

P.L. 2024, CHAPTER 51, *approved August 8, 2024*
Senate Substitute for Senate, No. 2869

1 **AN ACT** concerning violations of employment rights of immigrant
2 workers and 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. If the Commissioner of Labor and Workforce Development
8 finds that an employer has, for the purpose of concealing any
9 violation of State wage, benefit and tax laws, disclosed or threatened
10 to disclose to a public body an employee's immigration status, the
11 commissioner is, in addition to imposing any other remedies or
12 penalties authorized by law, authorized to assess and collect an
13 administrative penalty as follows:

14 (1) for the first violation, an administrative penalty not to exceed
15 \$1,000;

16 (2) for the second violation, an administrative penalty not to
17 exceed \$5,000; and

18 (3) for any subsequent violation, an administrative penalty not to
19 exceed \$10,000.

20 b. When determining the amount of the administrative penalty
21 imposed pursuant to subsection a. of this section, the commissioner
22 shall consider factors which include the history of previous violations
23 by the employer, the seriousness of the violation, the good faith of
24 the employer and the size of the employer's business. No
25 administrative penalty shall be levied pursuant to this section unless
26 the commissioner provides the alleged violator with notification of
27 the violation and of the amount of administrative penalty, and unless
28 the commissioner provides the alleged violator an opportunity to
29 request a hearing before the commissioner or the commissioner's
30 designee.

31 c. For violations of subsection a. of this section that occur for
32 the purpose of concealing a violation of any State wage, benefit or
33 tax law, other than the State unemployment and disability benefits
34 laws, the alleged violator may request a hearing within 15 days
35 following receipt of the notice. If a hearing is requested, the
36 commissioner shall issue a final order upon such hearing and a
37 finding that the violation has occurred. If no hearing is requested,
38 the notice shall become a final order upon expiration of the 15-day
39 period. For violations subject to this subsection c., payment of the
40 administrative penalty shall be due when the final order is issued or
41 when the notice becomes the final order.

42 d. For violations of subsection a. of this section that occur for
43 the purpose of concealing a violation of the State unemployment and

1 disability benefits laws, the alleged violator may request a hearing in
2 the manner and within the time prescribed by those laws, and
3 payment of the administrative penalty shall be due when assessment
4 for contributions, penalties and interest are due pursuant to
5 subsection (d) of R.S.43:21-14 or section 31 of P.L.1948, c.110
6 (C.43:21-55).

7 e. Any administrative penalty imposed pursuant to this section
8 may be recovered with costs in a summary proceeding commenced
9 by the commissioner pursuant to the "Penalty Enforcement Law of
10 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

11 f. Any sum collected as an administrative penalty pursuant to
12 this section shall be applied toward enforcement and administration
13 costs of the Division of Wage and Hour Compliance within the
14 Department of Labor and Workforce Development responsible for
15 enforcement of the State wage, benefit or tax law the violation of
16 which the employer sought to conceal by disclosing or threatening to
17 disclose an employee's immigration status. Nothing in this section
18 shall prevent the commissioner from assessing interest, penalties, or
19 other fees allowable by law.

20 g. For purposes of this section, "State wage, benefit and tax
21 laws" means "State wage, benefit and tax laws" as defined in section
22 1 of P.L.2009, c.194 (C.34:1A-1.11), and "State unemployment and
23 disability benefits laws" means the "unemployment compensation
24 law," R.S.43:21-1 et seq., and the "Temporary Disability Benefits
25 Law," P.L.1948, c.110 (C.43:21-25 et al.).

26

27 2. This act shall take effect immediately.

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STATEMENT

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32 This bill provides that if the Commissioner of Labor and
33 Workforce Development finds that an employer has, for the purpose
34 of concealing any violation of State wage, benefit and tax laws,
35 disclosed or threatened to disclose to a public body an employee's
36 immigration status, the commissioner is, in addition to imposing any
37 other remedies or penalties authorized by law, authorized to assess
38 and collect an administrative penalty against the employer.
39 Specifically, the bill provides for administrative penalties as follows:

40 (1) for the first violation, an administrative penalty not to exceed
41 \$1,000;

42 (2) for the second violation, an administrative penalty not to
43 exceed \$5,000; and

44 (3) for any subsequent violation, an administrative penalty not to
45 exceed \$10,000.

