

Alert | Labor & Employment



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New Jersey May Soon Mandate Pay Transparency in Job Postings: Implications for Employers

New Jersey may soon join nearly a dozen states, including [New York](#), in mandating pay transparency in job postings.

On Sept. 26, 2024, the New Jersey General Assembly passed [A4151/S2310](#), which would require New Jersey employers with 10 or more employees over 20 calendar weeks doing business or taking applications for employment within the state of New Jersey to disclose the hourly wage or annual salary range and general benefit information in all postings for new jobs and transfer opportunities.

With respect to promotion opportunities, the bill would require employers to announce such opportunities to all current employees in the affected department prior to making a promotion decision. However, employers would not be required to announce promotions awarded based on years of experience. Employers also would be able to award promotions on an emergent basis due to unforeseen events without regard for the bill's notification requirement.

The bill is currently awaiting Gov. Phil Murphy's signature. If signed into law by Nov. 10, 2024, it would become effective in seven months – in or around the middle of 2025 – requiring action from most New Jersey employers to update job postings.

The bill also includes some considerations for temporary help service and consulting firms. Such agencies would not be required to include the pay or benefit information in job postings posted only for the

purpose of identifying qualified applicants for future job openings. However, these types of agencies would be required to provide candidates the relevant pay and benefit information at the time of an interview or when hiring for a specific job opening.

The bill includes civil penalties for violations: up to \$300 for the first violation, and \$600 for each subsequent violation. Each posting for a new job or promotional opportunity would be considered a single violation, regardless of the number of times or forums in which that posting is listed. The bill would allow employers to increase the wages, benefits, and compensation beyond the identified level/range when making an offer of employment.

Notably, since 2022, Jersey City has required all employers with a principal place of business in that city and five or more employees to include pay ranges in all job postings. The penalty for non-compliance with that ordinance is a fine of up to \$2,000. If signed into law, the New Jersey pay transparency bill would not replace, but be effective in addition to, the Jersey City ordinance.

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