

**34:6B-20 and 10:5-12.12 et al.**  
**LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2019                    **CHAPTER:** 199

**NJSA:** 34:6B-20 and 10:5-12.12 et al. (Prohibits employer inquiries about worker's wage and salary experience.)

**BILL NO:** A1094                    (Substituted for S3516)

**SPONSOR(S)** Joann Downey and others

**DATE INTRODUCED:** 1/9/2018

**COMMITTEE:**                    **ASSEMBLY:** Labor

**SENATE:** Labor

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 3/25/2019

**SENATE:** 6/20/2019

**DATE OF APPROVAL:** 7/25/2019

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Assembly Committee Substitute enacted)                    Yes

**A1094**

**SPONSOR'S STATEMENT:** (Begins on page 14 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

(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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**S3516**

**SPONSOR'S STATEMENT:** (Begins on page 6 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

(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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Employers now barred from asking job applicants about current pay," NJBIZ, July 25, 2019

"New law bans employers from asking salary history," Associated Press State Wire: New Jersey, July 26, 2019

RWH/CL

P.L. 2019, CHAPTER 199, *approved July 25, 2019*  
Assembly Committee Substitute for  
Assembly, No. 1094

1 **AN ACT** concerning employer inquiries regarding salary history and  
2 amending and supplementing various parts of the statutory law.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. (New section) a. Except as otherwise provided in this  
8 section, it shall be an unlawful employment practice for any  
9 employer:

10 (1) to screen a job applicant based on the applicant's salary  
11 history, including, but not limited to, the applicant's prior wages,  
12 salaries or benefits; or

13 (2) to require that the applicant's salary history satisfy any  
14 minimum or maximum criteria.

15 b. Notwithstanding the provisions of subsection a. of this  
16 section, an employer may:

17 (1) consider salary history in determining salary, benefits, and  
18 other compensation for the applicant, and may verify the applicant's  
19 salary history, if an applicant voluntarily, without employer  
20 prompting or coercion, provides the employer with salary history.  
21 An applicant's refusal to volunteer compensation information shall  
22 not be considered in any employment decisions; and

23 (2) request that an applicant provide the employer with a written  
24 authorization to confirm salary history, including, but not limited  
25 to, the applicant's compensation and benefits, after an offer of  
26 employment that includes an explanation of the overall  
27 compensation package has been made to the applicant.

28 c. This section shall not apply to:

29 (1) applications for internal transfer or promotion with an  
30 employee's current employer, or use by the employer of previous  
31 knowledge obtained as a consequence of prior employment with the  
32 employer;

33 (2) any actions taken by an employer pursuant to any federal  
34 law or regulation that expressly requires the disclosure or  
35 verification of salary history for employment purposes, or requires  
36 knowledge of salary history to determine an employee's  
37 compensation;

**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 (3) any attempt by an employer to obtain, or verify a job  
2 applicant's disclosure of, non-salary related information when  
3 conducting a background check on the job applicant, provided that,  
4 when requesting information for the background check, the  
5 employer shall specify that salary history information is not to be  
6 disclosed. If, notwithstanding that specification, salary history  
7 information is disclosed, the employer shall not retain that  
8 information or consider it when determining the salary, benefits, or  
9 other compensation of the applicant; or

10 (4) employer inquiries regarding an applicant's previous  
11 experience with incentive and commission plans and the terms and  
12 conditions of the plans, provided that the employer shall not seek or  
13 require the applicant to report information about the amount of  
14 earnings of the applicant in connection with the plans, and that the  
15 employer shall not make any inquiry regarding the applicant's  
16 previous experience with incentive and commission plans unless the  
17 employment opening with the employer includes an incentive or  
18 commission component as part of the total compensation program.

19 d. An applicant may provide salary history information,  
20 including information regarding the applicant's experience with  
21 incentive or commission plans, to an employment agency contacted  
22 by the applicant for assistance in searching for and identifying  
23 employment opportunities, but the employment agency shall not  
24 share the information with potential employers without the express  
25 written consent of the applicant.

26 e. (1) Any employer who violates this section shall be liable  
27 for a civil penalty in an amount not to exceed \$1,000 for the first  
28 violation, \$5,000 for the second violation, and \$10,000 for each  
29 subsequent violation collectible by the Commissioner of Labor and  
30 Workforce Development in a summary proceeding pursuant to the  
31 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
32 et seq.).

33 (2) If an applicant for a job is a member of a protected class as  
34 defined in subsection t. of section 11 of P.L.1945, c.169 (C.10:5-  
35 12), an employer shall be subject to section 2 of  
36 P.L. , c. (C. ) ( pending before the Legislature as this bill)  
37 for any violation of this section.

38 f. Nothing in this section shall be construed as prohibiting an  
39 employer from offering an applicant for a job information regarding  
40 wage or salary rates set for the job by collective bargaining  
41 agreements or by civil service or other laws, or from paying those  
42 rates if the applicant is hired.

43 g. Nothing in this section shall be construed to prohibit an  
44 employer who does business, employs persons, or takes applications  
45 for employment in at least one state other than New Jersey, from  
46 including an inquiry regarding salary history on an employment  
47 application, so long as immediately preceding the salary history  
48 inquiry on the employment application it states that an applicant for

1 a position the physical location of which will be in whole, or  
2 substantial part, in New Jersey is instructed not to answer the salary  
3 history inquiry.

4 h. Nothing in this section shall be construed to prohibit an  
5 employer from acquiring salary history information that is publicly  
6 available, but an employer shall not retain or consider that  
7 information when determining the salary, benefits, or other  
8 compensation of the applicant unless the applicant voluntarily,  
9 without employer prompting or coercion, provides the employer  
10 with salary history. An applicant's refusal to volunteer  
11 compensation information shall not be considered in any  
12 employment decisions.

13

14 2. (New section) a. Except as otherwise provided by section 1  
15 of P.L. , c. (C. ) (pending before the Legislature as this  
16 bill), if a job applicant is a member of a protected class as defined  
17 in subsection t. of section 11 of P.L.1945, c.169 (C.10:5-12), it shall  
18 be an unlawful employment practice in violation of P.L.1945, c.169  
19 (C.10:5-1 et seq.) for an employer:

20 (1) to screen a job applicant based on the applicant's salary  
21 history, including, but not limited to, the applicant's prior wages,  
22 salaries, or benefits; or

23 (2) to require that the applicant's salary history satisfy any  
24 minimum or maximum criteria.

25 b. An award of punitive damages shall not be an available  
26 remedy for a violation of this section.

27

28 3. Section 5 of P.L.1985, c.73 (C.10:5-12.1) is amended to read  
29 as follows:

30 5. Notwithstanding any provision of law to the contrary, relief  
31 for having been required to retire in violation of the provisions of  
32 section 11 of P.L.1945, c. 169 (C.10:5-12), shall be available to the  
33 person aggrieved by that violation solely through the procedure  
34 initiated by filing a complaint with the Attorney General under the  
35 provisions of P.L.1945, c. 169 (C.10:5-1 et seq.).

36 Notwithstanding any provision to the contrary of section 16 of  
37 P.L.1945, c. 169 (C.10:5-17) or any other law, relief ordered for or  
38 granted to a person in connection with **[his]** the person being  
39 required to retire in violation of the provisions of section 11 of  
40 P.L.1945, c. 169 (C.10:5-12) shall be limited to **[his]** the person's  
41 reinstatement with back pay and interest.

42 This section shall not apply to a violation regarding an inquiry as  
43 to an applicant's salary history pursuant to section 2 of  
44 P.L. , c. (C. ) (pending before the Legislature as this bill).  
45 (cf: P.L.1985, c.73, s.5)

