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LAW/RWH

P.L.2011, CHAPTER 186, *approved January 17, 2012*  
Senate, No. 1395 (*Second Reprint*)

1 AN ACT concerning the <sup>1</sup>[elimination of pay disparities between  
2 men and women] promotion of gender equity<sup>1</sup> in the workplace  
3 and amending P.L.1999, c.223.

4

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

7

8 1. Section 2 of P.L.1999 c.223 (C.34:15C-22) is amended to  
9 read as follows:

10 2. The Council shall:

11 a. Assess the effectiveness of State programs designed to  
12 provide gender equity in labor, education and training;

13 b. Make recommendations to the Commissioners of the  
14 Departments of Community Affairs, Education, Human Services  
15 and Labor and Workforce Development, and the **[Chairperson]**  
16 Executive Director of the Commission on Higher Education  
17 regarding the needs, priorities, programs and policies related to  
18 access and equity for labor, education and workforce training  
19 throughout the State;

20 c. Review current and proposed legislation and regulations  
21 pertaining to gender equity in labor, education and workforce  
22 training and make recommendations regarding possible legislation  
23 and regulations to the State Employment and Training Commission  
24 and the Division on Women;

25 d. Develop policies to insure that State agencies set  
26 benchmarks and integrate their data collection systems to assess  
27 progress toward achieving gender equity and take action to insure  
28 that appropriate data collection systems exist where needed;

29 e. Develop policies to promote linkages among individuals,  
30 schools, organizations and public agencies providing gender equity  
31 services and programs;

32 f. Educate and provide information to the public on the issues  
33 and current developments in gender equity by issuing reports and  
34 holding events such as conferences and symposia;

35 g. <sup>1</sup>[Annually assess the implementation of the  
36 recommendations of the Gender Equity Task Force of the State  
37 Employment and Training Commission which were published in the  
38 reports of the task force entitled, "Leveling the Playing Field:  
39 Removing Barriers for Women in New Jersey's Employment and

**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:

<sup>1</sup>Senate SLA committee amendments adopted March 4, 2010.

<sup>2</sup>Assembly ALA committee amendments adopted January 5, 2012.

1 Training Programs," and "Balancing the Equation: A Report on  
2 Gender Equity in Education";] <sup>1</sup> [and]

3 <sup>1</sup>[h.] <sup>1</sup> Submit an annual report to the Governor, the Legislature,  
4 the State Employment and Training Commission and the Division  
5 on Women of its assessments and recommendations made pursuant  
6 to this section;

7 <sup>1</sup>[i.] h. <sup>1</sup> Conduct studies and promote research <sup>2</sup>, as practicable,<sup>2</sup>  
8 to develop the means to correct <sup>1</sup>[the conditions] gender  
9 inequitable practices, including practices<sup>1</sup> leading to pay disparities  
10 between men and women and publish and otherwise make available  
11 to employers, labor organizations, professional associations,  
12 educational institutions, the media and the general public the  
13 findings resulting from these studies and other materials;

14 <sup>1</sup>[j.] i. <sup>1</sup> Develop and make available <sup>1</sup>[guidelines] information  
15 <sup>2</sup>, as practicable,<sup>2</sup> regarding best practices for workplace gender  
16 equity<sup>1</sup> to enable employers to evaluate job categories based on  
17 objective criteria, such as educational requirements, skill  
18 requirements, independence, working conditions and responsibility;  
19 and

20 <sup>1</sup>[k.] j. <sup>1</sup> Establish a Statewide <sup>1</sup>[award for] recognition of  
21 exceptional practices <sup>2</sup>, as practicable,<sup>2</sup> to promote gender<sup>1</sup> equity  
22 in the workplace to be presented to a workplace, as shall be defined  
23 by the Council, that, at a minimum, has demonstrated it has made a  
24 substantial effort to eliminate pay disparities between men and  
25 women, and thus deserves special recognition, in addition to any  
26 other requirements and specifications the Council deems  
27 appropriate in the determination of the <sup>1</sup>[award] workplace to be  
28 recognized<sup>1</sup>.

29 (cf: P.L.1999, c.223, s.2)

30

31 2. This act shall take effect on the first day of the fourth month  
32 next following the date of enactment, but the Executive Director of  
33 the State Employment and Training Commission may take such  
34 anticipatory administrative action in advance thereof as shall be  
35 necessary for the implementation of this act.

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Concerns gender equity in the workplace.

**SENATE, No. 1395**

**STATE OF NEW JERSEY**

**214th LEGISLATURE**

INTRODUCED FEBRUARY 11, 2010

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**SYNOPSIS**

Concerns pay equity in the workplace.

**CURRENT VERSION OF TEXT**

As introduced.



S1395 WEINBERG

2

1 AN ACT concerning the elimination of pay disparities between men  
2 and women in the workplace and amending P.L.1999, c.223.

