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New Jersey Governor Signs Law Requiring New Pay Equality Posters and Notices

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On September 19, 2012, New Jersey Governor Chris Christie signed A2647 into law to require employers in the State of New Jersey with 50 or more employees to conspicuously post notification — in a place accessible to all workers in each of the employer's workplaces and in a form issued by the Commissioner of Labor and Workforce Development (the "Commissioner") — detailing "the right to be free of gender inequity or bias in pay, compensation, benefits or other terms or conditions of employment" under the New Jersey Law Against Discrimination, Title VII of the Civil Rights Act of 1964, and the Equal Pay Act of 1963.

The employer also must provide each of its workers with a written copy of the notification:

- no later than 30 days after the Commissioner issues the form of notification;
- at the time of the worker's hiring, if the worker is hired after the form was issued;
- annually, on or before December 31 of each year; *and*
- at any time, upon the first request of the worker.

The employer shall make the written copy of the notification available to each worker:

- by email;
- via printed material, including, but not limited to, (1) a pay check insert, brochure or similar informational packet provided to new hires, (2) an attachment to an employee manual or policy book, or (3) a flyer distributed at an employee meeting; *or*
- through an Internet or intranet Web site, if the site (1) is for the exclusive use of all workers, (2) can be accessed by all workers, and (3) the employer provides notice to the workers of its posting.

The notification must include an acknowledgement that the worker received the notification and read and understands its terms. The acknowledgement must be signed by the worker, in writing or by means of electronic verification, and returned to the employer within 30 days of its receipt.

The Commissioner must make the notification available in English, Spanish, and any other language that the Commissioner determines is the first language of a significant number of workers in the State. This determination shall be, at the discretion of the Commissioner, based on the numerical percentages of all workers in the State for whom English or Spanish is not a first language, or in a manner consistent with any regulations promulgated by the Commissioner for this purpose. The employer must post and provide the notification in English, Spanish, and any other language for which the Commissioner made the notification available and which the employer reasonably believes is the first language of a significant number of the employer's workforce.

This law will take effect on November 19, 2012. If you have any questions or concerns regarding the new law, please contact your Proskauer lawyer.

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