1       4. Section 16 of P.L.1945, c.169 (C.10:5-17) is amended to  
2 read as follows:  
3       16. If, upon all evidence at the hearing, the director shall find  
4 that the respondent has engaged in any unlawful employment  
5 practice or unlawful discrimination as defined in **[this act]**  
6 P.L.1945, c.169 (C.10:5-1 et seq.), the director shall state his  
7 findings of fact and conclusions of law and shall issue and cause to  
8 be served on such respondent an order requiring such respondent to  
9 cease and desist from such unlawful employment practice or  
10 unlawful discrimination and to take such affirmative action,  
11 including, but not limited to, hiring, reinstatement or upgrading of  
12 employees, with or without back pay, or restoration to membership,  
13 in any respondent labor organization, or extending full and equal  
14 accommodations, advantages, facilities, and privileges to all  
15 persons, as, in the judgment of the director, will effectuate the  
16 purpose of **[this act]** P.L.1945, c.169 (C.10:5-1 et seq.), and  
17 including a requirement for report of the manner of compliance. If  
18 the conduct violative of **[this act]** P.L.1945, c.169 (C.10:5-  
19 1 et seq.) constitutes any form of unlawful economic discrimination  
20 prohibited in subsection 1., m., or n. of section 11 of P.L.1945,  
21 c.169 (C.10:5-12), or any form of unlawful employment practice  
22 prohibited by subsection r. or t. of section 11 of P.L.1945, c.169  
23 (C.10:5-12), the affirmative action taken by the director may  
24 include the award of three-fold damages to the person or persons  
25 aggrieved by the violation. The director shall have the power to use  
26 reasonably certain bases, including but not limited to list, catalogue  
27 or market prices or values, or contract or advertised terms and  
28 conditions, in order to determine particulars or performance in  
29 giving appropriate remedy. In addition to any other remedies  
30 provided by P.L.1945, c.169 (C.10:5-1 et seq.), a prevailing  
31 complainant may recover damages to compensate for emotional  
32 distress caused by the activities found to be in violation of  
33 P.L.1945, c.169 (C.10:5-1 et seq.) to the same extent as is available  
34 in common law tort actions. In any case in which the director,  
35 Attorney General, or appropriate organization is a complainant, on  
36 behalf of named or unnamed individuals or a class of individuals,  
37 any of the remedies or relief allowed by **[this act]** P.L.1945, c.169  
38 (C.10:5-1 et seq.) may be awarded or applied to the named or  
39 unnamed individual victims of discrimination. If, upon all evidence,  
40 the director shall find that the respondent has not engaged in any  
41 such unlawful practice or unlawful discrimination, the director shall  
42 state his findings of fact and conclusions of law and shall issue and  
43 cause to be served on the complainant an order dismissing the said  
44 complaint as to such respondent.  
45       This section shall not apply to a violation regarding an inquiry as  
46 to an applicant's salary history pursuant to section 2 of  
47 P.L. , c. (C. ) (pending before the Legislature as this bill).  
48 (cf: P.L.2018, c.9, s.4)

1       5. Section 6 of P.L.1979, c.404 (C.10:5-27.1) is amended to  
2 read as follows:

3       6. In any action or proceeding brought under **[this act]**  
4 P.L.1945, c.169 (C.10:5-1 et seq.), the prevailing party may be  
5 awarded a reasonable attorney's fee as part of the cost, provided  
6 however, that no attorney's fee shall be awarded to the respondent  
7 unless there is a determination that the complainant brought the  
8 charge in bad faith. If the complainant's case was initiated by a  
9 housing authority on behalf of a tenant for a violation of paragraph  
10 (4) of subsection g. or paragraph (4) of subsection h. of section 11  
11 of P.L.1945, c.169 (C.10:5-12) and the complainant prevailed,  
12 reasonable costs, including attorney fees, of the housing authority  
13 may be assessed against a nonprevailing respondent. If the  
14 complainant's case was presented by the attorney for the division  
15 and the complainant prevailed, the reasonable costs, including  
16 attorney fees, of such representation may be assessed against a  
17 nonprevailing respondent.

18       Notwithstanding any other provision of law to the contrary, an  
19 award of an attorney's fee in accordance with this section shall not  
20 be available as a remedy to violations of section 2 of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill).  
22 (cf: P.L.2002, c.82, s.4)

23  
24       6. This act shall take effect on the first day of the sixth month  
25 next following enactment.

26  
27  
28 \_\_\_\_\_  
29  
30 Prohibits employer inquiries about worker's wage and salary  
31 experience.

# ASSEMBLY, No. 1094

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman ELIZABETH MAHER MUOIO**

**District 15 (Hunterdon and Mercer)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

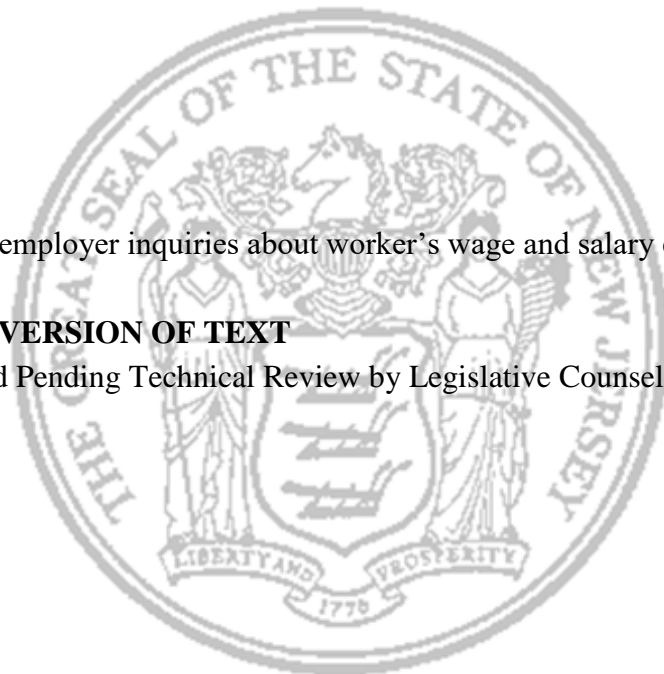
**Assemblyman McKeon, Assemblywomen Pinkin, Quijano, Jones, Murphy,  
Chaparro and Assemblyman Verrelli**

**SYNOPSIS**

Concerns employer inquiries about worker's wage and salary experience.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 12/11/2018)**



1 AN ACT concerning employer inquiries about wage and salary  
2 history and amending P.L.1945, c.169.

3

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

6

7 1. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to  
8 read as follows:

9 11. It shall be an unlawful employment practice, or, as the case  
10 may be, an unlawful discrimination:

11 a. For an employer, because of the race, creed, color, national  
12 origin, ancestry, age, marital status, civil union status, domestic  
13 partnership status, affectional or sexual orientation, genetic  
14 information, pregnancy, sex, gender identity or expression,  
15 disability or atypical hereditary cellular or blood trait of any  
16 individual, or because of the liability for service in the Armed  
17 Forces of the United States or the nationality of any individual, or  
18 because of the refusal to submit to a genetic test or make available  
19 the results of a genetic test to an employer, to refuse to hire or  
20 employ or to bar or to discharge or require to retire, unless justified  
21 by lawful considerations other than age, from employment such  
22 individual or to discriminate against such individual in  
23 compensation or in terms, conditions or privileges of employment;  
24 provided, however, it shall not be an unlawful employment practice  
25 to refuse to accept for employment an applicant who has received a  
26 notice of induction or orders to report for active duty in the armed  
27 forces; provided further that nothing herein contained shall be  
28 construed to bar an employer from refusing to accept for  
29 employment any person on the basis of sex in those certain  
30 circumstances where sex is a bona fide occupational qualification,  
31 reasonably necessary to the normal operation of the particular  
32 business or enterprise; provided further that nothing herein  
33 contained shall be construed to bar an employer from refusing to  
34 accept for employment or to promote any person over 70 years of  
35 age; provided further that it shall not be an unlawful employment  
36 practice for a club exclusively social or fraternal to use club  
37 membership as a uniform qualification for employment, or for a  
38 religious association or organization to utilize religious affiliation  
39 as a uniform qualification in the employment of clergy, religious  
40 teachers or other employees engaged in the religious activities of  
41 the association or organization, or in following the tenets of its  
42 religion in establishing and utilizing criteria for employment of an  
43 employee; provided further, that it shall not be an unlawful  
44 employment practice to require the retirement of any employee  
45 who, for the two-year period immediately before retirement, is

**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 employed in a bona fide executive or a high policy-making position,  
2 if that employee is entitled to an immediate non-forfeitable annual  
3 retirement benefit from a pension, profit sharing, savings or  
4 deferred retirement plan, or any combination of those plans, of the  
5 employer of that employee which equals in the aggregate at least  
6 \$27,000.00; and provided further that an employer may restrict  
7 employment to citizens of the United States where such restriction  
8 is required by federal law or is otherwise necessary to protect the  
9 national interest.

10 The provisions of subsections a. and b. of section 57 of  
11 P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of  
12 P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an  
13 unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

14 For the purposes of this subsection, a "bona fide executive" is a  
15 top level employee who exercises substantial executive authority  
16 over a significant number of employees and a large volume of  
17 business. A "high policy-making position" is a position in which a  
18 person plays a significant role in developing policy and in  
19 recommending the implementation thereof.

20 b. For a labor organization, because of the race, creed, color,  
21 national origin, ancestry, age, marital status, civil union status,  
22 domestic partnership status, affectional or sexual orientation,  
23 gender identity or expression, disability, pregnancy, or sex of any  
24 individual, or because of the liability for service in the Armed  
25 Forces of the United States or nationality of any individual, to  
26 exclude or to expel from its membership such individual or to  
27 discriminate in any way against any of its members, against any  
28 applicant for, or individual included in, any apprentice or other  
29 training program or against any employer or any individual  
30 employed by an employer; provided, however, that nothing herein  
31 contained shall be construed to bar a labor organization from  
32 excluding from its apprentice or other training programs any person  
33 on the basis of sex in those certain circumstances where sex is a  
34 bona fide occupational qualification reasonably necessary to the  
35 normal operation of the particular apprentice or other training  
36 program.

