

LABOR & EMPLOYMENT LAW ALERT

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New Jersey Department of Labor Publishes Proposed Rule Regarding Gender Equity Poster Law

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As we alerted you back in October, the New Jersey Department of Labor and Workforce Development ("NJDOLE") published its notice of proposed rulemaking and request for comments with regard to the new Equal Pay notice on January 7, 2013. As we explained, while the act took effect on November 19, 2012, the obligation to post and distribute a copy of the posting requirements does not arise until the NJDOLE issues the form of notification. Appendix B of the proposal contains a draft of the proposed Form of Notification and can be found at:

http://lwd.dol.state.nj.us/labor/forms_pdfs/legal/2013/45_NJR_17_a_.pdf

The proposed rule clarifies two exceptions to the requirements contained in the statute. First the proposed rule explains that the threshold of fifty (50) employees needed to trigger an employer's obligations includes employees who work both in New Jersey and outside of the state. Further, the proposed rule explains that posting requirements can be satisfied by an electronic posting on a company intranet (for exclusive use by company employees).

This published proposed rule is the first step in the employer's posting obligations. The NJDOLE is holding a public hearing at its offices in Trenton on January 30, 2013 from 10:00 am to 12:00 pm, and is accepting written comments up until March 8, 2013. Thereafter, once the proposed rule is adopted, a notice of adoption will be published in the New Jersey Register, containing the final form of the notification. Finally, employers will then have thirty (30) days to comply with the law.

The bottom line. Although the notice of adoption may not occur until the middle of April 2013, employers should begin taking steps now to prepare for compliance with the law, including developing a system to distribute the notification and to collect acknowledgements from employees (confirming that they have received and read the notice).

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