46 When determining the amount of the administrative penalty
47 imposed pursuant to the bill's provisions, the commissioner may
48 consider factors which include the history of previous violations by

1 the employer, the seriousness of the violation, the good faith of the
2 employer and the size of the employer's business. The commissioner
3 may not levy an administrative penalty pursuant to the bill's
4 provisions unless the commissioner provides the alleged violator
5 with notification of the violation and of the amount of administrative
6 penalty, and unless the commissioner provides the alleged violator
7 an opportunity to request a hearing before the commissioner or the
8 commissioner's designee.

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13 _____
14 Establishes penalties for employers who disclose or threaten to
15 disclose employee's immigration status for purpose of concealing
violation of State wage, benefit or tax laws.

CHAPTER 51

AN ACT concerning violations of employment rights of immigrant workers and supplementing Title 34 of the Revised Statutes.

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

C.34:1A-1.20a Employer disclosure of immigration status to conceal violation of State wage, benefit, tax laws, prohibited; penalties.

1. a. If the Commissioner of Labor and Workforce Development finds that an employer has, for the purpose of concealing any violation of State wage, benefit and tax laws, disclosed or threatened to disclose to a public body an employee's immigration status, the commissioner is, in addition to imposing any other remedies or penalties authorized by law, authorized to assess and collect an administrative penalty as follows:

- (1) for the first violation, an administrative penalty not to exceed \$1,000;
- (2) for the second violation, an administrative penalty not to exceed \$5,000; and
- (3) for any subsequent violation, an administrative penalty not to exceed \$10,000.

b. When determining the amount of the administrative penalty imposed pursuant to subsection a. of this section, the commissioner shall consider factors which include the history of previous violations by the employer, the seriousness of the violation, the good faith of the employer, and the size of the employer's business. No administrative penalty shall be levied pursuant to this section unless the commissioner provides the alleged violator with notification of the violation and of the amount of administrative penalty and unless the commissioner provides the alleged violator an opportunity to request a hearing before the commissioner or the commissioner's designee.

c. For violations of subsection a. of this section that occur for the purpose of concealing a violation of any State wage, benefit, or tax law, other than the State unemployment and disability benefits laws, the alleged violator may request a hearing within 15 days following receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that the violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. For violations subject to this subsection c., payment of the administrative penalty shall be due when the final order is issued or when the notice becomes the final order.

d. For violations of subsection a. of this section that occur for the purpose of concealing a violation of the State unemployment and disability benefits laws, the alleged violator may request a hearing in the manner and within the time prescribed by those laws, and payment of the administrative penalty shall be due when assessment for contributions, penalties and interest are due pursuant to subsection (d) of R.S.43:21-14 or section 31 of P.L.1948, c.110 (C.43:21-55).

e. Any administrative penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

f. Any sum collected as an administrative penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Wage and Hour Compliance within the Department of Labor and Workforce Development responsible for enforcement of the State wage, benefit, or tax law the violation of which the employer sought to conceal by disclosing or threatening to disclose an employee's immigration status. Nothing in this section shall prevent the commissioner from assessing interest, penalties, or other fees allowable by law.

g. For purposes of this section, “State wage, benefit and tax laws” means “State wage, benefit and tax laws” as defined in section 1 of P.L.2009, c.194 (C.34:1A-1.11), and “State unemployment and disability benefits laws” means the “unemployment compensation law,” R.S.43:21-1 et seq., and the “Temporary Disability Benefits Law,” P.L.1948, c.110 (C.43:21-25 et al.).

2. This act shall take effect immediately.

Approved August 8, 2024.

SENATE, No. 2869

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 4, 2024

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex and Hudson)

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Establishes penalties for employers that coerce workers based on immigration status.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2024)

1 AN ACT concerning violations of employment rights of immigrant
2 workers and 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. In addition to any other penalty that may be imposed
8 against an employer, any employer that uses coercion against an
9 employee of the employer based on the immigration status of the
10 employee in furtherance of the employer committing a violation of
11 a State employment or labor-related law or other law, shall be
12 subject to a civil penalty as follows:

13 (1) for the first violation, a civil penalty not to exceed \$1,000;

14 (2) for the second violation, a civil penalty not to exceed \$5,000;

15 and

16 (3) for any subsequent violation, a civil penalty not to exceed
17 \$10,000.

18 Any penalty imposed under this act shall be collected by the
19 commissioner in a summary proceeding in accordance with the
20 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
21 et seq.). Each violation for each affected employee shall constitute
22 a separate violation of this act.

23 b. As used in this act:

24 "Coercion" shall have the same meaning as that term is defined
25 in subsection a. of N.J.S.2C:13-5.

