New Jersey Issues New Gender Equity Notice That Employers with 50 or More Employees Must Distribute to All New Jersey Employees and Post in New Jersey Workplaces

December 2013

Please Note: This article applies to all employers that have 50 or more employees—regardless of the states in which the employees are located—and have at least one employee located in New Jersey. Such employers are referred to hereinafter as “covered employers.”

On December 9, 2013, the New Jersey Department of Labor and Workforce Development (NJDLWD) issued a new, one-page “notice” that is applicable to covered employers. The new notice, which is required by Section 1 of New Jersey Law 2012, Chapter 57, explains to employees their rights under federal and New Jersey laws to be free of gender inequity or bias in pay, compensation, benefits, or other terms or conditions of employment.

Covered employers must:

1. By January 6, 2014, conspicuously post the notice in each of their New Jersey offices.

2. Provide each New Jersey employee hired after January 6, 2014 a copy of the notice at the time of hire.

3. By February 5, 2014, distribute the notice to all New Jersey employees who were hired on or before January 6, 2014. We recommend that you do not wait until February 5 to do so.

4. Each year thereafter, by no later than December 31 of the year, all employees must be given a copy of the notice. We recommend that covered employers enter a date certain on their calendars—such as the second Monday in December—for the annual distribution of the notice.

The new notice, referred to Notice AD-290, is available for download from the NJDLWD’s Employer Poster Packet web page (select “Gender Equity Notice”).

The new regulation permits electronic posting and distribution, as follows:

Posting: If a covered employer has an internet or intranet site for the exclusive use by its employees and to which all employees have access, posting of the notice on that site will satisfy the posting requirement.

Distribution: The notice may be distributed by e-mail to employees. Note that with respect to new hires, it may be easier to just include a hard copy of the notice in the new employee hire package.
Regardless of how the notice is distributed to employees, it must be accompanied by an acknowledgment that the employee has received the notice and has read and understands its terms. This acknowledgment must be signed by the employee, in writing or by means of electronic verification, and returned to the covered employer within 30 days of its receipt.

The new law provides that covered employers must post and distribute the notice in English and in Spanish. Covered employers must also post and distribute the notice in all other languages that they reasonably believe is the first language of a significant number of their employees – but only if the NJDLWD has made the notice available in that language. Note – as of the date of this article, the notice is available in English only. Covered employers should periodically check the Employer Poster Packet web page to see if foreign language versions of the notice have been issued, including just before January 6th.

The NJDLWD has issued a brief summary of the new Gender Equity notice requirement, which is available by clicking here.

Please note that this new notice does not replace any of the posters already required by New Jersey law, most of which cannot be posted electronically. If you select electronic posting for those notices that you are allowed to post electronically, we still recommend that you also conspicuously post them physically, in each of your New Jersey facilities, on the wall where you normally post state and federal posters.

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Other Posters: Other required New Jersey wage-hour posters are available for download from the NJDLWD’s Employer Poster Packet web page and its more comprehensive Forms & Publications for Workers and Employers web page. We recommend that you check both web pages to ensure that you have all required wage-hour posters posted. If you would like to receive a listing of the posters that most New Jersey employers are required to post and/or distribute to employees, or if you have questions about the new gender equity notice or the CEPA notice, please contact Christine Michelle Duffy, Esq., in our Parsippany office, at cduffy@probonopartner.org or (973) 240-6955 x303.

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