37 c. For any employer or employment agency to print or circulate  
38 or cause to be printed or circulated any statement, advertisement or  
39 publication, or to use any form of application for employment, or to  
40 make an inquiry in connection with prospective employment, which  
41 expresses, directly or indirectly, any limitation, specification or  
42 discrimination as to race, creed, color, national origin, ancestry,  
43 age, marital status, civil union status, domestic partnership status,  
44 affectional or sexual orientation, gender identity or expression,  
45 disability, nationality, pregnancy, or sex or liability of any applicant  
46 for employment for service in the Armed Forces of the United  
47 States, or any intent to make any such limitation, specification or

1 discrimination, unless based upon a bona fide occupational  
2 qualification.

3 d. For any person to take reprisals against any person because  
4 that person has opposed any practices or acts forbidden under this  
5 act or because that person has filed a complaint, testified or assisted  
6 in any proceeding under this act or to coerce, intimidate, threaten or  
7 interfere with any person in the exercise or enjoyment of, or on  
8 account of that person having aided or encouraged any other person  
9 in the exercise or enjoyment of, any right granted or protected by  
10 this act.

11 e. For any person, whether an employer or an employee or not,  
12 to aid, abet, incite, compel or coerce the doing of any of the acts  
13 forbidden under this act, or to attempt to do so.

14 f. (1) For any owner, lessee, proprietor, manager,  
15 superintendent, agent, or employee of any place of public  
16 accommodation directly or indirectly to refuse, withhold from or  
17 deny to any person any of the accommodations, advantages,  
18 facilities or privileges thereof, or to discriminate against any person  
19 in the furnishing thereof, or directly or indirectly to publish,  
20 circulate, issue, display, post or mail any written or printed  
21 communication, notice, or advertisement to the effect that any of  
22 the accommodations, advantages, facilities, or privileges of any  
23 such place will be refused, withheld from, or denied to any person  
24 on account of the race, creed, color, national origin, ancestry,  
25 marital status, civil union status, domestic partnership status,  
26 pregnancy, sex, gender identity or expression, affectional or sexual  
27 orientation, disability or nationality of such person, or that the  
28 patronage or custom thereof of any person of any particular race,  
29 creed, color, national origin, ancestry, marital status, civil union  
30 status, domestic partnership status, pregnancy status, sex, gender  
31 identity or expression, affectional or sexual orientation, disability or  
32 nationality is unwelcome, objectionable or not acceptable, desired  
33 or solicited, and the production of any such written or printed  
34 communication, notice or advertisement, purporting to relate to any  
35 such place and to be made by any owner, lessee, proprietor,  
36 superintendent or manager thereof, shall be presumptive evidence in  
37 any action that the same was authorized by such person; provided,  
38 however, that nothing contained herein shall be construed to bar any  
39 place of public accommodation which is in its nature reasonably  
40 restricted exclusively to individuals of one sex, and which shall  
41 include but not be limited to any summer camp, day camp, or resort  
42 camp, bathhouse, dressing room, swimming pool, gymnasium,  
43 comfort station, dispensary, clinic or hospital, or school or  
44 educational institution which is restricted exclusively to individuals  
45 of one sex, provided individuals shall be admitted based on their  
46 gender identity or expression, from refusing, withholding from or  
47 denying to any individual of the opposite sex any of the  
48 accommodations, advantages, facilities or privileges thereof on the

1 basis of sex; provided further, that the foregoing limitation shall not  
2 apply to any restaurant as defined in R.S.33:1-1 or place where  
3 alcoholic beverages are served.

4 (2) Notwithstanding the definition of "a place of public  
5 accommodation" as set forth in subsection 1. of section 5 of  
6 P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor,  
7 manager, superintendent, agent, or employee of any private club or  
8 association to directly or indirectly refuse, withhold from or deny to  
9 any individual who has been accepted as a club member and has  
10 contracted for or is otherwise entitled to full club membership any  
11 of the accommodations, advantages, facilities or privileges thereof,  
12 or to discriminate against any member in the furnishing thereof on  
13 account of the race, creed, color, national origin, ancestry, marital  
14 status, civil union status, domestic partnership status, pregnancy,  
15 sex, gender identity, or expression, affectional or sexual orientation,  
16 disability or nationality of such person.

17 In addition to the penalties otherwise provided for a violation of  
18 P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2)  
19 of subsection f. of this section is the holder of an alcoholic beverage  
20 license issued under the provisions of R.S.33:1-12 for that private  
21 club or association, the matter shall be referred to the Director of  
22 the Division of Alcoholic Beverage Control who shall impose an  
23 appropriate penalty in accordance with the procedures set forth in  
24 R.S.33:1-31.

25 g. For any person, including but not limited to, any owner,  
26 lessee, sublessee, assignee or managing agent of, or other person  
27 having the right of ownership or possession of or the right to sell,  
28 rent, lease, assign, or sublease any real property or part or portion  
29 thereof, or any agent or employee of any of these:

30 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise  
31 to deny to or withhold from any person or group of persons any real  
32 property or part or portion thereof because of race, creed, color,  
33 national origin, ancestry, marital status, civil union status, domestic  
34 partnership status, pregnancy, sex, gender identity or expression,  
35 affectional or sexual orientation, familial status, disability,  
36 nationality, or source of lawful income used for rental or mortgage  
37 payments;

38 (2) To discriminate against any person or group of persons  
39 because of race, creed, color, national origin, ancestry, marital  
40 status, civil union status, domestic partnership status, pregnancy,  
41 sex, gender identity or expression, affectional or sexual orientation,  
42 familial status, disability, nationality or source of lawful income  
43 used for rental or mortgage payments in the terms, conditions or  
44 privileges of the sale, rental or lease of any real property or part or  
45 portion thereof or in the furnishing of facilities or services in  
46 connection therewith;

47 (3) To print, publish, circulate, issue, display, post or mail, or  
48 cause to be printed, published, circulated, issued, displayed, posted

1 or mailed any statement, advertisement, publication or sign, or to  
2 use any form of application for the purchase, rental, lease,  
3 assignment or sublease of any real property or part or portion  
4 thereof, or to make any record or inquiry in connection with the  
5 prospective purchase, rental, lease, assignment, or sublease of any  
6 real property, or part or portion thereof which expresses, directly or  
7 indirectly, any limitation, specification or discrimination as to race,  
8 creed, color, national origin, ancestry, marital status, civil union  
9 status, domestic partnership status, pregnancy, sex, gender identity,  
10 or expression, affectional or sexual orientation, familial status,  
11 disability, nationality, or source of lawful income used for rental or  
12 mortgage payments, or any intent to make any such limitation,  
13 specification or discrimination, and the production of any such  
14 statement, advertisement, publicity, sign, form of application,  
15 record, or inquiry purporting to be made by any such person shall  
16 be presumptive evidence in any action that the same was authorized  
17 by such person; provided, however, that nothing contained in this  
18 subsection shall be construed to bar any person from refusing to  
19 sell, rent, lease, assign or sublease or from advertising or recording  
20 a qualification as to sex for any room, apartment, flat in a dwelling  
21 or residential facility which is planned exclusively for and occupied  
22 by individuals of one sex to any individual of the exclusively  
23 opposite sex on the basis of sex provided individuals shall be  
24 qualified based on their gender identity or expression;

25 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
26 to deny to or withhold from any person or group of persons any real  
27 property or part or portion thereof because of the source of any  
28 lawful income received by the person or the source of any lawful  
29 rent payment to be paid for the real property; or

30 (5) To refuse to rent or lease any real property to another person  
31 because that person's family includes children under 18 years of  
32 age, or to make an agreement, rental or lease of any real property  
33 which provides that the agreement, rental or lease shall be rendered  
34 null and void upon the birth of a child. This paragraph shall not  
35 apply to housing for older persons as defined in subsection mm. of  
36 section 5 of P.L.1945, c.169 (C.10:5-5).

37 h. For any person, including but not limited to, any real estate  
38 broker, real estate salesperson, or employee or agent thereof:

39 (1) To refuse to sell, rent, assign, lease or sublease, or offer for  
40 sale, rental, lease, assignment, or sublease any real property or part  
41 or portion thereof to any person or group of persons or to refuse to  
42 negotiate for the sale, rental, lease, assignment, or sublease of any  
43 real property or part or portion thereof to any person or group of  
44 persons because of race, creed, color, national origin, ancestry,  
45 marital status, civil union status, domestic partnership status,  
46 familial status, pregnancy, sex, gender identity or expression,  
47 affectional or sexual orientation, disability, nationality, or source of  
48 lawful income used for rental or mortgage payments, or to represent

1 that any real property or portion thereof is not available for  
2 inspection, sale, rental, lease, assignment, or sublease when in fact  
3 it is so available, or otherwise to deny or withhold any real property  
4 or any part or portion of facilities thereof to or from any person or  
5 group of persons because of race, creed, color, national origin,  
6 ancestry, marital status, civil union status, domestic partnership  
7 status, familial status, pregnancy, sex, gender identity or expression,  
8 affectional or sexual orientation, disability or nationality;

9 (2) To discriminate against any person because of race, creed,  
10 color, national origin, ancestry, marital status, civil union status,  
11 domestic partnership status, familial status, pregnancy, sex, gender  
12 identity or expression, affectional or sexual orientation, disability,  
13 nationality, or source of lawful income used for rental or mortgage  
14 payments in the terms, conditions or privileges of the sale, rental,  
15 lease, assignment or sublease of any real property or part or portion  
16 thereof or in the furnishing of facilities or services in connection  
17 therewith;

