

A4151 (1R)

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|---|------------------|------------------------------------|
| INTRODUCED BILL: (Includes sponsor(s) statement) | Yes | |
| REPRINT(S): | Yes | ALA 6/6/24 1R |
| TECHNICAL REVIEW: | No | |
| COMMITTEE STATEMENT: | ASSEMBLY: | Yes Labor Regulated Professions |
| | SENATE: | No |

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

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|---|-----|
| FLOOR AMENDMENT STATEMENT: | No |
| LEGISLATIVE FISCAL ESTIMATE: | No |
| VETO MESSAGE: | No |
| GOVERNOR'S PRESS RELEASE ON SIGNING: | Yes |

FOLLOWING WERE PRINTED:

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|----------------------------|----|
| REPORTS: | No |
| HEARINGS: | No |
| NEWSPAPER ARTICLES: | No |

CL/MM

P.L. 2024, CHAPTER 91, *approved November 18, 2024*
Senate, No. 2310 (*First Reprint*)

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. ¹**[Each**
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 ¹**[promotions,]**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 ¹**[listing]** general
25 description¹ of benefits and other compensation programs for which
26 the employee would be eligible ¹**[within the employee's first 12**
27 months of employment]¹. ¹**[Each 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

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

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

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

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

- 18 (a) the hourly wage or salary, or range of hourly wage or salary; or
19 (b) a ¹**["listing] general description¹** of benefits and other
20 compensation programs for which the employee would be eligible
21 ¹**["within the employee's first 12 months of employment"]¹**.

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

26 e. As used in this act:

27 "Employer" means any person, company, corporation, firm, labor
28 organization, or association which has 10 or more employees over 20
29 calendar weeks and does business, employs persons, or takes
30 applications for employment within this State, including the State, any
31 county or municipality, or any instrumentality thereof. The term shall
32 include job placement and referral agencies and other employment
33 agencies.

34 "Promotion" means a change in job title and an increase in
35 compensation.

36
37 2. This act shall take effect on the first day of the seventh
38 month next following the date of enactment.

39

40

41

42

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

CHAPTER 91

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

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

C.34:6B-23 Notification of promotion, new job, transfer opportunities; violation, penalties.

1. a. An employer shall make reasonable efforts to announce, post, or otherwise make known opportunities for promotion that are advertised internally within the employer or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the employer's business prior to making a promotion decision. Any promotion for a current employee that is awarded on the basis of years of experience or performance shall not be subject to the notification requirements established in this subsection. Nothing in this subsection shall be construed to prohibit an employer from making a promotion on an emergent basis due to an unforeseen event.

b. An employer shall disclose in each posting for new jobs and transfer opportunities that are advertised by the employer either externally or internally the hourly wage or salary, or a range of the hourly wage or salary, and a general description of benefits and other compensation programs for which the employee would be eligible. Nothing in this subsection shall be construed to prohibit an employer from increasing the wages, benefits, and compensation identified in the job opening posting at the time of making an offer for employment to an applicant.

c. (1) Any employer who violates this act shall be subject to a civil penalty in an amount not to exceed \$300 for the first violation, and \$600 for each subsequent violation, collectible by the Commissioner of Labor and Workforce Development in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

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

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

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

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

(b) a general description of benefits and other compensation programs for which the employee would be eligible.

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

e. As used in this act:

"Employer" means any person, company, corporation, firm, labor organization, or association which has 10 or more employees over 20 calendar weeks and does business, employs persons, or takes applications for employment within this State, including the State,

any county or municipality, or any instrumentality thereof. The term shall include job placement and referral agencies and other employment agencies.

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

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

Approved November 18, 2024.

SENATE, No. 2310

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 25, 2024

Sponsored by:

Senator PAUL D. MORIARTY

District 4 (Atlantic, Camden and Gloucester)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/5/2024)

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

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

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

- 44 (a) the hourly wage or salary, or range of hourly wage or salary; or
45 (b) a listing of benefits and other compensation programs for
46 which the employee would be eligible within the employee's first 12
47 months of employment.

