

ALERT

New Jersey Employers Now Required to Provide Regular Notice of Pay Equity Rights

By Bennett Pine

Under a new law signed by Governor Christopher Christie on September 21, 2012, many New Jersey employers will be required to post and distribute a written notice advising employees of their right to be “free of gender inequity or bias in pay, compensation, benefits or other terms and conditions of employment” under a variety of state and federal laws.

Specific required language and a form of the notice will be prepared by the New Jersey Department of Labor.

Who Is Covered?

All New Jersey employers who have 50 or more employees will be covered under the new law.

How is the Notice Distributed?

In addition to *posting* the notice in English, Spanish and the language spoken by a significant number of the employer’s workforce, employers may distribute the notice via:

- Email.
- Printed notice or paycheck insert.
- Printed notice to new hires.
- Inclusion in a company handbook or manual.
- Distribution at a meeting.
- Through an employer Internet or Intranet website accessible by workers and utilized by the employer to provide such notices to workers.

When Must the Notice be Provided?

- The effective date of the law is November 21, 2012. The initial notification must be provided within 30 days after the form is issued by the commissioner of the New Jersey Department of Labor. However, it has been reported that the actual notice likely will not be ready by that date, thus delaying the initial posting requirement.
- At the time of an employee’s hiring, assuming it occurs following issuance of the notice.

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- On or before December 31 annually.
- At any time upon an employee's initial request.

Acknowledgement

The employer must have employees execute and return an acknowledgement that they have received, read and understand the notice. This must occur within 30 days of distribution of the notice.

We will continue to monitor developments regarding this new posting requirement, including the New Jersey DOL's approval and distribution of the language of the poster/notice. In the meantime, just as with the federal Lilly Ledbetter Fair Pay Act of 2009 (providing a potential wage discrimination cause of action with each separate paycheck), this provides employers with another reason and opportunity to examine the fairness of their pay practices, especially across gender lines.

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