26 "Commissioner" means Commissioner of Labor and Workforce
27 Development.

28 "Employee" means any person suffered or permitted to work by
29 an employer, except a person performing services for remuneration
30 whose services satisfy the factors set forth in subparagraphs
31 (A),(B), and (C) of R.S.43:21-19(i)(6).

32 "Employer" means any individual, partnership, association, joint
33 stock company, trust, corporation, the administrator or executor of
34 the estate of a deceased individual, or the receiver, trustee, or
35 successor of any of the same, employing any person in this State,
36 and includes the State of New Jersey and any county, municipality,
37 school district, or other political subdivision thereof, and any
38 agency, authority, or instrumentality of the foregoing.

39 "State employment or labor-related law" includes, but is not
40 limited to:

41 (1) P.L.1965, c.173 (C.34:11-4.1 et seq.);

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

44 (3) the "New Jersey State Wage and Hour Law," P.L.1966, c.113
45 (C.34:11-56a et seq.);

46 (4) the workers' compensation law, R.S.34:15-1 et seq.;

47 (5) the "unemployment compensation law," R.S.43:21-1 et seq.;

1 (6) the "Temporary Disability Benefits Law," P.L.1948, c.110
2 (C.43:21-25 et al.);

3 (7) P.L.2008, c.17 (C.43:21-39.1 et al.);

4 (8) the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et
5 seq.; or

6 (9) P.L.2018, c.10 (C.34:11D-1 et seq.).

7

8 2. This act shall take effect immediately.

9

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STATEMENT

12

13 This bill imposes a civil penalty on any employer that coerces or
14 attempts to coerce an employee of the employer based on the
15 immigration status of the employee. Specifically, the bill imposes
16 the following civil penalties:

17 (1) for the first violation, a civil penalty not to exceed \$1,000;

18 (2) for the second violation, a civil penalty not to exceed \$5,000;

19 and

20 (3) for any subsequent violation, a civil penalty not to exceed
21 \$10,000.

22 State employment laws provides broad protections for
23 employees, regardless of an employee's immigration status.
24 However, an employee who is an immigrant to the United States
25 may be reluctant to report employer violations for a variety of
26 reasons. This bill requires that any employer that coerces or
27 attempts to coerce an employee based on the employee's
28 immigration status will be subject to penalties in addition to any
29 penalties to which the employer may be subject due to employment
30 violations.

31 For example, an employer that does not pay appropriate wages
32 may be subject to penalties under the "New Jersey State Wage and
33 Hour Law" or the wage payment law. Under the bill, if the
34 employer that is failing to pay appropriate wages also threatens an
35 employee based on the employee's immigration status to pressure
36 the employee from reporting a violation, the employer would be
37 subject to additional penalties.

SENATE SUBSTITUTE FOR
SENATE, No. 2869

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED MAY 13, 2024

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex and Hudson)

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman ALIXON COLLAZOS-GILL

District 27 (Essex and Passaic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex and Hudson)

Co-Sponsored by:

**Senator Pou, Assemblywoman Hall, Assemblyman Rodriguez,
Assemblywomen Ramirez, Reynolds-Jackson, Assemblymen Sampson,
Miller, Hutchison, Bailey, Assemblywoman Lopez, Assemblyman Stanley,
Assemblywomen Sumter, Murphy and Haider**

SYNOPSIS

Establishes penalties for employers who disclose or threaten to disclose employee's immigration status for purpose of concealing violation of State wage, benefit or tax laws.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate.

(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT concerning violations of employment rights of immigrant
2 workers and 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. If the Commissioner of Labor and Workforce Development
8 finds that an employer has, for the purpose of concealing any
9 violation of State wage, benefit and tax laws, disclosed or threatened
10 to disclose to a public body an employee's immigration status, the
11 commissioner is, in addition to imposing any other remedies or
12 penalties authorized by law, authorized to assess and collect an
13 administrative penalty as follows:

14 (1) for the first violation, an administrative penalty not to exceed
15 \$1,000;

16 (2) for the second violation, an administrative penalty not to
17 exceed \$5,000; and

18 (3) for any subsequent violation, an administrative penalty not to
19 exceed \$10,000.

20 b. When determining the amount of the administrative penalty
21 imposed pursuant to subsection a. of this section, the commissioner
22 shall consider factors which include the history of previous violations
23 by the employer, the seriousness of the violation, the good faith of
24 the employer and the size of the employer's business. No
25 administrative penalty shall be levied pursuant to this section unless
26 the commissioner provides the alleged violator with notification of
27 the violation and of the amount of administrative penalty, and unless
28 the commissioner provides the alleged violator an opportunity to
29 request a hearing before the commissioner or the commissioner's
30 designee.