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

5 e. As used in this act:

6 "Employer" means any person, company, corporation, firm, labor
7 organization, or association which has 10 or more employees over 20
8 calendar weeks and does business, employs persons, or takes
9 applications for employment within this State, including the State, any
10 county or municipality, or any instrumentality thereof. The term shall
11 include job placement and referral agencies and other employment
12 agencies.

13 "Promotion" means a change in job title and an increase in
14 compensation.

15
16 2. This act shall take effect on the first day of the seventh
17 month next following the date of enactment.

18
19
20 STATEMENT

21
22 This bill requires employers to make reasonable efforts to
23 announce, post, or otherwise make known opportunities for promotion
24 that are advertised internally within the employer or externally on
25 internet-based advertisements, postings, printed flyers, or other similar
26 advertisements to all current employees in the affected department or
27 departments of the employer's business prior to making a promotion
28 decision. Each failure to announce, post, or otherwise make known
29 one promotional opportunity will constitute a separate violation.

30 The bill requires employers to disclose in each posting for
31 promotions, new jobs, and transfer opportunities that are advertised by
32 the employer either externally or internally the hourly wage or salary,
33 or a range of the hourly wage or salary, and a listing of benefits and
34 other compensation programs for which the employee would be
35 eligible within the employee's first 12 months of employment. Each
36 failure to include the information required in a particular job
37 posting will constitute a separate violation.

38 The Commissioner of Labor and Workforce Development may
39 enforce the provisions of the bill in a summary proceeding, and an
40 employer who violates the bill will be subject to a civil penalty in
41 an amount not to exceed \$1,000 for the first violation, \$5,000 for
42 the second violation and \$10,000 for each subsequent violation.

[First Reprint]

SENATE, No. 2310

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 25, 2024

Sponsored by:

Senator PAUL D. MORIARTY

District 4 (Atlantic, Camden and Gloucester)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman TENNILLE R. MCCOY

District 14 (Mercer and Middlesex)

Co-Sponsored by:

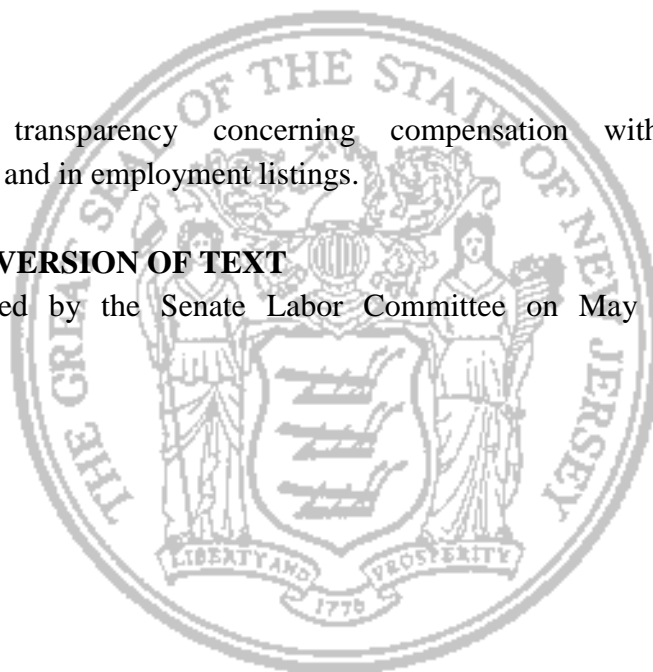
**Assemblywoman Carter, Assemblymen Sampson, Wimberly, Miller,
Assemblywomen Katz and Speight**

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.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2310

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 2024

The Senate Labor Committee reports favorably and with committee amendments Senate Bill No. 2310.

