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New Jersey Imposes Gender-Equality Notice Obligations on Employers

New Jersey Governor Chris Christie recently signed into law Assembly Bill No. 2647. This bill requires New Jersey employers with 50 or more employees (total number employed - not just in New Jersey) to post a notice informing employees of their "right to be free from gender inequity or bias in pay, compensation, benefits or other terms or conditions of employment" under New Jersey's Law Against Discrimination (NJLAD) and other state antidiscrimination statutes.

This new law takes effect on November 21, 2012, and provides that New Jersey employers will have 30 days to comply from the date that the New Jersey Department of Labor (NJDOL) releases the required notice (probably in late November or December).

Specifically, this new law imposes several obligations on employers. An employer must do the following:

- Post the notice in a conspicuous place accessible to all employees. The notice must be in English, Spanish, and any other language spoken by 10% of an employer's workforce, provided that the NJDOL has issued a form notice in that language.
- Provide a copy of the notice to all current employees and collect an acknowledgement from each employee that they have read and understood the notice.
- Add a copy of the notice to your new hire packet so that new employees receive a copy of the notice at the time of hire. Be sure to collect an acknowledgment from each new employee that he or she has read and understood the notice.

Thereafter, New Jersey employers must also provide a copy of the notice to any employee upon request and redistribute the notice to all employees on an annual basis (as well as an annual acknowledgement from each employee that they received the notice again and understand it.)

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Notably, an employer may distribute the notice on paper or electronically through email or a website "if the site is for the exclusive use of all workers, can be accessed by all workers, and the employer provides notice to the workers of its posting." Similarly, the acknowledgment may be electronically confirmed.

In addition to this new law, New Jersey employers are reminded of other similar notice distribution requirements, including, for example, the Conscientious Employee Protection Act (our state "whistleblower law").

As the end of the year approaches, New Jersey businesses should prepare to distribute these required notices and ensure all postings are current.

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