31 c. For violations of subsection a. of this section that occur for
32 the purpose of concealing a violation of any State wage, benefit or
33 tax law, other than the State unemployment and disability benefits
34 laws, the alleged violator may request a hearing within 15 days
35 following receipt of the notice. If a hearing is requested, the
36 commissioner shall issue a final order upon such hearing and a
37 finding that the violation has occurred. If no hearing is requested,
38 the notice shall become a final order upon expiration of the 15-day
39 period. For violations subject to this subsection c., payment of the
40 administrative penalty shall be due when the final order is issued or
41 when the notice becomes the final order.

42 d. For violations of subsection a. of this section that occur for
43 the purpose of concealing a violation of the State unemployment and
44 disability benefits laws, the alleged violator may request a hearing in
45 the manner and within the time prescribed by those laws, and
46 payment of the administrative penalty shall be due when assessment
47 for contributions, penalties and interest are due pursuant to

1 subsection (d) of R.S.43:21-14 or section 31 of P.L.1948, c.110
2 (C.43:21-55).

3 e. Any administrative penalty imposed pursuant to this section
4 may be recovered with costs in a summary proceeding commenced
5 by the commissioner pursuant to the “Penalty Enforcement Law of
6 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

7 f. Any sum collected as an administrative penalty pursuant to
8 this section shall be applied toward enforcement and administration
9 costs of the Division of Wage and Hour Compliance within the
10 Department of Labor and Workforce Development responsible for
11 enforcement of the State wage, benefit or tax law the violation of
12 which the employer sought to conceal by disclosing or threatening to
13 disclose an employee’s immigration status. Nothing in this section
14 shall prevent the commissioner from assessing interest, penalties, or
15 other fees allowable by law.

16 g. For purposes of this section, “State wage, benefit and tax
17 laws” means “State wage, benefit and tax laws” as defined in section
18 1 of P.L.2009, c.194 (C.34:1A-1.11), and “State unemployment and
19 disability benefits laws” means the “unemployment compensation
20 law,” R.S.43:21-1 et seq., and the “Temporary Disability Benefits
21 Law,” P.L.1948, c.110 (C.43:21-25 et al.).
22

23 2. This act shall take effect immediately.
24
25

26 STATEMENT
27

28 This bill provides that if the Commissioner of Labor and
29 Workforce Development finds that an employer has, for the purpose
30 of concealing any violation of State wage, benefit and tax laws,
31 disclosed or threatened to disclose to a public body an employee’s
32 immigration status, the commissioner is, in addition to imposing any
33 other remedies or penalties authorized by law, authorized to assess
34 and collect an administrative penalty against the employer.
35 Specifically, the bill provides for administrative penalties as follows:

36 (1) for the first violation, an administrative penalty not to exceed
37 \$1,000;

38 (2) for the second violation, an administrative penalty not to
39 exceed \$5,000; and

40 (3) for any subsequent violation, an administrative penalty not to
41 exceed \$10,000.

42 When determining the amount of the administrative penalty
43 imposed pursuant to the bill’s provisions, the commissioner may
44 consider factors which include the history of previous violations by
45 the employer, the seriousness of the violation, the good faith of the
46 employer and the size of the employer’s business. The commissioner

1 may not levy an administrative penalty pursuant to the bill's
2 provisions unless the commissioner provides the alleged violator
3 with notification of the violation and of the amount of administrative
4 penalty, and unless the commissioner provides the alleged violator
5 an opportunity to request a hearing before the commissioner or the
6 commissioner's designee.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2869

STATE OF NEW JERSEY

DATED: MAY 6, 2024

The Senate Labor Committee reports favorably Senate Bill No. 2869.

This bill imposes a civil penalty on any employer that coerces or attempts to coerce an employee of the employer based on the immigration status of the employee. Specifically, the bill imposes the following civil penalties:

1. for the first violation, a civil penalty not to exceed \$1,000;
2. for the second violation, a civil penalty not to exceed \$5,000; and
3. for any subsequent violation, a civil penalty not to exceed \$10,000.

State employment laws provides broad protections for employees, regardless of an employee's immigration status. However, an employee who is an immigrant to the United States may be reluctant to report employer violations for a variety of reasons. This bill requires that any employer that coerces or attempts to coerce an employee based on the employee's immigration status, and in furtherance of violating the State's labor laws, will be subject to penalties in addition to any penalties to which the employer may be subject due to employment violations.

