

# ASSEMBLY, No. 3440

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 7, 2016

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblyman Egan, Assemblywomen Pinkin and Mosquera**

**SYNOPSIS**

Prohibits employment discrimination based on applicant employment status.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/17/2016)**

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

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

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7 1. An employer or employer's agent, representative, or  
8 designee shall not discriminate against an applicant for employment  
9 in any employment decision with regard to hiring, compensation or  
10 the terms, conditions or privileges of employment because the  
11 applicant is currently unemployed, except that nothing in this  
12 section shall be construed as prohibiting an employer, employment  
13 agency, or agent thereof, when making employment decisions with  
14 regard to hiring, compensation, or the terms, conditions or  
15 privileges of employment, from:

16 a. Inquiring into the applicant's employment history, including  
17 the circumstances surrounding an applicant's separation from prior  
18 employment;

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

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

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

31 Nothing set forth in this section shall be construed as creating,  
32 establishing or authorizing a private cause of action by an aggrieved  
33 person against an employer who has violated, or is alleged or  
34 believed to have violated, the provisions of this section; nor shall  
35 evidence that an employer has violated, or is alleged or believed to  
36 have violated the provisions of this section, be admissible in any  
37 legal proceeding with respect to any law or claim other than a  
38 proceeding to enforce the provisions of this section.

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40 2. This act shall take effect immediately.

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#### STATEMENT

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45 The bill prohibits an employer or employer's agent,  
46 representative, or designee from discriminating against an applicant  
47 for employment in any employment decisions with regard to hiring,

1 compensation or the terms, conditions or privileges of employment  
2 because the applicant is currently unemployed.

3 The bill, however, does not prohibit the employer, agent,  
4 representative, or designee, when making employment decisions,  
5 from:

6 1. Inquiring into the applicant's employment history and the  
7 circumstances surrounding an applicant's separation from prior  
8 employment;

9 2. Considering any substantially job-related qualifications,  
10 including: a professional or occupational license, certificate,  
11 registration, permit, or other credential; or the level of education or  
12 training, or level of professional, occupational, or field experience;

13 3. Determining that only applicants who are currently  
14 employed by the employer will be considered for employment or  
15 given priority; or

16 4. Considering the applicant's actual amount of experience.

17 The bill provides that nothing set forth in the bill may be  
18 construed as creating or establishing a private cause of action by an  
19 aggrieved person against an employer; nor may evidence that an  
20 employer who has violated, or is alleged or believed to have  
21 violated the provisions of the bill, be admissible in any legal  
22 proceeding other than a proceeding to enforce the provisions of this  
23 bill.

24 The current law, which this bill supplements, provides for civil  
25 penalties of up to \$1,000 for the first violation, \$5,000 for the  
26 second violation and \$10,000 for each subsequent violation,  
27 collectible by the Commissioner of Labor and Workforce  
28 Development. Those penalties would therefore apply to violations  
29 of the provisions of this bill.