

Employment Law Monitor

INSIGHTS ON RECENT DEVELOPMENTS IN FEDERAL AND STATE LABOR & EMPLOYMENT MATTERS

PUBLISHED BY



COLE SCHOTZ

COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A.

Effective June 2011 New Jersey Will Prohibit Employers From Bias Against Unemployed In Job Advertising

Posted at 9:14 AM on May 23, 2011 by Kathryn Dugan

Effective June 2011, New Jersey will have a new law which will penalize employers for advertisements that show bias against unemployed persons. Specifically, N.J.S.A. 34:8B-1 et seq., which was signed into law by Governor Christie on or about April 24, 2011, prohibits businesses from knowingly or purposefully publishing, in print or on the internet, advertisements for any job openings in New Jersey that include one or more of the following:

- A provision stating that the qualifications for a job include current employment;
- A provision stating that the employer or employer's agent, representative, or designee will not consider or review an application for employment submitted by a job applicant currently unemployed; or
- A provision stating that the employer or employer's agent, representative, or designee will only consider or review applications for employment submitted by job applicants who are currently employed.

While the new law is intended to protect job applicants, it does not create a private cause of action against an employer who has violated, or is alleged to have violated, the provisions of the act. However, the act does authorize the New Jersey Commissioner of Labor to bring a summary proceeding against any business which violates the act. Violators will be subject to a civil penalty of up to \$1,000 for the first offense, up to \$5,000 for the second and up to \$10,000 for each subsequent offense.

Employers should immediately review and revise their advertisements for job openings to ensure that the advertisements comply with the new law and do not subject themselves to potential fines by the New Jersey Commissioner of Labor.

Cole, Schotz, Meisel, Forman & Leonard, P.A.

Court Plaza North
25 Main Street
Hackensack, NJ 07601
Phone: (201) 489-3000

900 Third Avenue
16th Floor
New York, NY 10022
Phone: (212) 752-8000

500 Delaware Avenue
Suite 1410
Wilmington, DE 19801
Phone: (302) 652-3131

300 East Lombard Street Suite 2000
Baltimore, MD 21202
Phone: (410) 230-0660

301 Commerce Street
Suite 1700
Fort Worth, TX 76102
Phone: (817) 810-5250