3

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

6

7 1. Section 2 of P.L.1999 c.223 (C.34:15C-22) is amended to  
8 read as follows:

9 2. The Council shall:

10 a. Assess the effectiveness of State programs designed to  
11 provide gender equity in labor, education and training;

12 b. Make recommendations to the Commissioners of the  
13 Departments of Community Affairs, Education, Human Services  
14 and Labor and Workforce Development, and the **Chairperson**  
15 Executive Director of the Commission on Higher Education  
16 regarding the needs, priorities, programs and policies related to  
17 access and equity for labor, education and workforce training  
18 throughout the State;

19 c. Review current and proposed legislation and regulations  
20 pertaining to gender equity in labor, education and workforce  
21 training and make recommendations regarding possible legislation  
22 and regulations to the State Employment and Training Commission  
23 and the Division on Women;

24 d. Develop policies to insure that State agencies set  
25 benchmarks and integrate their data collection systems to assess  
26 progress toward achieving gender equity and take action to insure  
27 that appropriate data collection systems exist where needed;

28 e. Develop policies to promote linkages among individuals,  
29 schools, organizations and public agencies providing gender equity  
30 services and programs;

31 f. Educate and provide information to the public on the issues  
32 and current developments in gender equity by issuing reports and  
33 holding events such as conferences and symposia;

34 g. Annually assess the implementation of the recommendations  
35 of the Gender Equity Task Force of the State Employment and  
36 Training Commission which were published in the reports of the  
37 task force entitled, "Leveling the Playing Field: Removing Barriers  
38 for Women in New Jersey's Employment and Training Programs,"  
39 and "Balancing the Equation: A Report on Gender Equity in  
40 Education"; **and**

41 h. Submit an annual report to the Governor, the Legislature, the  
42 State Employment and Training Commission and the Division on  
43 Women of its assessments and recommendations made pursuant to  
44 this section;

**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.

1        i. Conduct studies and promote research to develop the means  
2 to correct the conditions leading to pay disparities between men and  
3 women and publish and otherwise make available to employers,  
4 labor organizations, professional associations, educational  
5 institutions, the media and the general public the findings resulting  
6 from these studies and other materials;

7        j. Develop and make available guidelines to enable employers  
8 to evaluate job categories based on objective criteria, such as  
9 educational requirements, skill requirements, independence,  
10 working conditions and responsibility; and

11        k. Establish a Statewide award for equity in the workplace to  
12 be presented to a workplace, as shall be defined by the Council,  
13 that, at a minimum, has demonstrated it has made a substantial  
14 effort to eliminate pay disparities between men and women, and  
15 thus deserves special recognition, in addition to any other  
16 requirements and specifications the Council deems appropriate in  
17 the determination of the award.

18 (cf: P.L.1999, c.223, s.2)

19  
20        2. This act shall take effect on the first day of the fourth month  
21 next following the date of enactment, but the Executive Director of  
22 the State Employment and Training Commission may take such  
23 anticipatory administrative action in advance thereof as shall be  
24 necessary for the implementation of this act.

## 25 26 27 STATEMENT

28  
29        Women have entered the workforce in record numbers over the  
30 past 50 years and comprised 49 percent of the workforce in 2007.  
31 Even when factors such as industry, occupation, race, marital status  
32 and job tenure are included in the calculations, in 2000 women still  
33 only earned, on average, 80 percent of what men earned in the  
34 United States. In New Jersey, women comprise approximately 47  
35 percent of the workforce and in 2005 women earned, on average, 76  
36 percent of what men earned.

37        This bill directs the Council on Gender Parity in Labor and  
38 Education to implement certain programs to eliminate the pay  
39 disparity between the genders.

40        The existence of such a pay disparity affects the State, national  
41 and international economy through a variety of means, such as:  
42 depressing the wages of working families; undermining women's  
43 retirement security; and reducing the effectiveness of the overall  
44 workforce because all workers are not being equally valued.

45        All State departments and agencies should be advocates of equal  
46 pay and should strive to ensure that all persons are compensated  
47 adequately for their work, regardless of gender. The State  
48 Employment and Training Commission (SETC), located in, but not

**S1395 WEINBERG**

1 of, the Department of Labor and Workforce Development was  
2 created to develop and assist in the implementation of a State  
3 employment and training policy with the goal of providing each  
4 citizen of the State with equal access to employment and training.  
5 The Council on Gender Parity in Labor and Education was  
6 established in the SETC in 1999 and has focused on research and  
7 the dissemination of information regarding gender equity in labor,  
8 education and training.

9 This bill specifically revises the council's duties to include:  
10 conducting studies and promoting research to develop the means to  
11 correct the conditions leading to pay disparities between men and  
12 women; disseminating this information to employers, labor  
13 organizations, professional associations, educational institutions,  
14 the media and the general public; developing and making available  
15 guidelines to enable employers to evaluate job categories based on  
16 objective criteria; and, establishing a Statewide award for pay  
17 equity in the workplace.