As amended, this bill requires employers to make reasonable efforts to announce, post, or otherwise make known opportunities for promotion that are advertised internally within the employer or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the employer's business prior to making a promotion decision.

As amended, the bill requires employers to disclose in each posting for new jobs and transfer opportunities that are advertised by the employer either externally or internally the hourly wage or salary, or a range of the hourly wage or salary, and a general description of benefits and other compensation programs for which the employee would be eligible.

As amended, an employer's failure to comply with the bill's provisions in connection with a particular promotional opportunity will be considered one violation for all listings of that promotion, even if that promotion is listed on multiple forums.

As amended, an employer's failure to comply with the bill's provisions in connection with a particular job opening or transfer opportunity will be considered one violation regardless of the number of postings that list, or forums that advertise, that job opening or transfer opportunity, as appropriate.

As amended, the Commissioner of Labor and Workforce Development may enforce the provisions of the bill in a summary proceeding, and as amended, an employer who violates the bill will be subject to a civil penalty in an amount not to exceed \$300 for the first violation, and \$600 for each subsequent violation.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1. reduce the penalties for violations for first-time violations from up to \$1,000 to \$300, for a second violation from up to \$5,000 to \$600, and for subsequent violations, from up to \$10,000 to \$600;

2. require that listings provide a general description, rather than a full listing, of benefits and other compensation programs;

3. clarify that an employer's failure to comply with the bill's provisions in connection with a particular promotional opportunity will be considered one violation for all listings of that promotion, even if that promotion is listed on multiple forums; and

4. clarify that an employer's failure to comply with the bill's provisions in connection with a particular job opening or transfer opportunity will be considered one violation regardless of the number of postings that list, or forums that advertise, that job opening or transfer opportunity, as appropriate.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2310

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2310 (1R).

This bill requires employers to make reasonable efforts to announce, post, or otherwise make known opportunities for promotion that are advertised internally within the employer or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the employer's business prior to making a promotion decision.

The bill requires employers to disclose in each posting for new jobs and transfer opportunities that are advertised by the employer either externally or internally the hourly wage or salary, or a range of the hourly wage or salary, and a general description of benefits and other compensation programs for which the employee would be eligible.

An employer's failure to comply with the bill's provisions in connection with a particular promotional opportunity will be considered one violation for all listings of that promotion, even if that promotion is listed on multiple forums.

An employer's failure to comply with the bill's provisions in connection with a particular job opening or transfer opportunity will be considered one violation regardless of the number of postings that list, or forums that advertise, that job opening or transfer opportunity, as appropriate.

The Commissioner of Labor and Workforce Development may enforce the provisions of the bill in a summary proceeding, and as amended, an employer who violates the bill will be subject to a civil penalty in an amount not to exceed \$300 for the first violation, and \$600 for each subsequent violation.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.

ASSEMBLY, No. 4151

STATE OF NEW JERSEY 221st LEGISLATURE

INTRODUCED APRIL 4, 2024

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman TENNILLE R. MCCOY

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblywoman Carter and Assemblyman Sampson

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2024)

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

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

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

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

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

44 (b) a listing of benefits and other compensation programs for which
45 the employee would be eligible within the employee's first 12 months
46 of employment.

47 (2) Temporary help service firms or consulting firms shall be
48 required to provide the pay and benefit information listed in paragraph

1 (1) of this subsection to an applicant for temporary employment at the
2 time of interview or hire for a specific job opening.

3 e. As used in this act:

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

11 “Promotion” means a change in job title and an increase in
12 compensation.

13

14 2. This act shall take effect on the first day of the seventh month
15 next following the date of enactment.

16

17

18

STATEMENT

19

20 This bill requires employers to make reasonable efforts to
21 announce, post, or otherwise make known opportunities for promotion
22 that are advertised internally within the employer or externally on
23 internet-based advertisements, postings, printed flyers, or other similar
24 advertisements to all current employees in the affected department or
25 departments of the employer’s business prior to making a promotion
26 decision. Each failure to announce, post, or otherwise make known
27 one promotional opportunity will constitute a separate violation.

