



LABOR & EMPLOYMENT

ALERT

NEW JERSEY EMPLOYERS HAVE A NEW POSTING REQUIREMENT EFFECTIVE NOVEMBER 21, 2012

By Christina A. Stoneburner and Eileen Powers

Pursuant to Assembly Bill A2647/Senate Bill S1930, which was just signed into law by Gov. Christie, New Jersey employers will be required to have yet one more poster that reminds employees of their rights against gender discrimination.

New Jersey employers currently must post EEO notices under Title VII and the New Jersey Law Against Discrimination. Both the federal EEO poster and the NJLAD poster already state that it is illegal to discriminate on the basis of gender in all terms of employment. Nonetheless, the new law requires New Jersey employers with 50 or more employees to post a notice reminding employees of their rights to be free of gender inequity or bias in pay, compensation, benefits or other terms and conditions of employment under the New Jersey law Against Discrimination, Title VII and the Equal Pay Act.

When determining coverage under the law, the statute merely states that a covered employer is one with 50 or more employees. Those employees do not have to be located within the State of New Jersey, according to the plain language of the statute. Thus, an employer with only one employee in New Jersey, but who has a total workforce of 100 employees would still be required to post the notice for its one New Jersey employee.

Under the law, the Commissioner of Labor and Workforce Development must develop the poster. The

poster is required to be in English, Spanish and any other language that the Commissioner determines is the first language of a significant number of workers in the State. Although the Commissioner will be the one translating the poster into multiple languages, employers must only post the notice in English, Spanish and any other language designated by the Commissioner and which the employer reasonably believes is the first language of as significant number of the employer's workforce.

If the posters have not been developed by November 21, 2012, then employers will have 30 days from the date they are issued to post them.

The law also requires employers to provide a written notification to employees, in addition to the posting. This notice may be hand delivered, put in a handbook, posted on an Intranet or Internet website, or delivered by email. Employees must sign an acknowledgement each year that they have received the written notification and return the acknowledgement to an employer within 30 days of receipt. This will require employers to not only distribute the notice but to make sure any returned acknowledgements are dated within 30 days of delivery to the employees.

Distribution to employees is required in the following circumstances:

- Within 30 days of the issuance of the posting by the Commissioner;

- If an employee is hired after the issuance of the posting and distribution to employees, at the time of the employee's hire;

- annually, on or before December 31st of each year; and

- at any time upon first request of a worker.

Employers are encouraged to contact Christina A.

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cstoneburner@foxrothschild.com, Eileen Powers at 609.895.3319 or epowers@foxrothschild.com, or any member of Fox Rothschild's Labor and Employment Department with questions about how to comply with this new posting requirement.



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