18 (3) To print, publish, circulate, issue, display, post, or mail, or  
19 cause to be printed, published, circulated, issued, displayed, posted  
20 or mailed any statement, advertisement, publication or sign, or to  
21 use any form of application for the purchase, rental, lease,  
22 assignment, or sublease of any real property or part or portion  
23 thereof or to make any record or inquiry in connection with the  
24 prospective purchase, rental, lease, assignment, or sublease of any  
25 real property or part or portion thereof which expresses, directly or  
26 indirectly, any limitation, specification or discrimination as to race,  
27 creed, color, national origin, ancestry, marital status, civil union  
28 status, domestic partnership status, familial status, pregnancy, sex,  
29 gender identity or expression, affectional or sexual orientation,  
30 disability, nationality, or source of lawful income used for rental or  
31 mortgage payments or any intent to make any such limitation,  
32 specification or discrimination, and the production of any such  
33 statement, advertisement, publicity, sign, form of application,  
34 record, or inquiry purporting to be made by any such person shall  
35 be presumptive evidence in any action that the same was authorized  
36 by such person; provided, however, that nothing contained in this  
37 subsection h., shall be construed to bar any person from refusing to  
38 sell, rent, lease, assign or sublease or from advertising or recording  
39 a qualification as to sex for any room, apartment, flat in a dwelling  
40 or residential facility which is planned exclusively for and occupied  
41 exclusively by individuals of one sex to any individual of the  
42 opposite sex on the basis of sex, provided individuals shall be  
43 qualified based on their gender identity or expression;

44 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
45 to deny to or withhold from any person or group of persons any real  
46 property or part or portion thereof because of the source of any  
47 lawful income received by the person or the source of any lawful  
48 rent payment to be paid for the real property; or

1 (5) To refuse to rent or lease any real property to another person  
2 because that person's family includes children under 18 years of  
3 age, or to make an agreement, rental or lease of any real property  
4 which provides that the agreement, rental or lease shall be rendered  
5 null and void upon the birth of a child. This paragraph shall not  
6 apply to housing for older persons as defined in subsection mm. of  
7 section 5 of P.L.1945, c.169 (C.10:5-5).

8 i. For any person, bank, banking organization, mortgage  
9 company, insurance company or other financial institution, lender  
10 or credit institution involved in the making or purchasing of any  
11 loan or extension of credit, for whatever purpose, whether secured  
12 by residential real estate or not, including but not limited to  
13 financial assistance for the purchase, acquisition, construction,  
14 rehabilitation, repair or maintenance of any real property or part or  
15 portion thereof or any agent or employee thereof:

16 (1) To discriminate against any person or group of persons  
17 because of race, creed, color, national origin, ancestry, marital  
18 status, civil union status, domestic partnership status, pregnancy,  
19 sex, gender identity or expression, affectional or sexual orientation,  
20 disability, familial status or nationality, in the granting,  
21 withholding, extending, modifying, renewing, or purchasing, or in  
22 the fixing of the rates, terms, conditions or provisions of any such  
23 loan, extension of credit or financial assistance or purchase thereof  
24 or in the extension of services in connection therewith;

25 (2) To use any form of application for such loan, extension of  
26 credit or financial assistance or to make record or inquiry in  
27 connection with applications for any such loan, extension of credit  
28 or financial assistance which expresses, directly or indirectly, any  
29 limitation, specification or discrimination as to race, creed, color,  
30 national origin, ancestry, marital status, civil union status, domestic  
31 partnership status, pregnancy, sex, gender identity or expression,  
32 affectional or sexual orientation, disability, familial status or  
33 nationality or any intent to make any such limitation, specification  
34 or discrimination; unless otherwise required by law or regulation to  
35 retain or use such information;

36 (3) (Deleted by amendment, P.L.2003, c.180).

37 (4) To discriminate against any person or group of persons  
38 because of the source of any lawful income received by the person  
39 or the source of any lawful rent payment to be paid for the real  
40 property; or

41 (5) To discriminate against any person or group of persons  
42 because that person's family includes children under 18 years of  
43 age, or to make an agreement or mortgage which provides that the  
44 agreement or mortgage shall be rendered null and void upon the  
45 birth of a child. This paragraph shall not apply to housing for older  
46 persons as defined in subsection mm. of section 5 of P.L.1945,  
47 c.169 (C.10:5-5).

1 j. For any person whose activities are included within the  
2 scope of this act to refuse to post or display such notices concerning  
3 the rights or responsibilities of persons affected by this act as the  
4 Attorney General may by regulation require.

5 k. For any real estate broker, real estate salesperson or  
6 employee or agent thereof or any other individual, corporation,  
7 partnership, or organization, for the purpose of inducing a  
8 transaction for the sale or rental of real property from which  
9 transaction such person or any of its members may benefit  
10 financially, to represent that a change has occurred or will or may  
11 occur in the composition with respect to race, creed, color, national  
12 origin, ancestry, marital status, civil union status, domestic  
13 partnership status, familial status, pregnancy, sex, gender identity or  
14 expression, affectional or sexual orientation, disability, nationality,  
15 or source of lawful income used for rental or mortgage payments of  
16 the owners or occupants in the block, neighborhood or area in  
17 which the real property is located, and to represent, directly or  
18 indirectly, that this change will or may result in undesirable  
19 consequences in the block, neighborhood or area in which the real  
20 property is located, including, but not limited to the lowering of  
21 property values, an increase in criminal or anti-social behavior, or a  
22 decline in the quality of schools or other facilities.

23 l. For any person to refuse to buy from, sell to, lease from or  
24 to, license, contract with, or trade with, provide goods, services or  
25 information to, or otherwise do business with any other person on  
26 the basis of the race, creed, color, national origin, ancestry, age,  
27 pregnancy, sex, gender identity or expression, affectional or sexual  
28 orientation, marital status, civil union status, domestic partnership  
29 status, liability for service in the Armed Forces of the United States,  
30 disability, nationality, or source of lawful income used for rental or  
31 mortgage payments of such other person or of such other person's  
32 spouse, partners, members, stockholders, directors, officers,  
33 managers, superintendents, agents, employees, business associates,  
34 suppliers, or customers. This subsection shall not prohibit refusals  
35 or other actions (1) pertaining to employee-employer collective  
36 bargaining, labor disputes, or unfair labor practices, or (2) made or  
37 taken in connection with a protest of unlawful discrimination or  
38 unlawful employment practices.

39 m. For any person to:

40 (1) Grant or accept any letter of credit or other document which  
41 evidences the transfer of funds or credit, or enter into any contract  
42 for the exchange of goods or services, where the letter of credit,  
43 contract, or other document contains any provisions requiring any  
44 person to discriminate against or to certify that he, she or it has not  
45 dealt with any other person on the basis of the race, creed, color,  
46 national origin, ancestry, age, pregnancy, sex, gender identity or  
47 expression, affectional or sexual orientation, marital status, civil  
48 union status, domestic partnership status, disability, liability for



1 service in the Armed Forces of the United States, or nationality of  
2 such other person or of such other person's spouse, partners,  
3 members, stockholders, directors, officers, managers,  
4 superintendents, agents, employees, business associates, suppliers,  
5 or customers.

6 (2) Refuse to grant or accept any letter of credit or other  
7 document which evidences the transfer of funds or credit, or refuse  
8 to enter into any contract for the exchange of goods or services, on  
9 the ground that it does not contain such a discriminatory provision  
10 or certification.

11 The provisions of this subsection shall not apply to any letter of  
12 credit, contract, or other document which contains any provision  
13 pertaining to employee-employer collective bargaining, a labor  
14 dispute or an unfair labor practice, or made in connection with the  
15 protest of unlawful discrimination or an unlawful employment  
16 practice, if the other provisions of such letter of credit, contract, or  
17 other document do not otherwise violate the provisions of this  
18 subsection.

19 n. For any person to aid, abet, incite, compel, coerce, or induce  
20 the doing of any act forbidden by subsections l. and m. of section  
21 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to  
22 do so. Such prohibited conduct shall include, but not be limited to:

23 (1) Buying from, selling to, leasing from or to, licensing,  
24 contracting with, trading with, providing goods, services, or  
25 information to, or otherwise doing business with any person  
26 because that person does, or agrees or attempts to do, any such act  
27 or any act prohibited by this subsection; or

28 (2) Boycotting, commercially blacklisting or refusing to buy  
29 from, sell to, lease from or to, license, contract with, provide goods,  
30 services or information to, or otherwise do business with any person  
31 because that person has not done or refuses to do any such act or  
32 any act prohibited by this subsection; provided that this subsection  
33 shall not prohibit refusals or other actions either pertaining to  
34 employee-employer collective bargaining, labor disputes, or unfair  
35 labor practices, or made or taken in connection with a protest of  
36 unlawful discrimination or unlawful employment practices.

