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New Jersey Issues Pay Equity Notice to Post and Distribute

December 16, 2013

On September 19, 2012, New Jersey Governor Chris Christie signed A2647 into law requiring employers in the State of New Jersey with 50 or more employees to post and distribute a notice 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. For purposes of determining coverage, all employees whether working inside or outside of New Jersey count toward the 50 employee threshold.

Although the law was scheduled to take effect on November 19, 2012, the regulatory process has delayed the notice requirements. The Department of Labor and Workforce Development ("Department") has now issued the final version of the notice[1] and, beginning on January 6, 2014, employers will need to comply with the following posting and distribution mandates.

- Conspicuously post the notice in a place accessible to all employees in each of the employer's workplaces no later than January 6, 2014.[2]
- Provide employees hired on January 7, 2014 and thereafter with a copy of the notice at the time of the employee's hiring.
- No later than February 5, 2014, provide each employee hired on or before January 6, 2014 with a copy of the notice.
- Provide each employee with a copy of the notice upon the employee's first request.

After satisfying the initial distribution requirements, employers also must provide each employee with a copy of the notice annually on or before December 31 of each year.

Under the law, employers may distribute a copy of the notice to the employee through any of the following methods:

- e-mail,

- print, or
- an Internet or intranet Web site (if the site is for the exclusive use of all employees, can be accessed by all employees, and the employer provides notice to the employees of its posting).

Moreover, whenever the notice is distributed to the employee, the employer must include an acknowledgment that the employee has received it and read and understood its terms. The acknowledgment must be signed by the employee, in writing or by means of electronic verification, and returned to the employer within 30 days of receipt. Employers will need to prepare their own acknowledgment forms.

If you have any questions or concerns regarding this new law, please contact your Proskauer lawyer. For prior client alerts addressing the new law, see New Jersey Governor Signs Law Requiring New Pay Equality Posters and Notices, Regulatory Process Delays New Jersey's New Pay Equality Poster and Notice Requirements from Taking Effect, and New Jersey Department of Labor Proposes Rules to Implement New Pay Equality Poster and Notice Requirements.

[1] According to the law, the Department also must make the notice available in Spanish and any other language that it determines is the first language of a significant number of workers in the State. The employer will then be required to post and distribute the notice in English, Spanish, and any other language for which the Department may make the notice available and which the employer reasonably believes is the first language of a significant number of the employer's workforce. The Department has not yet released foreign language versions of the notice.

[2] If the employer has an Internet or intranet site for exclusive use by its employees and to which all employees have access, posting the notice on that site will suffice under the law.

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