For example, an employer that does not pay appropriate wages may be subject to penalties under the "New Jersey State Wage and Hour Law" or the wage payment law. Under the bill, if the employer that is failing to pay appropriate wages also threatens an employee based on the employee's immigration status to pressure the employee from reporting a violation, the employer would be subject to additional penalties.

ASSEMBLY, No. 4081

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 18, 2024

Sponsored by:

Assemblywoman ALIXON COLLAZOS-GILL

District 27 (Essex and Passaic)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex and Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

**Assemblywoman Hall, Assemblyman Rodriguez, Assemblywomen
Ramirez, Reynolds-Jackson and Assemblyman Sampson**

SYNOPSIS

Establishes penalties for employers that coerce workers based on immigration status.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/10/2024)

1 AN ACT concerning violations of employment rights of immigrant
2 workers and 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. In addition to any other penalty that may be imposed
8 against an employer, any employer that uses coercion against an
9 employee of the employer based on the immigration status of the
10 employee in furtherance of the employer committing a violation of
11 a State employment or labor-related law or other law, shall be
12 subject to a civil penalty as follows:

13 (1) for the first violation, a civil penalty not to exceed \$1,000;

14 (2) for the second violation, a civil penalty not to exceed \$5,000;

15 and

16 (3) for any subsequent violation, a civil penalty not to exceed
17 \$10,000.

18 Any penalty imposed under this act shall be collected by the
19 commissioner in a summary proceeding in accordance with the
20 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
21 et seq.). Each violation for each affected employee shall constitute
22 a separate violation of this act.

23 b. As used in this act:

24 "Coercion" shall have the same meaning as that term is defined
25 in subsection a. of N.J.S.2C:13-5.

26 "Commissioner" means Commissioner of Labor and Workforce
27 Development.

28 "Employee" means any person suffered or permitted to work by
29 an employer, except a person performing services for remuneration
30 whose services satisfy the factors set forth in subparagraphs
31 (A),(B), and (C) of R.S.43:21-19(i)(6).

32 "Employer" means any individual, partnership, association, joint
33 stock company, trust, corporation, the administrator or executor of
34 the estate of a deceased individual, or the receiver, trustee, or
35 successor of any of the same, employing any person in this State,
36 and includes the State of New Jersey and any county, municipality,
37 school district, or other political subdivision thereof, and any
38 agency, authority, or instrumentality of the foregoing.

39 "State employment or labor-related law" includes, but is not
40 limited to:

41 (1) P.L.1965, c.173 (C.34:11-4.1 et seq.);

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

44 (3) the "New Jersey State Wage and Hour Law," P.L.1966,
45 c.113 (C.34:11-56a et seq.);

46 (4) the workers' compensation law, R.S.34:15-1 et seq.;

47 (5) the "unemployment compensation law," R.S.43:21-1 et seq.;

1 (6) the "Temporary Disability Benefits Law," P.L.1948, c.110
2 (C.43:21-25 et al.);

3 (7) P.L.2008, c.17 (C.43:21-39.1 et al.);

4 (8) the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et
5 seq.; or

6 (9) P.L.2018, c.10 (C.34:11D-1 et seq.).

7

8 2. This act shall take effect immediately.

9

10

11

STATEMENT

12

13 This bill imposes a civil penalty on any employer that coerces or
14 attempts to coerce an employee of the employer based on the
15 immigration status of the employee. Specifically, the bill imposes
16 the following civil penalties:

17 (1) for the first violation, a civil penalty not to exceed \$1,000;

18 (2) for the second violation, a civil penalty not to exceed \$5,000;

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20 (3) for any subsequent violation, a civil penalty not to exceed
21 \$10,000.

22 State employment laws provides broad protections for
23 employees, regardless of an employee's immigration status.
24 However, an employee who is an immigrant to the United States
25 may be reluctant to report employer violations for a variety of
26 reasons. This bill requires that any employer that coerces or
27 attempts to coerce an employee based on the employee's
28 immigration status will be subject to penalties in addition to any
29 penalties to which the employer may be subject due to employment
30 violations.