37 o. For any multiple listing service, real estate brokers'  
38 organization or other service, organization or facility related to the  
39 business of selling or renting dwellings to deny any person access  
40 to or membership or participation in such organization, or to  
41 discriminate against such person in the terms or conditions of such  
42 access, membership, or participation, on account of race, creed,  
43 color, national origin, ancestry, age, marital status, civil union  
44 status, domestic partnership status, familial status, pregnancy, sex,  
45 gender identity or expression, affectional or sexual orientation,  
46 disability or nationality.

47 p. Nothing in the provisions of this section shall affect the  
48 ability of an employer to require employees to adhere to reasonable

1 workplace appearance, grooming and dress standards not precluded  
2 by other provisions of State or federal law, except that an employer  
3 shall allow an employee to appear, groom and dress consistent with  
4 the employee's gender identity or expression.

5 q. (1) For any employer to impose upon a person as a condition  
6 of obtaining or retaining employment, including opportunities for  
7 promotion, advancement or transfers, any terms or conditions that  
8 would require a person to violate or forego a sincerely held  
9 religious practice or religious observance, including but not limited  
10 to the observance of any particular day or days or any portion  
11 thereof as a Sabbath or other holy day in accordance with the  
12 requirements of the religion or religious belief, unless, after  
13 engaging in a bona fide effort, the employer demonstrates that it is  
14 unable to reasonably accommodate the employee's religious  
15 observance or practice without undue hardship on the conduct of the  
16 employer's business. Notwithstanding any other provision of law to  
17 the contrary, an employee shall not be entitled to premium wages or  
18 premium benefits for work performed during hours to which those  
19 premium wages or premium benefits would ordinarily be  
20 applicable, if the employee is working during those hours only as an  
21 accommodation to his religious requirements. Nothing in this  
22 subsection q. shall be construed as reducing:

23 (a) The number of the hours worked by the employee which are  
24 counted towards the accruing of seniority, pension or other benefits;  
25 or

26 (b) Any premium wages or benefits provided to an employee  
27 pursuant to a collective bargaining agreement.

28 (2) For an employer to refuse to permit an employee to utilize  
29 leave, as provided for in this subsection q., which is solely used to  
30 accommodate the employee's sincerely held religious observance or  
31 practice. Except where it would cause an employer to incur an  
32 undue hardship, no person shall be required to remain at his place  
33 of employment during any day or days or portion thereof that, as a  
34 requirement of his religion, he observes as his Sabbath or other holy  
35 day, including a reasonable time prior and subsequent thereto for  
36 travel between his place of employment and his home; provided that  
37 any such absence from work shall, wherever practicable in the  
38 reasonable judgment of the employer, be made up by an equivalent  
39 amount of time and work at some other mutually convenient time,  
40 or shall be charged against any leave with pay ordinarily granted,  
41 other than sick leave, and any such absence not so made up or  
42 charged, may be treated by the employer of that person as leave  
43 taken without pay.

44 (3) (a) For purposes of this subsection q., "undue hardship"  
45 means an accommodation requiring unreasonable expense or  
46 difficulty, unreasonable interference with the safe or efficient  
47 operation of the workplace or a violation of a bona fide seniority

1 system or a violation of any provision of a bona fide collective  
2 bargaining agreement.

3 (b) In determining whether the accommodation constitutes an  
4 undue hardship, the factors considered shall include:

5 (i) The identifiable cost of the accommodation, including the  
6 costs of loss of productivity and of retaining or hiring employees or  
7 transferring employees from one facility to another, in relation to  
8 the size and operating cost of the employer.

9 (ii) The number of individuals who will need the particular  
10 accommodation for a sincerely held religious observance or  
11 practice.

12 (iii) For an employer with multiple facilities, the degree to which  
13 the geographic separateness or administrative or fiscal relationship  
14 of the facilities will make the accommodation more difficult or  
15 expensive.

16 (c) An accommodation shall be considered to constitute an  
17 undue hardship if it will result in the inability of an employee to  
18 perform the essential functions of the position in which he or she is  
19 employed.

20 (d) (i) The provisions of this subsection q. shall be applicable  
21 only to reasonable accommodations of religious observances and  
22 shall not supersede any definition of undue hardship or standards  
23 for reasonable accommodation of the disabilities of employees.

24 (ii) This subsection q. shall not apply where the uniform  
25 application of terms and conditions of attendance to employees is  
26 essential to prevent undue hardship to the employer. The burden of  
27 proof regarding the applicability of this subparagraph (d) shall be  
28 upon the employer.

29 r. (1) For any employer to take reprisals against any employee  
30 for requesting from, or disclosing to, any other employee or former  
31 employee of the employer information regarding the job title,  
32 occupational category, and rate of compensation, including benefits,  
33 of the employee or any other employee or former employee of the  
34 employer, or the gender, race, ethnicity, military status, or national  
35 origin of the employee or any other employee or former employee  
36 of the employer, regardless of whether the request was responded  
37 to, if the purpose of **【the request for】** the information was to assist  
38 in investigating the possibility of the occurrence of, or in taking of  
39 legal action regarding, potential discriminatory treatment  
40 concerning pay, compensation, bonuses, other compensation, or  
41 benefits. Nothing in this subsection shall be construed to require an  
42 employee to disclose such information about the employee herself  
43 to any other employee or former employee of the employer or to  
44 any authorized representative of the other employee or former  
45 employee.

46 (2) For any employer to screen a job applicant based on the  
47 applicant's wage or salary history, including by requiring the  
48 applicant's prior wages, salaries or benefits satisfy any minimum or

1 maximum criteria, or to rely on the applicant's salary in  
2 determining a salary amount for the applicant at any stage in the  
3 hiring process, including finalizing the employment contract.

4 (3) For any employer to inquire, in writing or otherwise, about  
5 the salary history of a job applicant, including, but not limited to,  
6 the applicant's compensation and benefits, except that the employer  
7 may seek the history if the prospective employee voluntarily,  
8 without employer coercion, provides the employer with a written  
9 authorization to do so.

10 s. For an employer to treat, for employment-related purposes, a  
11 woman employee that the employer knows, or should know, is  
12 affected by pregnancy in a manner less favorable than the treatment  
13 of other persons not affected by pregnancy but similar in their  
14 ability or inability to work. In addition, an employer of an  
15 employee who is a woman affected by pregnancy shall make  
16 available to the employee reasonable accommodation in the  
17 workplace, such as bathroom breaks, breaks for increased water  
18 intake, periodic rest, assistance with manual labor, job restructuring  
19 or modified work schedules, and temporary transfers to less  
20 strenuous or hazardous work, for needs related to the pregnancy  
21 when the employee, based on the advice of her physician, requests  
22 the accommodation, unless the employer can demonstrate that  
23 providing the accommodation would be an undue hardship on the  
24 business operations of the employer. The employer shall not in any  
25 way penalize the employee in terms, conditions or privileges of  
26 employment for requesting or using the accommodation. Workplace  
27 accommodation provided pursuant to this subsection and paid or  
28 unpaid leave provided to an employee affected by pregnancy shall  
29 not be provided in a manner less favorable than accommodations or  
30 leave provided to other employees not affected by pregnancy but  
31 similar in their ability or inability to work. This subsection shall  
32 not be construed as otherwise increasing or decreasing any  
33 employee's rights under law to paid or unpaid leave in connection  
34 with pregnancy.

35 For the purposes of this section "pregnancy" means pregnancy,  
36 childbirth, or medical conditions related to pregnancy or childbirth,  
37 including recovery from childbirth.

38 For the purposes of this subsection, in determining whether an  
39 accommodation would impose undue hardship on the operation of  
40 an employer's business, the factors to be considered include: the  
41 overall size of the employer's business with respect to the number  
42 of employees, number and type of facilities, and size of budget; the  
43 type of the employer's operations, including the composition and  
44 structure of the employer's workforce; the nature and cost of the  
45 accommodation needed, taking into consideration the availability of  
46 tax credits, tax deductions, and outside funding; and the extent to  
47 which the accommodation would involve waiver of an essential

1 requirement of a job as opposed to a tangential or non-business  
2 necessity requirement.  
3 (cf: P.L.2013, c.220, s.2)

4  
5 2. This act shall take effect immediately.

6  
7  
8  
9

STATEMENT

10 This bill amends the “Law Against Discrimination,” P.L.1945,  
11 c.169 (C.10:5-1 et seq.), to strengthen protections against employment  
12 discrimination and thereby promote equal pay for women by  
13 prohibiting any employer from:

14 1. screening a job applicant based on the applicant’s wage or  
15 salary history, including by requiring the applicant’s prior wages,  
16 salaries or benefits satisfy any minimum or maximum criteria, or  
17 relying on the applicant’s salary in determining a salary amount for the  
18 applicant at any stage in the hiring process, including finalizing the  
19 employment contract;

20 2. inquiring, in writing or otherwise, about the salary history of a  
21 job applicant, including, but not limited to, the applicant’s  
22 compensation and benefits, except that the employer may seek the  
23 history if the prospective employee voluntarily, without employer  
24 coercion, provides the employer with a written authorization; and

25 3. taking reprisals against any employee for disclosing to any  
26 other employee or former employee of the employer information  
27 regarding the job title, occupational category, rate of compensation,  
28 the gender, race, ethnicity, military status, or national origin of the  
29 employee or any other employee or former employee of the employer.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1094

# STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2019

The Assembly Labor Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1094.

