

SENATE, No. 1754

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes services for reporting employer and employment service violations and requires posting of certain notifications.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** establishing services for reporting employer and
2 employment service violations and supplementing Title 34 of the
3 Revised Statutes.

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

7
8 1. a. The commissioner shall establish, maintain, and
9 prominently display on the department's website, toll-free
10 telephone hotline and electronic mail services for reporting of
11 violations by employers and employment services of laws,
12 including, but not limited to:

13 (1) the State wage and hour laws, including article 1 of chapter
14 11 of Title 34 of the Revised Statutes and all acts supplementing
15 that article (R.S.34:11-2 et al.), P.L.1966, c.113 and all acts
16 supplementing that act (C.34:11-56a et al.), and article 3 of chapter
17 11 of Title 34 of the Revised Statutes (R.S.34:11-57 et seq.);

18 (2) the "New Jersey Prevailing Wage Act," P.L.1963, c.150
19 (C.34:11-56.25 et seq.); and

20 (3) the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-
21 1 et seq.).

22 The services shall assist in the reporting of criminal or other
23 violations, and may refer matters to other State agencies when
24 appropriate. The services shall also assist in connecting workers to
25 appropriate agencies within the Department of Labor and
26 Workforce Development, the United States Department of Labor, or
27 other government agency that may assist any worker to claim a
28 benefit.

29 b. The commissioner shall include among the staff persons for
30 the services persons who speak English and Spanish, as well as
31 persons fluent in any other language that the commissioner
32 determines is the first language of a significant number of workers
33 in the State.

34 c. The commissioner shall establish procedures for anonymous
35 reporting to the reporting services of violations by employers and
36 employment services.

37
38 2. a. Every employer and employment service in this State
39 shall conspicuously post notification, in a place or places accessible
40 to all workers in each of the employer's workplaces or the
41 employment service's locations, in a form issued by regulation
42 promulgated by the commissioner, giving a brief summary of
43 workers' rights in the State, and notifying the workers of the
44 reporting services established pursuant to section 1 of this act. In
45 the case of a temporary help service firm providing workers with
46 transportation services to get to or return from the site of work, the
47 notification shall be conspicuously posted in the transportation, as
48 well as at the physical location of the temporary help service firm.

1 b. The employer or employment service shall provide each
2 worker of the employer, including any individual placed by a
3 temporary help service firm, with a written copy of the notification:

4 (1) not later than 30 days after the form of the notification is
5 issued by the commissioner;

6 (2) at the time of the worker's first hiring or placement, if the
7 worker is hired or placed after the issuance;

8 (3) annually, on or before December 31 of each year, if the
9 worker is an ongoing employee or placement of the employer or
10 employment service; and

11 (4) at any time, upon the first request of the worker.

12 c. The employer or employment service shall make the written
13 copy of the notification available to each worker via printed
14 material, including, but not limited to, a pay check insert, brochure,
15 or similar informational packet provided to new hires or
16 placements.

17 d. The commissioner shall make the notification required by
18 this section available in English, Spanish, and any other language
19 that the commissioner determines is the first language of a
20 significant number of workers in the State. The employer or
21 employment service shall post and provide the notification in
22 English, Spanish, and any other language for which the
23 commissioner has made the notification available and which the
24 employer or employment service reasonably believes is the first
25 language of a significant number of workers in the employer's or
26 employment service's workforce.

27 e. The notification requirements of this act shall be in addition
28 to the notification requirements of any other law or regulation. The
29 commissioner shall update any employer notifications required
30 pursuant to current law or regulation to include the toll-free
31 telephone hotline and electronic mail service contact information
32 created pursuant to this act, and may consolidate notices required
33 by different laws or regulations, including this act, to the extent
34 practicable, but this subsection shall not be construed as reducing
35 the responsibility of any employer or employment service to
36 comply with all requirements of this act.