28 The bill requires employers to disclose in each posting for
29 promotions, new jobs, and transfer opportunities that are advertised by
30 the employer either externally or internally the hourly wage or salary,
31 or a range of the hourly wage or salary, and a listing of benefits and
32 other compensation programs for which the employee would be eligible
33 within the employee’s first 12 months of employment. Each failure to
34 include the information required in a particular job posting will
35 constitute a separate violation.

36 The Commissioner of Labor and Workforce Development may
37 enforce the provisions of the bill in a summary proceeding, and an
38 employer who violates the bill will be subject to a civil penalty in an
39 amount not to exceed \$1,000 for the first violation, \$5,000 for the
40 second violation and \$10,000 for each subsequent violation.

[First Reprint]

ASSEMBLY, No. 4151

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED APRIL 4, 2024

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman TENNILLE R. MCCOY

District 14 (Mercer and Middlesex)

Co-Sponsored by:

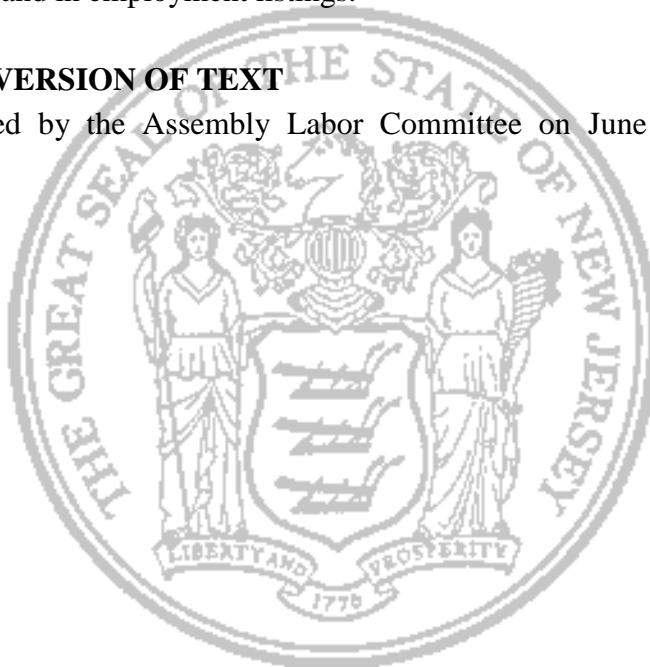
**Assemblywoman Carter, Assemblymen Sampson, Wimberly, Miller,
Assemblywomen Katz and Speight**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on June 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
12 or departments of the employer's business prior to making a
13 promotion decision. Any promotion for a current employee that is
14 awarded on the basis of years of experience or performance shall
15 not be subject to the notification requirements established in this
16 subsection. ¹**[**Each failure to announce, post, or otherwise make
17 known one opportunity for promotion as defined in this section
18 shall constitute a separate violation of this subsection.**]**¹ Nothing in
19 this subsection shall be construed to prohibit an employer from
20 making a promotion on an emergent basis due to an unforeseen
21 event.

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

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

42 ¹**(2)** An employer's failure to comply with subsection a. of this
43 section for one promotional opportunity shall be considered one

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 June 6, 2024.

1 violation for all listings of a particular promotion, even if that
2 promotion is listed on multiple forums.

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

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

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

16 (b) a ¹**【listing】** general description¹ of benefits and other
17 compensation programs for which the employee would be eligible
18 ¹**【within the employee's first 12 months of employment】**¹.

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

24 e. As used in this act:

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

32 "Promotion" means a change in job title and an increase in
33 compensation.

34

35 2. This act shall take effect on the first day of the seventh
36 month next following the date of enactment.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4151

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 2024

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 4151.

As amended, this bill requires employers to make reasonable efforts to announce, post, or otherwise make known opportunities for promotion that are advertised internally within the employer or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the employer's business prior to making a promotion decision.