This committee substitute makes it an unlawful employment practice for any employer:

(1) to screen a job applicant based on the applicant's salary history, including, but not limited to, the applicant's prior wages, salaries or benefits; or

(2) to require that the applicant's salary history satisfy any minimum or maximum criteria.

Under the bill, an employer may:

(1) consider salary history in determining salary, benefits, and other compensation for the applicant, and may verify the applicant's salary history, if an applicant voluntarily, without employer prompting or coercion, provides the employer with that salary history. An applicant's refusal to volunteer compensation information will not be considered in any employment decisions; and

(2) request that an applicant provide the employer with a written authorization to confirm salary history, including, but not limited to, the applicant's compensation and benefits, after an offer of employment, which offer includes an explanation of the overall compensation package, has been made to the applicant.

The bill does not apply to:

(1) applications for internal transfer or promotion with an employee's current employer, or use by the employer of previous knowledge obtained as a consequence of prior employment with the employer;

(2) any actions taken by an employer pursuant to any federal law or regulation that expressly requires the disclosure or verification of salary history for employment purposes, or requires knowledge of salary history to determine an employee's compensation;

(3) any attempt by an employer to obtain, or verify a job applicant's disclosure of, non-salary related information when conducting a background check on the job applicant, provided that, when requesting information for the background check, the employer shall specify that salary history information is not to be disclosed. If, notwithstanding that specification, salary history information is

disclosed, the employer shall not retain that information or consider it when determining the salary, benefits, or other compensation of the applicant; or

(4) employer inquiries regarding an applicant's previous experience with incentive and commission plans and the terms and conditions of the plans, provided that the employer shall not seek or require the applicant to report information about the amount of earnings of the applicant in connection with the plans, and that the employer shall not make any inquiry regarding the applicant's previous experience with incentive and commission plans unless the employment opening with the employer includes an incentive or commission component as part of the total compensation program.

An employer who violates these provisions will be liable for a civil penalty in an amount not to exceed \$1,000 for the first violation, \$5,000 for the second violation, and \$10,000 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."

If an employee is a member of a protected class, an employer who violates the provisions of the bill will be subject to certain penalties under the "Law Against Discrimination." However, the bill clarifies that certain remedies available with other claims in the "Law Against Discrimination," including punitive damages, will not be available to persons aggrieved by the provisions of the bill.

# SENATE LABOR COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1094

# STATE OF NEW JERSEY

DATED: JUNE 17, 2019

The Senate Labor Committee reports favorably Assembly Bill No. 1094 (ACS).

This bill makes it an unlawful employment practice for any employer:

(1) to screen a job applicant based on the applicant's salary history, including, but not limited to, the applicant's prior wages, salaries or benefits; or

(2) to require that the applicant's salary history satisfy any minimum or maximum criteria.

Under the bill, an employer may:

(1) consider salary history in determining salary, benefits, and other compensation for the applicant, and may verify the applicant's salary history, if an applicant voluntarily, without employer prompting or coercion, provides the employer with that salary history. An applicant's refusal to volunteer compensation information may not be considered in any employment decisions; and

(2) request that an applicant provide the employer with a written authorization to confirm salary history, including, but not limited to, the applicant's compensation and benefits, after an offer of employment, which offer includes an explanation of the overall compensation package, has been made to the applicant.

The bill does not apply to:

(1) applications for internal transfer or promotion with an employee's current employer, or use by the employer of previous knowledge obtained as a consequence of prior employment with the employer;

(2) any actions taken by an employer pursuant to any federal law or regulation that expressly requires the disclosure or verification of salary history for employment purposes, or requires knowledge of salary history to determine an employee's compensation;

(3) any attempt by an employer to obtain, or verify a job applicant's disclosure of, non-salary related information when conducting a background check on the job applicant, provided that, when requesting information for the background check, the employer shall specify that salary history information is not to be disclosed. If, notwithstanding that specification, salary history information is



disclosed, the employer shall not retain that information or consider it when determining the salary, benefits, or other compensation of the applicant; or

(4) employer inquiries regarding an applicant's previous experience with incentive and commission plans and the terms and conditions of the plans, provided that the employer shall not seek or require the applicant to report information about the amount of earnings of the applicant in connection with the plans, and that the employer shall not make any inquiry regarding the applicant's previous experience with incentive and commission plans unless the employment opening with the employer includes an incentive or commission component as part of the total compensation program.

An employer who violates these provisions will be liable for a civil penalty in an amount not to exceed \$1,000 for the first violation, \$5,000 for the second violation, and \$10,000 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."

If an employee is a member of a protected class, an employer who violates the provisions of the bill will be subject to certain penalties under the "Law Against Discrimination." However, the bill clarifies that certain remedies available with other claims in the "Law Against Discrimination," including punitive damages, will not be available to persons aggrieved by the provisions of the bill.

# SENATE, No. 3516

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 4, 2019

**Sponsored by:**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Senator Turner**

**SYNOPSIS**

Prohibits employer inquiries about worker's wage and salary experience.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/21/2019)**

1 AN ACT concerning employer inquiries regarding salary history and  
2 amending and supplementing various parts of the statutory law.

3

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

6

7 1. (New section) a. Except as otherwise provided in this  
8 section, it shall be an unlawful employment practice for any  
9 employer:

10 (1) to screen a job applicant based on the applicant's salary  
11 history, including, but not limited to, the applicant's prior wages,  
12 salaries or benefits; or

13 (2) to require that the applicant's salary history satisfy any  
14 minimum or maximum criteria.

15 b. Notwithstanding the provisions of subsection a. of this  
16 section, an employer may:

17 (1) consider salary history in determining salary, benefits, and  
18 other compensation for the applicant, and may verify the applicant's  
19 salary history, if an applicant voluntarily, without employer  
20 prompting or coercion, provides the employer with salary history.  
21 An applicant's refusal to volunteer compensation information shall  
22 not be considered in any employment decisions; and

23 (2) request that an applicant provide the employer with a written  
24 authorization to confirm salary history, including, but not limited  
25 to, the applicant's compensation and benefits, after an offer of  
26 employment that includes an explanation of the overall  
27 compensation package has been made to the applicant.

28 c. This section shall not apply to:

29 (1) applications for internal transfer or promotion with an  
30 employee's current employer, or use by the employer of previous  
31 knowledge obtained as a consequence of prior employment with the  
32 employer;

33 (2) any actions taken by an employer pursuant to any federal  
34 law or regulation that expressly requires the disclosure or  
35 verification of salary history for employment purposes, or requires  
36 knowledge of salary history to determine an employee's  
37 compensation;

38 (3) any attempt by an employer to obtain, or verify a job  
39 applicant's disclosure of, non-salary related information when  
40 conducting a background check on the job applicant, provided that,  
41 when requesting information for the background check, the  
42 employer shall specify that salary history information is not to be  
43 disclosed. If, notwithstanding that specification, salary history  
44 information is disclosed, the employer shall not retain that

**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 information or consider it when determining the salary, benefits, or  
2 other compensation of the applicant; or

3 (4) employer inquiries regarding an applicant's previous  
4 experience with incentive and commission plans and the terms and  
5 conditions of the plans, provided that the employer shall not seek or  
6 require the applicant to report information about the amount of  
7 earnings of the applicant in connection with the plans, and that the  
8 employer shall not make any inquiry regarding the applicant's  
9 previous experience with incentive and commission plans unless the  
10 employment opening with the employer includes an incentive or  
11 commission component as part of the total compensation program.

12 d. An applicant may provide salary history information,  
13 including information regarding the applicant's experience with  
14 incentive or commission plans, to an employment agency contacted  
15 by the applicant for assistance in searching for and identifying  
16 employment opportunities, but the employment agency shall not  
17 share the information with potential employers without the express  
18 written consent of the applicant.

19 e. (1) Any employer who violates this section shall be liable  
20 for a civil penalty in an amount not to exceed \$1,000 for the first  
21 violation, \$5,000 for the second violation, and \$10,000 for each  
22 subsequent violation collectible by the Commissioner of Labor and  
23 Workforce Development in a summary proceeding pursuant to the  
24 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
25 et seq.).

26 (2) If an applicant for a job is a member of a protected class as  
27 defined in subsection t. of section 11 of P.L.1945, c.169 (C.10:5-  
28 12), an employer shall be subject to section 2 of  
29 P.L. , c. (C. ) ( pending before the Legislature as this bill)  
30 for any violation of this section.

31 f. Nothing in this section shall be construed as prohibiting an  
32 employer from offering an applicant for a job information regarding  
33 wage or salary rates set for the job by collective bargaining  
34 agreements or by civil service or other laws, or from paying those  
35 rates if the applicant is hired.

36 g. Nothing in this section shall be construed to prohibit an  
37 employer who does business, employs persons, or takes applications  
38 for employment in at least one state other than New Jersey, from  
39 including an inquiry regarding salary history on an employment  
40 application, so long as immediately preceding the salary history  
41 inquiry on the employment application it states that an applicant for  
42 a position the physical location of which will be in whole, or  
43 substantial part, in New Jersey is instructed not to answer the salary  
44 history inquiry.