37 f. As used in this act, "employment service" means a
38 temporary help service firm required to comply with the provisions
39 of P.L.1960, c.39 (C.56:8-1 et seq.) or an employment agency
40 regulated pursuant to P.L.1989, c.331 (C.34:8-43 et seq.).
41

42 3. It shall be an unlawful practice for an employer or
43 employment service to violate any provisions of section 2 of this
44 act, or take adverse action against an employee or placement in
45 retaliation for the worker's use of the services established pursuant
46 to this act. An employer or employment service that violates the
47 provisions of section 2 of this act or retaliates against a worker shall
48 be liable to a civil penalty of not less than \$1,000 for the first

1 violation, not less than \$1,500 for the second violation, and not less
2 than \$2,000 for the third and each subsequent violation. The civil
3 penalty shall be collected pursuant to the "Penalty Enforcement
4 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
5 proceeding before the municipal court having jurisdiction. An agent
6 of the Attorney General or the Commissioner of Labor and
7 Workforce Development, or a local law enforcement officer having
8 enforcement authority in the municipality may issue a summons for
9 a violation of the provisions of section 2 of this act, and may serve
10 and execute all process with respect to the enforcement of this
11 section consistent with the Rules of Court of the State of New
12 Jersey. A penalty recovered under the provisions of this section
13 shall be recovered by and in the name of the State.
14

15 4. This act shall take effect immediately, except that section 2
16 shall take effect only after the commissioner has promulgated the
17 regulations and created the notification forms necessary to
18 effectuate the purposes of this act.
19
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21 STATEMENT

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23 This bill requires the Commissioner of Labor and Workforce
24 Development to establish, maintain, and prominently display on the
25 Department of Labor and Workforce Department's website, toll-
26 free telephone hotline and electronic mail services for reporting of
27 violations by employers and employment services of laws,
28 including, but not limited to, the State wage and hour laws, the
29 "New Jersey Prevailing Wage Act," and the "Law Against
30 Discrimination."

31 The reporting services are to assist in the reporting of criminal or
32 other violations, and may refer matters to other State agencies when
33 necessary. The services will also assist in connecting workers to
34 appropriate agencies within the Department of Labor and
35 Workforce Development, the United States Department of Labor, or
36 any other government agency that may assist any worker to claim a
37 benefit.

38 The bill directs the commissioner to include among the staff
39 persons for the services persons who speak English and Spanish, as
40 well as persons fluent in any other language that the commissioner
41 determines is the first language of a significant number of workers
42 in the State.

43 The commissioner is also directed to establish procedures for
44 anonymous reporting to the reporting services of violations by
45 employers and employment services.

46 The bill requires every employer and employment service in this
47 State to conspicuously post notification, in a place or places
48 accessible to all workers in each of the employer's or employment

1 service's workplaces, in a form issued by regulation of the
2 commissioner, giving a brief summary of workers' rights in the
3 State, and notifying the workers of the reporting services
4 established by the bill. In the case of a temporary help service firm
5 providing workers with transportation services to get to or return
6 from the site of work, the notification must be conspicuously posted
7 in the transportation, as well as at the physical location of the firm.

8 The employer or employment service is required to provide each
9 worker of the employer with a written copy of the notification:

10 1. not later than 30 days after the form of the notification is
11 issued by the commissioner;

12 2. at the time of the worker's first hiring or placement, if that is
13 after the issuance;

14 3. annually, on or before December 31 of each year, if the
15 worker is an ongoing employee or placement; and

16 4. at any time upon the first request of the worker.

17 The employer or employment service must make the written
18 copy of the notification available to each worker via printed
19 material, including, but not limited to, a pay check insert, brochure,
20 or similar informational packet provided to new hires or
21 placements.

22 It requires that employers post and provide the notification in
23 English, Spanish, and any other language for which the
24 commissioner has made the notification available and which an
25 employer or employment service reasonably believes is the first
26 language of a significant number of workers in the employer's
27 workforce.

28 The bill permits the commissioner to consolidate, to the extent
29 practicable, notices required by the bill and other laws or
30 regulations, but not reduce the responsibility of any employer or
31 employment service to comply with the bill's requirements.