



New Jersey Mandate: Employers Must Post and Distribute Gender Equity Notice

March 14, 2014

In September 2012, New Jersey Governor Chris Christie signed legislation mandating employers to post and distribute a gender equity notice to be promulgated by the New Jersey Department of Labor and Workforce Development (“NJDLWD”).^[1] Recently, the NJDLWD finalized the actual notice, entitled “Right to be Free of Gender Inequity or Bias in Pay, Compensation, Benefits or Other Terms and Conditions of Employment,” (“Gender Equity Notice” or “Notice”)^[2] which informs employees of their right to equal compensation and benefits. The Gender Equity Notice highlights New Jersey and federal laws regulating individual sex discrimination. The Notice also encourages employees who believe they are being discriminated at their place of employment on the basis of their sex to contact the United States Equal Employment Opportunity Commission, New Jersey’s Division on Civil Rights, or the NJDLWD for further information.

As of January 6, 2014, the date the Notice was published in the New Jersey Register,^[3] New Jersey employers with a total of 50 or more employees (whether the employees work inside or out of New Jersey) must provide the Notice pursuant to the following requirements:

1. The Notice must be posted (in English and Spanish) in a conspicuous location that is accessible by *all* employees in each of the employer’s workplaces. This requirement can be satisfied if the employer posts the Notice on an internet or intranet website that is used exclusively by employees and which all employees have access to.
2. Employees hired *on or before* January 6, 2014 must have received a written copy of the Notice no later than February 5, 2014.
3. Employees hired *after* January 6, 2014 must receive a written copy of the Notice at the time the employee is hired.
4. Each employee must receive a copy of the Notice annually on or before December 31 of each year.
5. The employer must provide a written copy of the Notice to employees upon their first request.

Employers may satisfy requirements (2) through (5) by providing a copy of the Notice either by e-mail, in print, or through an internet or intranet website (website postings are permissible as long as the website is used exclusively by all employees, all the employees have access to the website, and the employer notifies the employees that the Notice has been posted through that medium).

In addition to the distribution of the Notice, the employee must sign and return within 30 days of receipt of the Notice an acknowledgement stating that the employee received, read and understood the terms of the Notice.

Given this recently adopted law, New Jersey employers should be fully aware of the Gender Equity Notice requirements outlined above. If you or your company would like more information regarding this issue or employment law, contact Jennifer A. McLaughlin at jmclaughlin@cullenanddykman.com or via her direct line at 516-357-3713.

Special thanks to Melissa Cefalu, a law student at Maurice A. Deane School of Law, and Scott Brenner, a law clerk at Cullen and Dykman, for their assistance with this post.

[1] The enacted bill may be reviewed at the following link: http://www.njleg.state.nj.us/2012/Bills/PL12/57_.PDF.

[2] The published Notice may be reviewed at the following link:
http://lwd.state.nj.us/labor/forms_pdfs/EmployerPosterPacket/genderequityposter.pdf.

[3] See 46 N.J. Reg. 91(a) (Jan. 6, 2014).