31 For example, an employer that does not pay appropriate wages
32 may be subject to penalties under the "New Jersey State Wage and
33 Hour Law" or the wage payment law. Under the bill, if the
34 employer that is failing to pay appropriate wages also threatens an
35 employee based on the employee's immigration status to pressure
36 the employee from reporting a violation, the employer would be
37 subject to additional penalties.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4081

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED MAY 16, 2024

Sponsored by:

Assemblywoman ALIXON COLLAZOS-GILL

District 27 (Essex and Passaic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex and Hudson)

Co-Sponsored by:

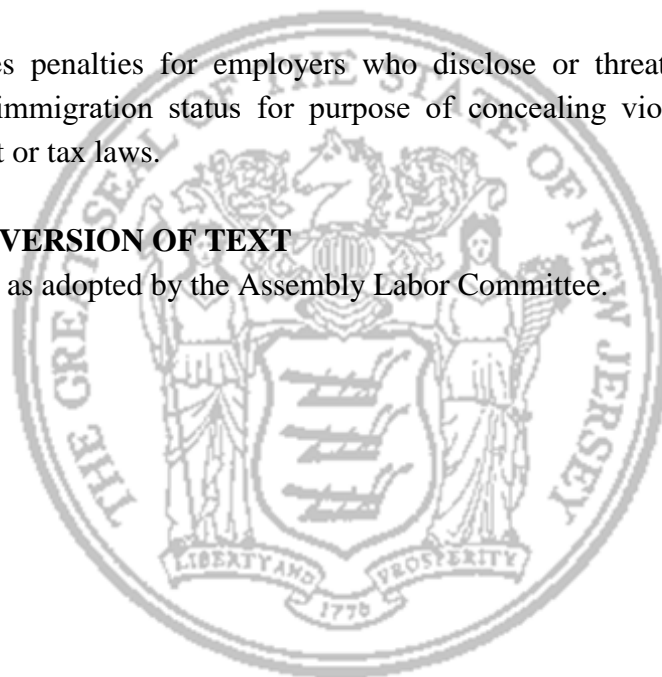
Assemblywoman Hall, Assemblyman Rodriguez, Assemblywomen Ramirez, Reynolds-Jackson, Assemblymen Sampson, Miller, Hutchison, Bailey, Assemblywoman Lopez, Assemblyman Stanley, Assemblywomen Sumter, Murphy and Haider

SYNOPSIS

Establishes penalties for employers who disclose or threaten to disclose employee's immigration status for purpose of concealing violation of State wage, benefit or tax laws.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Labor Committee.



(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT concerning violations of employment rights of immigrant
2 workers and 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. If the Commissioner of Labor and Workforce
8 Development finds that an employer has, for the purpose of
9 concealing any violation of State wage, benefit and tax laws,
10 disclosed or threatened to disclose to a public body an employee's
11 immigration status, the commissioner is, in addition to imposing
12 any other remedies or penalties authorized by law, authorized to
13 assess and collect an administrative penalty as follows:

14 (1) for the first violation, an administrative penalty not to
15 exceed \$1,000;

16 (2) for the second violation, an administrative penalty not to
17 exceed \$5,000; and

18 (3) for any subsequent violation, an administrative penalty not
19 to exceed \$10,000.

20 b. When determining the amount of the administrative penalty
21 imposed pursuant to subsection a. of this section, the commissioner
22 shall consider factors which include the history of previous
23 violations by the employer, the seriousness of the violation, the
24 good faith of the employer and the size of the employer's business.
25 No administrative penalty shall be levied pursuant to this section
26 unless the commissioner provides the alleged violator with
27 notification of the violation and of the amount of administrative
28 penalty, and unless the commissioner provides the alleged violator
29 an opportunity to request a hearing before the commissioner or the
30 commissioner's designee.

31 c. For violations of subsection a. of this section that occur for
32 the purpose of concealing a violation of any State wage, benefit or
33 tax law, other than the State unemployment and disability benefits
34 laws, the alleged violator may request a hearing within 15 days
35 following receipt of the notice. If a hearing is requested, the
36 commissioner shall issue a final order upon such hearing and a
37 finding that the violation has occurred. If no hearing is requested,
38 the notice shall become a final order upon expiration of the 15-day
39 period. For violations subject to this subsection c., payment of the
40 administrative penalty shall be due when the final order is issued or
41 when the notice becomes the final order.

42 d. For violations of subsection a. of this section that occur for
43 the purpose of concealing a violation of the State unemployment
44 and disability benefits laws, the alleged violator may request a
45 hearing in the manner and within the time prescribed by those laws,
46 and payment of the administrative penalty shall be due when
47 assessment for contributions, penalties and interest are due pursuant

1 to subsection (d) of R.S.43:21-14 or section 31 of P.L.1948, c.110
2 (C.43:21-55).

