

## LABOR & EMPLOYMENT LAW ALERT

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### Proposed Act to Require NJ Employers to Provide Disclosure Statement to Job Candidates

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**Bill A3365 (originally introduced in October 2012) would prohibit employers from knowingly or purposefully publishing a job advertisement that “distorts, obscures, or in any way attempts to misinform” a potential candidate for employment.** This Bill was amended on February 21, 2013 to limit the scope of the disclosures required to be made by New Jersey employers under this Act.

Employers should be aware of the exact disclosure statements they may be required to provide to job candidates (whether before or after acceptance of employment). Such a disclosure statement, issued in electronic or paper form, would include:

- (1) The full legal name of the employer in charge of directing the work and paying compensation to its employees;
- (2) The precise address of the employer; and
- (3) The classification of the employment relationship (employee, temporary employee, independent contractor or otherwise).

Significantly, the recent amendment allows employers to provide the mandated disclosures passively – the identifying information specified above only would need to be divulged upon the specific request of a job candidate or employee.

The amendment also exempts temporary help agencies from the obligations of this law and empowers the New Jersey Commissioner of Labor to promulgate rules necessary to implement a separate and specific process for job seekers searching for employment through temporary help service firms.

Lastly, the bill would still prohibit discrimination and/or retaliation against applicants or employees exercising their rights hereunder. Violations could constitute a disorderly persons offense, liability for damages, as well as a civil penalty of \$1,000 for the first offense and \$2,500 for subsequent offenses (collectible by the Commissioner of Labor). ■

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