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New Equal Pay Notice In New Jersey To Take Effect November 21, 2012

By: *Emily J. Bordens*

Governor Chris Christie has recently signed into law Assembly Bill No. 2647, which requires larger employers in New Jersey (those with 50 or more employees) to post a new notice with regard to employees' equal pay rights in compensation, benefits and other terms and conditions of employment consistent with New Jersey's Law Against Discrimination "NJLAD."

This new law supplements New Jersey's Equal Pay Act and takes effect on November 21, 2012. The New Jersey Department of Labor (NJDOL) has been tasked with developing and issuing this required notice. We expect that this process may take a month or more. The new law provides that New Jersey employers will have thirty (30) days to comply with the law from the date that the NJDOL releases the required notice.

Specifically, this new law requires that a New Jersey employer do the following:

- Post this notice (both in English and Spanish) in a common area in the workplace where employees are likely to see it. Additionally, if another language is spoken by 10% of an employer's workforce, a copy in that language must be posted as well; assuming, of course, 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.)

It is also important to note that employers are permitted to provide this notice in electronic form through e-mail or on a company's intranet but only if it is for the sole use of the employees, is accessible by all employees and employees are provided notice that the posting is available for viewing. 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 the Conscientious Employee Protection Act.

LABOR & EMPLOYMENT LAW ALERT

The Bottom Line. As the end of the year approaches, Employers are encouraged to review these posting and notice distribution requirements to ensure compliance with state law.

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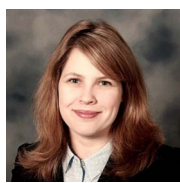
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