3 e. Any administrative penalty imposed pursuant to this section
4 may be recovered with costs in a summary proceeding commenced
5 by the commissioner pursuant to the “Penalty Enforcement Law of
6 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

7 f. Any sum collected as an administrative penalty pursuant to
8 this section shall be applied toward enforcement and administration
9 costs of the Division of Wage and Hour Compliance within the
10 Department of Labor and Workforce Development responsible for
11 enforcement of the State wage, benefit or tax law the violation of
12 which the employer sought to conceal by disclosing or threatening
13 to disclose an employee’s immigration status. Nothing in this
14 section shall prevent the commissioner from assessing interest,
15 penalties, or other fees allowable by law.

16 g. For purposes of this section, “State wage, benefit and tax
17 laws” means “State wage, benefit and tax laws” as defined in
18 section 1 of P.L.2009, c.194 (C.34:1A-1.11), and “State
19 unemployment and disability benefits laws” means the
20 “unemployment compensation law,” R.S.43:21-1 et seq., and the
21 “Temporary Disability Benefits Law,” P.L.1948, c.110 (C.43:21-25
22 et al.).

23

24 2. This act shall take effect immediately.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 4081

STATE OF NEW JERSEY

DATED: MAY 16, 2024

The Assembly Labor Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 4081.

This bill provides that if the Commissioner of Labor and Workforce Development finds that an employer has, for the purpose of concealing any violation of State wage, benefit and tax laws, disclosed or threatened to disclose to a public body an employee's immigration status, the commissioner is, in addition to imposing any other remedies or penalties authorized by law, authorized to assess and collect an administrative penalty against the employer. Specifically, the bill provides for administrative penalties as follows:

- (1) for the first violation, an administrative penalty not to exceed \$1,000;
- (2) for the second violation, an administrative penalty not to exceed \$5,000; and
- (3) for any subsequent violation, an administrative penalty not to exceed \$10,000.

When determining the amount of the administrative penalty imposed pursuant to the bill's provisions, the commissioner may consider factors which include the history of previous violations by the employer, the seriousness of the violation, the good faith of the employer and the size of the employer's business. The commissioner may not levy an administrative penalty pursuant to the bill's provisions unless the commissioner provides the alleged violator with notification of the violation and of the amount of administrative penalty, and unless the commissioner provides the alleged violator an opportunity to request a hearing before the commissioner or the commissioner's designee.

As reported, this bill is identical to Senate Substitute for Senate Bill No. 2869 of the 2024-2025 Legislative Session.

Acting Governor Way Signs Legislation Broadening Protections for Immigrant Workers

08/8/2024

TRENTON – Acting Governor Way today signed legislation that imposes civil penalties on any employers who disclose or threaten to disclose an employee’s immigration status in order to cover up their own labor violations.

State employment laws provide broad protections for employees regardless of their immigration status. However, an employee may be reluctant to report employer violations due to fear of the employer revealing their immigration status. This bill mandates that any employer who threatens an employee with exposing their immigration status or discloses their immigration status to authorities in order to conceal wage violations or other violations will face civil penalties, in addition to any existing penalties for the underlying employment violations.

“New Jersey’s greatest strength lies in its diverse and dedicated workforce,” **said Acting Governor Way**. “No worker should face harassment or intimidation from their employers. This legislation reaffirms our administration’s commitment to creating a safe and supportive environment, ensuring all workers have the legal protections they need to feel secure in their day-to-day lives.”

These penalties will be enforced by the Commissioner of Labor and Workforce Development, who will ensure that employees are protected from being unfairly treated or intimidated by their employers.

If the Commissioner finds that an employer has disclosed or threatened to disclose an employee’s immigration status to conceal violations of state wage, benefit, and tax laws, then the Commissioner can impose strict administrative penalties.

“The Labor Department is committed to safeguarding the rights of all workers, regardless of immigration status,” **said Robert Asaro-Angelo, Commissioner of the New Jersey Department of Labor and Workforce Development**. “This law is another crucial step to ensuring all workers are treated fairly and justly, and reinforces the state’s dedication to upholding the integrity of New Jersey’s top-tier labor standards.”

“No worker should be forced to turn a blind eye to their employer’s unlawful behavior out of fear of being prosecuted for their immigration status,” **said Senate Majority Leader M. Teresa Ruiz**. “By establishing a penalty for employers who weaponized an employee’s immigration status against them to violate the law, we will protect worker’s rights and hold businesses accountable for exploitative behavior.”