18 This bill was inspired by H.R.1338, the "Paycheck Fairness Act"  
19 passed by the United States House of Representatives on July 31,  
20 2008 to amend the Fair Labor Standards Act of 1938 to provide  
21 more effective remedies to victims of discrimination in the payment  
22 of wages on the basis of sex.



# SENATE LABOR COMMITTEE

## STATEMENT TO

### **SENATE, No. 1395**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 4, 2010

The Senate Labor Committee reports favorably and with committee amendments Senate Bill No. 1395.

As amended by the committee, this bill revises the duties of the Council on Gender Parity in Labor and Education (which is part of the State Employment and Training Commission) to include: conducting studies and promoting research to develop means to correct gender inequitable practices, including practice leading to pay disparities between men and women; disseminating this information to employers, labor organizations, professional associations, educational institutions, the media and the general public; developing and making available information on best practices for workplace gender equity to enable employers to evaluate job categories based on objective criteria; and, establishing a Statewide recognition of exceptional practices to promote gender equity in the workplace.

The amendments adopted by the committee:

1. Remove the law's requirement that the council annually assess the implementation of the recommendations of reports specified in the law, all of which are more than 10 years old;
2. Remove any reference to the issuing of "guidelines" when the council provides information on best employer practices;
3. Remove any reference to "awards" in the council's recognition of exceptional practices; and
4. Replace certain references to pay equity with references to the more general notion of "gender equity."

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 1395**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 5, 2012

The Assembly Labor Committee reports favorably and with committee amendments Senate Bill No. 1395 (1R).

This bill, as amended, revises the duties of the Council on Gender Parity in Labor and Education (which is part of the State Employment and Training Commission) to include, as practicable: conducting studies and promoting research to develop means to correct gender inequitable practices, including practices leading to pay disparities between men and women; disseminating this information to employers, labor organizations, professional associations, educational institutions, the media and the general public; developing and making available information on best practices for workplace gender equity to enable employers to evaluate job categories based on objective criteria; and establishing a Statewide recognition of exceptional practices to promote gender equity in the workplace.

### COMMITTEE AMENDMENTS

The committee amended the bill to permit the Council on Gender Parity to fulfill certain of its revised duties as practicable.

These amendments make this bill identical to A-2563 (1R), as reported by the committee today.

[Corrected Copy]

**ASSEMBLY, No. 2563**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED MARCH 16, 2010

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Concerns gender equity in the workplace.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the promotion of gender equity in the  
2 workplace and amending P.L.1999, c.223.

3

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

6

7 1. Section 2 of P.L.1999, c.223 (C.34:15C-22) is amended to  
8 read as follows:

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10 a. Assess the effectiveness of State programs designed to  
11 provide gender equity in labor, education and training;

12 b. Make recommendations to the Commissioners of the  
13 Departments of Community Affairs, Education, Human Services  
14 and Labor and Workforce Development, and the **Chairperson**  
15 Executive Director of the Commission on Higher Education  
16 regarding the needs, priorities, programs and policies related to  
17 access and equity for labor, education and workforce training  
18 throughout the State;

19 c. Review current and proposed legislation and regulations  
20 pertaining to gender equity in labor, education and workforce  
21 training and make recommendations regarding possible legislation  
22 and regulations to the State Employment and Training Commission  
23 and the Division on Women;

24 d. Develop policies to insure that State agencies set  
25 benchmarks and integrate their data collection systems to assess  
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27 that appropriate data collection systems exist where needed;

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29 schools, organizations and public agencies providing gender equity  
30 services and programs;

31 f. Educate and provide information to the public on the issues  
32 and current developments in gender equity by issuing reports and  
33 holding events such as conferences and symposia;

34 g. **Annually** assess the implementation of the  
35 recommendations of the Gender Equity Task Force of the State  
36 Employment and Training Commission which were published in the  
37 reports of the task force entitled, "Leveling the Playing Field:  
38 Removing Barriers for Women in New Jersey's Employment and  
39 Training Programs," and "Balancing the Equation: A Report on  
40 Gender Equity in Education"; and

41 h. **Submit** an annual report to the Governor, the Legislature, the  
42 State Employment and Training Commission and the Division on  
43 Women of its assessments and recommendations made pursuant to  
44 this section;

**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.



# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2563**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 5, 2012

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 2563.

This bill, as amended, revises the duties of the Council on Gender Parity in Labor and Education (which is part of the State Employment and Training Commission) to include, as practicable: conducting studies and promoting research to develop means to correct gender inequitable practices, including practices leading to pay disparities between men and women; disseminating this information to employers, labor organizations, professional associations, educational institutions, the media and the general public; developing and making available information on best practices for workplace gender equity to enable employers to evaluate job categories based on objective criteria; and establishing a Statewide recognition of exceptional practices to promote gender equity in the workplace.

#### COMMITTEE AMENDMENTS

The committee amended the bill to permit the Council on Gender Parity to fulfill certain of its revised duties as practicable.

These amendments make this bill identical to S-1395 (2R), as reported by the committee today.