45 h. Nothing in this section shall be construed to prohibit an  
46 employer from acquiring salary history information that is publicly  
47 available, but an employer shall not retain or consider that  
48 information when determining the salary, benefits, or other

1 compensation of the applicant unless the applicant voluntarily,  
2 without employer prompting or coercion, provides the employer  
3 with salary history. An applicant's refusal to volunteer  
4 compensation information shall not be considered in any  
5 employment decisions.

6  
7 2. (New section) a. Except as otherwise provided by section 1  
8 of P.L. , c. (C. ) (pending before the Legislature as this  
9 bill), if a job applicant is a member of a protected class as defined  
10 in subsection t. of section 11 of P.L.1945, c.169 (C.10:5-12), it shall  
11 be an unlawful employment practice in violation of P.L.1945, c.169  
12 (C.10:5-1 et seq.) for an employer:

13 (1) to screen a job applicant based on the applicant's salary  
14 history, including, but not limited to, the applicant's prior wages,  
15 salaries, or benefits; or

16 (2) to require that the applicant's salary history satisfy any  
17 minimum or maximum criteria.

18 b. An award of punitive damages shall not be an available  
19 remedy for a violation of this section.

20

21 3. Section 5 of P.L.1985, c.73 (C.10:5-12.1) is amended to read  
22 as follows:

23 5. Notwithstanding any provision of law to the contrary, relief  
24 for having been required to retire in violation of the provisions of  
25 section 11 of P.L.1945, c.169 (C.10:5-12), shall be available to the  
26 person aggrieved by that violation solely through the procedure  
27 initiated by filing a complaint with the Attorney General under the  
28 provisions of P.L.1945, c.169 (C.10:5-1 et seq.).

29 Notwithstanding any provision to the contrary of section 16 of  
30 P.L.1945, c.169 (C.10:5-17) or any other law, relief ordered for or  
31 granted to a person in connection with **his** the person being  
32 required to retire in violation of the provisions of section 11 of  
33 P.L.1945, c.169 (C.10:5-12) shall be limited to **his** the person's  
34 reinstatement with back pay and interest.

35 This section shall not apply to a violation regarding an inquiry as  
36 to an applicant's salary history pursuant to section 2 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill).  
38 (cf: P.L.1985, c.73, s.5)

39

40 4. Section 16 of P.L.1945, c.169 (C.10:5-17) is amended to  
41 read as follows:

42 16. If, upon all evidence at the hearing, the director shall find  
43 that the respondent has engaged in any unlawful employment  
44 practice or unlawful discrimination as defined in **this act**  
45 P.L.1945, c.169 (C.10:5-1 et seq.), the director shall state his  
46 findings of fact and conclusions of law and shall issue and cause to  
47 be served on such respondent an order requiring such respondent to  
48 cease and desist from such unlawful employment practice or

1 unlawful discrimination and to take such affirmative action,  
2 including, but not limited to, hiring, reinstatement or upgrading of  
3 employees, with or without back pay, or restoration to membership,  
4 in any respondent labor organization, or extending full and equal  
5 accommodations, advantages, facilities, and privileges to all  
6 persons, as, in the judgment of the director, will effectuate the  
7 purpose of **[this act]** P.L.1945, c.169 (C.10:5-1 et seq.), and  
8 including a requirement for report of the manner of compliance. If  
9 the conduct violative of **[this act]** P.L.1945, c.169 (C.10:5-  
10 1 et seq.) constitutes any form of unlawful economic discrimination  
11 prohibited in subsection 1., m., or n. of section 11 of P.L.1945,  
12 c.169 (C.10:5-12), or any form of unlawful employment practice  
13 prohibited by subsection r. or t. of section 11 of P.L.1945, c.169  
14 (C.10:5-12), the affirmative action taken by the director may  
15 include the award of three-fold damages to the person or persons  
16 aggrieved by the violation. The director shall have the power to use  
17 reasonably certain bases, including but not limited to list, catalogue  
18 or market prices or values, or contract or advertised terms and  
19 conditions, in order to determine particulars or performance in  
20 giving appropriate remedy. In addition to any other remedies  
21 provided by P.L.1945, c.169 (C.10:5-1 et seq.), a prevailing  
22 complainant may recover damages to compensate for emotional  
23 distress caused by the activities found to be in violation of  
24 P.L.1945, c.169 (C.10:5-1 et seq.) to the same extent as is available  
25 in common law tort actions. In any case in which the director,  
26 Attorney General, or appropriate organization is a complainant, on  
27 behalf of named or unnamed individuals or a class of individuals,  
28 any of the remedies or relief allowed by **[this act]** P.L.1945, c.169  
29 (C.10:5-1 et seq.) may be awarded or applied to the named or  
30 unnamed individual victims of discrimination. If, upon all evidence,  
31 the director shall find that the respondent has not engaged in any  
32 such unlawful practice or unlawful discrimination, the director shall  
33 state his findings of fact and conclusions of law and shall issue and  
34 cause to be served on the complainant an order dismissing the said  
35 complaint as to such respondent.

36 This section shall not apply to a violation regarding an inquiry as  
37 to an applicant's salary history pursuant to section 2 of  
38 P.L. , c. (C. ) (pending before the Legislature as this bill).  
39 (cf: P.L.2018, c.9, s.4)

40

41 5. Section 6 of P.L.1979, c.404 (C.10:5-27.1) is amended to  
42 read as follows:

43 6. In any action or proceeding brought under **[this act]**  
44 P.L.1945, c.169 (C.10:5-1 et seq.), the prevailing party may be  
45 awarded a reasonable attorney's fee as part of the cost, provided  
46 however, that no attorney's fee shall be awarded to the respondent  
47 unless there is a determination that the complainant brought the  
48 charge in bad faith. If the complainant's case was initiated by a

1 housing authority on behalf of a tenant for a violation of paragraph  
2 (4) of subsection g. or paragraph (4) of subsection h. of section 11  
3 of P.L.1945, c.169 (C.10:5-12) and the complainant prevailed,  
4 reasonable costs, including attorney fees, of the housing authority  
5 may be assessed against a nonprevailing respondent. If the  
6 complainant's case was presented by the attorney for the division  
7 and the complainant prevailed, the reasonable costs, including  
8 attorney fees, of such representation may be assessed against a  
9 nonprevailing respondent.

10 Notwithstanding any other provision of law to the contrary, an  
11 award of an attorney's fee in accordance with this section shall not  
12 be available as a remedy to violations of section 2 of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill).  
14 (cf: P.L.2002, c.82, s.4)

15  
16 6. This act shall take effect on the first day of the sixth month  
17 next following enactment.

18  
19  
20 STATEMENT

21  
22 This bill makes it an unlawful employment practice for any  
23 employer:

24 (1) to screen a job applicant based on the applicant's salary  
25 history, including, but not limited to, the applicant's prior wages,  
26 salaries or benefits; or

27 (2) to require that the applicant's salary history satisfy any  
28 minimum or maximum criteria.

29 Under the bill, an employer may:

30 (1) consider salary history in determining salary, benefits, and  
31 other compensation for the applicant, and may verify the applicant's  
32 salary history, if an applicant voluntarily, without employer prompting  
33 or coercion, provides the employer with that salary history. An  
34 applicant's refusal to volunteer compensation information will not be  
35 considered in any employment decisions; and

36 (2) request that an applicant provide the employer with a written  
37 authorization to confirm salary history, including, but not limited to,  
38 the applicant's compensation and benefits, after an offer of  
39 employment, which offer includes an explanation of the overall  
40 compensation package, has been made to the applicant.

41 The bill does not apply to:

42 (1) applications for internal transfer or promotion with an  
43 employee's current employer, or use by the employer of previous  
44 knowledge obtained as a consequence of prior employment with the  
45 employer;

46 (2) any actions taken by an employer pursuant to any federal law  
47 or regulation that expressly requires the disclosure or verification of

1 salary history for employment purposes, or requires knowledge of  
2 salary history to determine an employee's compensation;

3 (3) any attempt by an employer to obtain, or verify a job  
4 applicant's disclosure of, non-salary related information when  
5 conducting a background check on the job applicant, provided that,  
6 when requesting information for the background check, the employer  
7 shall specify that salary history information is not to be disclosed. If,  
8 notwithstanding that specification, salary history information is  
9 disclosed, the employer shall not retain that information or consider it  
10 when determining the salary, benefits, or other compensation of the  
11 applicant; or

12 (4) employer inquiries regarding an applicant's previous  
13 experience with incentive and commission plans and the terms and  
14 conditions of the plans, provided that the employer shall not seek or  
15 require the applicant to report information about the amount of  
16 earnings of the applicant in connection with the plans, and that the  
17 employer shall not make any inquiry regarding the applicant's  
18 previous experience with incentive and commission plans unless the  
19 employment opening with the employer includes an incentive or  
20 commission component as part of the total compensation program.

