

# ASSEMBLY, No. 3480

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 14, 2016

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**SYNOPSIS**

Prohibits certain employers from seeking or releasing salary history of certain employees.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/15/2016)

1 AN ACT concerning salary history and supplementing Title 34 of  
2 the Revised Statutes.

3

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

6

7 1. a. No employer or employer's agent, representative, or  
8 designee shall:

9 (1) seek to obtain, or require a current or prospective employee  
10 to provide or consent to the creation of, a report that contains  
11 information about the current or prospective employee's payment  
12 history, including, but not limited to, compensation and benefits; or

13 (2) release the salary history of any current or former employee  
14 without written authorization from the current or former employee.

15 b. This section shall not apply to:

16 (1) the federal government, any other state, or the State of New  
17 Jersey, or the several counties and municipalities thereof, or any  
18 other political subdivision of the State, or a school district, or any  
19 special district, or any authority, commission, or board, or any  
20 branch or agency of the public service; or

21 (2) salary history released to employer or employee  
22 representatives in the context of collective bargaining negotiations.

23

24 2. Any employer who violates any provision of this act shall be  
25 subject to a civil penalty in an amount not to exceed \$2,000 for the  
26 first violation and \$5,000 for each subsequent violation, collectible  
27 by the Commissioner of Labor and Workforce Development in a  
28 summary proceeding pursuant to the "Penalty Enforcement Law of  
29 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

30

31 3. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 This bill prohibits employers from seeking or releasing the salary  
37 history of certain employees. Specifically, it provides that no  
38 employer or employer's agent, representative, or designee shall  
39 seek to obtain, or require a current or prospective employee to  
40 provide or consent to the creation of, a report that contains  
41 information about the current or prospective employee's payment  
42 history, including, but not limited to, compensation and benefits.  
43 The bill also prohibits employers from releasing the salary history  
44 of any current or former employee without written authorization  
45 from the current or former employee.

46 The bill does not apply to: the federal government, any other  
47 state, or the State of New Jersey, or the several counties and  
48 municipalities thereof, or any other political subdivision of the

**A3480 DOWNEY, SCHAER**

3

1 State, or a school district, or any special district, or any authority,  
2 commission, or board, or any branch or agency of the public  
3 service; or salary history released to employer or employee  
4 representatives in the context of collective bargaining negotiations.

5 The bill provides that any employer who violates any provision  
6 of the bill is subject to a civil penalty in an amount not to exceed  
7 \$2,000 for the first violation and \$5,000 for each subsequent  
8 violation, collectible by the Commissioner of Labor and Workforce  
9 Development in a summary proceeding pursuant to the "Penalty  
10 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).