[Second Reprint]

SENATE, No. 1440

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:
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SYNOPSIS

Prohibits employment discrimination based on applicant employment status.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on May 15, 2014, with amendments.

(Sponsorship Updated As Of: 6/17/2014)

AN ACT concerning the hiring of unemployed job applicants and supplementing P.L.2011, c.40 (C.34:8b-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. An employer or employer's agent, representative, or designee shall not [1]**[**base an**]** <u>discriminate against an applicant for employment in any</u>[1] employment decision with regard to hiring, compensation or the terms, conditions or privileges of employment [1]**[**on the fact that an**]** <u>because the</u>[1] applicant is [2]**[**, or has been,**]** <u>currently</u>[2] unemployed, except that nothing in this section shall be construed as prohibiting an employer, employment agency, or agent thereof, when making employment decisions with regard to hiring, compensation, or the terms, conditions or privileges of employment, from:

a. Inquiring into [1]<u>the applicant's employment history, including</u>[1] the circumstances surrounding an applicant's separation from prior employment;

b. Considering any substantially job-related qualifications, including, but not limited to, a current and valid professional or occupational license, a certificate, registration, permit, or other credential, a minimum level of education or training, or a minimum level of professional, occupational, or field experience;

c. Determining that only applicants who are currently employed by the employer will be considered for employment or given priority for employment or with respect to compensation or terms, conditions or privileges of employment; or

d. Setting compensation, terms, or conditions of employment for the applicant based on the applicant's actual amount of experience.

[2]<u>Nothing set forth in this section shall be construed as creating, establishing or authorizing a private cause of action by an aggrieved person against an employer who has violated, or is alleged or believed to have violated, the provisions of this section; nor shall evidence that an employer has violated, or is alleged or believed to have violated the provisions of this section, be admissible in any legal proceeding with respect to any law or claim other than a proceeding to enforce the provisions of this section.</u>[2]

2. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SLA committee amendments adopted March 17, 2014.
[2]Assembly ALA committee amendments adopted May 15, 2014.