21 An employer who violates these provisions will be liable for a civil  
22 penalty in an amount not to exceed \$1,000 for the first violation,  
23 \$5,000 for the second violation, and \$10,000 for each subsequent  
24 violation collectible by the Commissioner of Labor and Workforce  
25 Development in a summary proceeding pursuant to the "Penalty  
26 Enforcement Law of 1999."

27 If an employee is a member of a protected class, an employer who  
28 violates the provisions of the bill will be subject to certain penalties  
29 under the "Law Against Discrimination." However, the bill clarifies  
30 that certain remedies available with other claims in the "Law Against  
31 Discrimination," including punitive damages, will not be available to  
32 persons aggrieved by the provisions of the bill.



# SENATE LABOR COMMITTEE

## STATEMENT TO

### SENATE, No. 3516

# STATE OF NEW JERSEY

DATED: JUNE 17, 2019

The Senate Labor Committee reports favorably Senate Bill No. 3516.

This bill makes it an unlawful employment practice for any employer:

(1) to screen a job applicant based on the applicant's salary history, including, but not limited to, the applicant's prior wages, salaries or benefits; or

(2) to require that the applicant's salary history satisfy any minimum or maximum criteria.

Under the bill, an employer may:

(1) consider salary history in determining salary, benefits, and other compensation for the applicant, and may verify the applicant's salary history, if an applicant voluntarily, without employer prompting or coercion, provides the employer with that salary history. An applicant's refusal to volunteer compensation information may not be considered in any employment decisions; and

(2) request that an applicant provide the employer with a written authorization to confirm salary history, including, but not limited to, the applicant's compensation and benefits, after an offer of employment, which offer includes an explanation of the overall compensation package, has been made to the applicant.

The bill does not apply to:

(1) applications for internal transfer or promotion with an employee's current employer, or use by the employer of previous knowledge obtained as a consequence of prior employment with the employer;

(2) any actions taken by an employer pursuant to any federal law or regulation that expressly requires the disclosure or verification of salary history for employment purposes, or requires knowledge of salary history to determine an employee's compensation;

(3) any attempt by an employer to obtain, or verify a job applicant's disclosure of, non-salary related information when conducting a background check on the job applicant, provided that, when requesting information for the background check, the employer shall specify that salary history information is not to be disclosed. If, notwithstanding that specification, salary history information is disclosed, the employer shall not retain that information or consider it

when determining the salary, benefits, or other compensation of the applicant; or

(4) employer inquiries regarding an applicant's previous experience with incentive and commission plans and the terms and conditions of the plans, provided that the employer shall not seek or require the applicant to report information about the amount of earnings of the applicant in connection with the plans, and that the employer shall not make any inquiry regarding the applicant's previous experience with incentive and commission plans unless the employment opening with the employer includes an incentive or commission component as part of the total compensation program.

An employer who violates these provisions will be liable for a civil penalty in an amount not to exceed \$1,000 for the first violation, \$5,000 for the second violation, and \$10,000 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."

If an employee is a member of a protected class, an employer who violates the provisions of the bill will be subject to certain penalties under the "Law Against Discrimination." However, the bill clarifies that certain remedies available with other claims in the "Law Against Discrimination," including punitive damages, will not be available to persons aggrieved by the provisions of the bill.

# Acting Governor Oliver Signs Legislation Promoting Equal Pay and Gender Equity

07/25/2019

**TRENTON** – Today, Acting Governor Sheila Y. Oliver signed A1094 into law, which will prevent employers from asking about workers' wage and salary history. In Governor Murphy's first official act after being sworn into office in January 2018, he signed an executive order combating gender inequality and promoting equal pay for women in New Jersey by banning this discriminatory practice in state government.

"Since day one, the Murphy Administration has been committed to closing the gender wage gap. Governor Murphy's first executive order promoted equal pay across state government and prohibited prospective employees from being asked their salary histories," **said Acting Governor Sheila Oliver. "I am proud to sign this bill today for our women, children and families, which will institute this policy as state law, and put an end to this discriminatory workplace practice once and for all."**

A1094 makes it an unlawful employment practice in New Jersey for any employer to screen a job applicant based on their salary history, including prior wages, salary, commission, benefits or any other current or previous compensation. The law is designed to ensure that employees in the state receive salaries that are commensurate with their skills, qualifications, and experience.

Studies have shown that women who hold full-time, year-round jobs in New Jersey are paid 82 cents for every dollar paid to men holding full-time, year-round jobs and that this gender wage gap is demonstrated across all industries and education level of workers. The wage gap between Latina women and White men in New Jersey is the largest in the nation.

According to research from the National Partnership for Women and Families, wage inequality leads to a combined loss of \$32.5 billion in New Jersey every year.

Previously, employers were permitted to ask applicants about their salary histories perpetuating the wage gap by allowing prospective employers to offer lower salaries to women and minorities than they otherwise would. Under the new law, any employer who attempts to ask or obtain applicants salary history will be subject to a civil penalty of no more than \$1,000 for a first offense, \$5,000 for a second violation and \$10,000 for any subsequent violations.

Primary sponsors of this bill include Assemblymembers Joann Downey, Pamela Lampitt, Gary Schaer, Eric Houghtaling, Dan Benson, Wayne DeAngelo, Paul Moriarty, and Senators Nia Gill and Loretta Weinberg.

"In an ideal world, your gender would not influence how much you earn at work. But that's not the world we live in," **said Assemblywoman Joann Downey.** "This bill provides a means of narrowing the wage gap by making it less likely for employers to unintentionally perpetuate the gap by basing salary offers for new hires on their previous salary, which has a disproportionate impact on female hires."

"Though equal pay was made law in New Jersey earlier this year, this legislation will take further steps towards leveling what was an unacceptably skewed playing field," **said Assemblywoman Pamela Lampitt.** "Salary offers to new hires based primarily on their previous salaries only perpetuate the wage gap in our workforce. Working women deserve better."

"This is about equity and fairness," **said Assemblyman Gary Schaer.** "Under the protections imposed by this bill, employers would have to make their salary decisions based on what an applicant's worth is to the company, rather than on what he or she made in a previous position."

"The gender wage gap puts women at a disadvantage before they even enter the workforce," **said Assemblyman Eric Houghtaling.** "These provisions can help put an end to this injustice by ensuring that salaries for new hires are not based on a system that is inherently biased against women."

"A woman working full time, year-round earns \$10,800 less per year than a man, based on median annual earnings. This disparity can add up to nearly a half million dollars over a career, and have immediate, as well as lasting, effects" **said Assemblyman Dan Benson.** "There is no question that women should be fairly compensated. This can help us continue to bridge the gap."

“This bill will reinforce and strengthen the groundbreaking equal pay law signed in 2018,” **said Assemblyman Wayne DeAngelo. “We must continue to fight to level the playing field in order to ensure fairness and equity in the workplace and to protect the rights of all workers.”**

“We’ve made great strides to ensure pay equity in New Jersey,” **said Assemblyman Paul Moriarty.** “With the passage of this bill, we are another step closer to securing workers’ rights to equal pay for equal work for generations to come.”

“Employers should be hiring and paying potential employees for the experience and qualifications they have with respect to the demands of the specific position,” **said Senator Loretta Weinberg.** “Knowing how much they were paid in the past is irrelevant and often times leads to a cycle of pay inequity. By eliminating inquiries of salary history, we can help curb wage discrimination based not only on gender, but also race, age, and other characteristics.”

“Women continue to make less than men for the same work and basing the hiring salary of an employee on their previous wages only continues this wage discrimination,” **said Senator Nia Gill.** “This legislation will require businesses focus their assessments of candidates on their education and experience, rather than their previous compensation, creating a fairer application process for everyone.”

“The Equal Pay law signed by the Lieutenant Governor Oliver today is another major victory for women, minorities and working families seeking economic security,” **said Dena Mottola-Jaborska, Associate Director of New Jersey Citizen Action.** “Last year’s landmark Diane B Allen Act sent a strong message to New Jersey employers that there would be dire consequences for discriminatory behavior against people of color and women. But wage discrimination is a pervasive enough problem that it will require multiple solutions to eliminate it. The bill signed today could have an even greater impact as it gives each and every person the ability to escape past wage discrimination and ensures it doesn’t follow them throughout their careers. It will allow experienced workers to reset their careers and ensures fairness for those just entering the workforce. New Jersey Citizen Action applauds Assemblywomen Downey and Lampitt and Senators Gil and Weinberg for their unceasing advocacy on behalf of those who face injustice and discrimination. We also applaud Lieutenant Governor Oliver, who has spent her career fighting for women and working families on issues such as earned sick days, affordable housing, consumer protection and so much more. It is particularly appropriate that she sign this Equal Pay bill into law.”

“As long as salary history is used to determine future payments, equal pay for equal work will not be possible for at least a generation,” **said Marcia Marley, President at BlueWaveNJ.** “Thanks to this legislation, New Jersey now joins a number of other states where this practice is illegal. I thank Governor Murphy and the legislature for amending existing legislation to include a salary history ban for private sector workers. By signing this important legislation, Lt. Governor Sheila Oliver is ensuring that pay equity will become a reality in the Garden State.”