shall have the same meaning as defined in section 1
10 of P.L.1983, c.488 (C.26:3E-1).

11 “Commissioner” means the Commissioner of Labor and
12 Workforce Development.

13
14 2. A restaurant that employs 15 or more employees shall
15 provide each employee, including an owner who acts as an
16 employee, with periodic sexual harassment training.

17 a. The sexual harassment training shall:

18 (1) be administered to each new employee within 90 days of
19 employment;

20 (2) be administered to each employee at least once every five
21 years;

22 (3) be provided to employees hired before the effective date of
23 P.L. , c. (C.) (pending before the Legislature as this bill)
24 within 90 days of the effective date of P.L. , c. (C.);

25 (4) include separate courses for supervisors and supervisees,
26 with appropriate topics selected for each course;

27 (5) include topics specific to the restaurant industry;

28 (6) be interactive, include practical examples, and explain how
29 to file a sexual harassment complaint; and

30 (7) be offered in English and Spanish.

31 b. In the absence of documentation recording that an employee
32 received sexual harassment training within a specified time period,
33 there shall be a rebuttable presumption that the employee did not
34 receive sexual harassment training during that time period.

35 c. A claim that the training required by this section did not
36 reach a particular individual shall not in and of itself result in the
37 liability of any employer to any present or former employee in any
38 action alleging sexual harassment. Conversely, an employer’s
39 compliance with this section does not insulate the employer from
40 liability for sexual harassment of any current or former employee.

41 d. In addition to the training required by this section, a
42 restaurant that employs 15 or more employees shall adopt a policy
43 on sexual harassment, which shall be included in the restaurant’s
44 employee handbook or otherwise provided to each employee.

45
46 3. a. A restaurant employer who violates any provision of this
47 act shall be subject to a civil penalty in an amount not to exceed
48 \$500 for the first violation and \$1,000 for each subsequent

1 violation, collectible by the Department of Labor and Workforce
2 Development in a summary proceeding pursuant to the "Penalty
3 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

4 b. The commissioner shall, pursuant to the "Administrative
5 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
6 and regulations to effectuate the purposes of this act.
7

8 4. This act shall take effect on the first day of the sixth month
9 next following enactment, except that the commissioner may take
10 any anticipatory administrative action in advance as shall be
11 necessary for the implementation of this act.
12

13
14 STATEMENT
15

16 This bill requires restaurants that employ 15 or more people to
17 offer sexual harassment training every five years.

18 This training would be given to each new employee within 90
19 days of being hired. The training would be interactive, include
20 practical examples, and explain how to file a sexual harassment
21 complaint. The training would be specific to the restaurant industry
22 and it should include separate courses for supervisors and
23 supervisees, with appropriate topics selected for each course. The
24 bill also requires each restaurant to adopt and promulgate a sexual
25 harassment policy.

26 The bill does not require restaurants to maintain documentation
27 of each sexual harassment training course, but it does establish a
28 rebuttable presumption that, if the restaurant cannot provide such
29 documentation for an employee, then that employee did not receive
30 the training.

31 Restaurants that fail to provide the training or adopt and
32 distribute a sexual harassment policy will be fined up to \$500 for a
33 first offense.