“All employees, regardless of immigration status, deserve the right to a safe and fair work environment,” **said Senator Angela McKnight**. “This measure will discourage businesses from behaving unethically and will impose penalties for those found to have violated the law.”

“The legislation signed today is a crucial step in protecting our workforce. No employee should have to live in fear of being exposed or threatened because of their immigration status,” **said Assemblywoman Alixon Collazos-Gill**. “By imposing strict penalties on employers who engage in such behavior in an attempt to cover up violations, we send a

clear message that New Jersey is not only a safe place to live, but a safe place to work as well.”

“Workers should feel safe to report violations of this nature without the fear of retaliation based on their immigration status,” **said Assemblywoman Shanique Speight**. “New Jersey will not tolerate exploitation in the work place, taking advantage of people who simply want to earn a wage in order to support their families is morally wrong and has no place in this state.”

“The protection of workers’ rights is paramount and this legislation ensures that employers who threaten or disclose an employee’s immigration status in an attempt to conceal a violation are penalized appropriately,” **said Assemblywoman Annette Quijano**. “By enacting these penalties, we are holding employers accountable for their actions.”

“Today’s signing of this crucial legislation by Acting Governor Way marks a significant step forward in protecting the rights of workers across New Jersey. By imposing civil penalties on employers who exploit the immigration status of workers to hide labor violations, we are reinforcing the principle that all workers deserve fair and just treatment, regardless of their immigration status. This law sends a clear message that unethical practices will not be tolerated, and it empowers workers to stand up for their rights without fear of retaliation,” **said Anthony Abrantes, Assistant Executive Secretary-Treasurer of the Eastern Atlantic States Regional Council of Carpenters**.

“All New Jerseyans deserve the ability to earn a living and provide for their families without having their employer disclose or threaten to disclose their immigration status. The ACLU-NJ applauds the Legislature, Governor Murphy, and Acting Governor Way for passing and signing this bill into law and looks forward to collaborating on further beneficial policy initiatives,” **said Sarah Fajardo, ACLU-NJ Policy Director**.

“The Latino Action Network Foundation commends Governor Murphy, Acting Governor Way, and our State Legislature for centering New Jersey’s commitment to working-class Latino immigrant families. Immigrants make significant economic contributions in NJ. And this legislation demonstrates how New Jersey can lead the way to ensure that a fair wage is a human right and create policies that protects workers regardless of immigration status,” **said Dr. Jesselly De La Cruz, Executive Director at Latino Action Network Foundation**.

“This important piece of legislation addresses a deeply disconcerting practice in the construction industry – crooked contractors exploiting the immigration status of workers to gain a competitive advantage over honest contractors, cheat taxpayers, harm workers, and lower industry standards,” **said Michael E. Hellstrom Vice President and Eastern Regional Manager of Laborers’ International Union of North America (LIUNA)**. “Giving state officials the tools to effectively conduct investigations and crack down on law-breakers is a very good thing for New Jersey. I applaud Governor Murphy and the bill sponsors for passage of this pro-worker, industry-supporting legislation.”

“Immigrant workers participate in New Jersey’s labor force at a rate 5.2% higher than native-born workers. They deserve equal protections,” **said Erik Cruz Morales, Policy and Advocacy Manager with New Jersey Alliance for Immigrant Justice**. “This new law will establish safeguards against coercion and intimidation based on immigration status. Something that occurs often in the workplace among immigrant workers. We look forward to collaborating with Department of Labor and other stakeholders to ensure effective implementation, so that immigrant workers across New Jersey are fully aware of their rights.”

“Immigrant workers are the backbone of our state - New Jersey is a state of immigrants, and no one should fear retaliation or deportation based on their status. On behalf of the members of Make the Road New Jersey, we commend sponsors Senator Ruiz and Assemblywoman Collazos, and thank Governor Murphy and Acting Governor

Way for their support of this vital legislation," **said Garrett O'Connor, director of worker organizing, Make the Road NJ.**

"This is a significant step forward in New Jersey's efforts to embody its values of inclusivity and fairness," **said Marleina Ubel, Senior Policy Analyst at New Jersey Policy Perspective.** "Despite federal protections, undocumented workers are more likely to face discrimination and exploitation in the workplace. Supporting all workers means ensuring immigrants are protected from retaliation and feel empowered to speak out about unlawful behavior from their employers without fear of deportation."