As amended, the bill requires employers to disclose in each posting for new jobs and transfer opportunities that are advertised by the employer either externally or internally the hourly wage or salary, or a range of the hourly wage or salary, and a general description of benefits and other compensation programs for which the employee would be eligible.

As amended, an employer's failure to comply with the bill's provisions in connection with a particular promotional opportunity will be considered one violation for all listings of that promotion, even if that promotion is listed on multiple forums.

As amended, an employer's failure to comply with the bill's provisions in connection with a particular job opening or transfer opportunity will be considered one violation regardless of the number of postings that list, or forums that advertise, that job opening or transfer opportunity, as appropriate.

As amended, the Commissioner of Labor and Workforce Development may enforce the provisions of the bill in a summary proceeding, and as amended, an employer who violates the bill will be subject to a civil penalty in an amount not to exceed \$300 for the first violation, and \$600 for each subsequent violation.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1. reduce the penalties for violations for first-time violations from up to \$1,000 to \$300, for a second violation from up to \$5,000 to \$600, and for subsequent violations, from up to \$10,000 to \$600;

2. require that listings provide a general description, rather than a full listing, of benefits and other compensation programs;

3. clarify that an employer's failure to comply with the bill's provisions in connection with a particular promotional opportunity will be considered one violation for all listings of that promotion, even if that promotion is listed on multiple forums; and

4. clarify that an employer's failure to comply with the bill's provisions in connection with a particular job opening or transfer opportunity will be considered one violation regardless of the number of postings that list, or forums that advertise, that job opening or transfer opportunity, as appropriate.

The amendments make this bill identical to Senate Bill No. 2310 (1R) of the 2024-2025 Legislative Session.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4151

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly Regulated Professions Committee reports favorably Assembly Bill No. 4151 (1R).

This bill requires employers to make reasonable efforts to announce, post, or otherwise make known opportunities for promotion that are advertised internally within the employer or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the employer's business prior to making a promotion decision.

The bill requires employers to disclose in each posting for new jobs and transfer opportunities that are advertised by the employer either externally or internally the hourly wage or salary, or a range of the hourly wage or salary, and a general description of benefits and other compensation programs for which the employee would be eligible.

An employer's failure to comply with the bill's provisions in connection with a particular promotional opportunity will be considered one violation for all listings of that promotion, even if that promotion is listed on multiple forums.

An employer's failure to comply with the bill's provisions in connection with a particular job opening or transfer opportunity will be considered one violation regardless of the number of postings that list, or forums that advertise, that job opening or transfer opportunity, as appropriate.

The Commissioner of Labor and Workforce Development may enforce the provisions of the bill in a summary proceeding and an employer who violates the bill will be subject to a civil penalty in an amount not to exceed \$300 for the first violation, and \$600 for each subsequent violation.

Governor Murphy Takes Action on Legislation

11/18/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

S-1325/A-3890 (Pou, Ruiz/Stanley, Wimberly) - Authorizes electronic delivery of documents relating to portable electronics insurance

S-2310/A-4151 (Moriarty, Turner/Danielsen, Quijano, McCoy) - Requires transparency concerning compensation with promotional opportunities and in employment listings

S-2652/A-3539 (Greenstein, McKnight/Park, Wimberly, Murphy) - Revises statutory terms pertaining to sexual exploitation or abuse of children

S-2962/A-4745 (Greenstein, McKnight/DeAngelo) - Requires contractor subject to prevailing wage law to provide orientation meeting to new employee on prevailing wage project

S-3201/A-2378 (Gopal, Greenstein/Spearman, Sauickie, DeAngelo) - Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

SJR-14/AJR-48 (Diegnan, Moriarty/Karabinchak, Atkins, Collazos-Gill) - Designates third Sunday of November of each year as "World Day of Remembrance for Road Traffic Victims" in NJ