

## [50 N.J.R. 2545\(a\)](#)

VOLUME 50, ISSUE 24, DECEMBER 17, 2018

### **RULE PROPOSALS**

#### **Reporter**

50 N.J.R. 2545(a)

***NJ - New Jersey Register > 2018 > DECEMBER > DECEMBER 17, 2018 > RULE PROPOSALS  
> LABOR AND WORKFORCE DEVELOPMENT -- THE COMMISSIONER***

## **Interested Persons Statement**

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### INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of [N.J.S.A. 52:14B-3](#). An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at [N.J.A.C. 1:30-6.3](#). The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

## **Agency**

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LABOR AND WORKFORCE DEVELOPMENT > **THE COMMISSIONER**

## **Administrative Code Citation**

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Proposed Readoption: [N.J.A.C. 12:2](#)

## **Text**

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### **Notification**

Authorized By: Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Authority: [N.J.S.A. 34:1-20](#) and [34:1A-3\(e\)](#) and P.L. 2009, c. 194, sec. 4a., and P.L. 2012, c. 57, sec.1.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2018-114.

A **public hearing** on the notice of rules proposed for readoption will be held on the following date at the following location:

January 15, 2019  
10:00 A.M. to 12:00 Noon  
NJ Department of Labor and Workforce Development  
John Fitch Plaza  
2nd Floor Conference Room  
Trenton, New Jersey

Please call the Office of Legal and Regulatory Services at (609) 292-2789 if you wish to be included on the list of speakers.

Submit written comments by February 15, 2019, to:

David Fish, Executive Director  
Office of Legal and Regulatory Services  
NJ Department of Labor and Workforce Development  
PO Box 110, 13th Floor  
Trenton, New Jersey 08625-0110

E-mail: [david.fish@dol.nj.gov](mailto:david.fish@dol.nj.gov)

The agency proposal follows:

### Summary

Pursuant to [N.J.S.A. 52:14B-5.1.c](#), [N.J.A.C. 12:2](#), Notification, was scheduled to expire on November 7, 2018. The chapter contains rules implementing P.L. 2009, c. 194 and P.L. 2012, c. 57. As the Department of Labor and Workforce Development (Department) submitted this notice [page=2546] of proposal to the Office of Administrative Law prior to that date, the expiration date was extended 180 days to May 6, 2019, pursuant to [N.J.S.A. 52:14B-5.1.c\(2\)](#). P.L. 2009, c. 194 requires the Commissioner to "issue[] by regulation" the form of notification to be used by employers to satisfy the requirements set forth in section 4a., which mandates that each employer that is required to maintain and report records regarding wages, benefits, taxes, and other contributions and assessments pursuant to the State wage, benefit, and tax laws shall conspicuously post and personally distribute to employees, notification of the obligation of the employer to maintain and report those records. P.L. 2012, c. 57 requires the Commissioner to "issue by regulation" the form of notification to be used by employers to satisfy the requirements set forth in section 1, which requires that every employer in New Jersey shall conspicuously post and personally distribute to employees, detailing the right to be free of gender inequity or bias in pay, compensation, benefits, or other terms and conditions of employment under the "Law Against Discrimination," P.L. 1945, c. 169 ([N.J.S.A. 10:5-1](#) et seq.), P.L. 1952, c. 9 ([N.J.S.A. 34:11-56.1](#) et seq.), Title VII of the Civil Rights Act of 1964, Pub.L. 88-352 ([42 U.S.C. §§ 2000e](#) et seq.), and the Equal Pay Act of 1963, Pub.L. 88-38 ([29 U.S.C. § 206\(d\)](#)), which prohibit wage or compensation discrimination based on gender

A summary of the subchapters proposed for readoption follows:

Subchapter 1 contains the posting and employee distribution requirements of P.L. 2009, c. 194 and explains those circumstances where posting and distribution electronically will satisfy the posting and distribution requirements.

The subchapter also contains sections addressing the purpose and scope of the subchapter and definitions of words and terms used throughout the subchapter.

Subchapter 2 contains the posting and employee distribution requirements of P.L. 2012, c. 57 and explains those circumstances where posting and distribution electronically will satisfy the posting and distribution requirements. The subchapter also contains sections addressing the purpose and scope of the subchapter and definitions of words and terms used throughout the subchapter.

[N.J.A.C. 12:2](#) Appendices A and B contain the separate forms of notification under each of the afore-cited laws.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to [N.J.A.C. 1:30-3.3\(a\)5](#).

### **Social Impact**

The rules proposed for re-adoption would have a positive social impact in that they would continue to provide employers a ready reference within the New Jersey Administrative Code as to the form of the statutorily required notifications.

### **Economic Impact**

The rules proposed for re-adoption would have no economic impact, beyond the impact of the posting and distribution requirement itself, which is contained within P.L. 2009, c. 194 and P.L. 2012, c. 57, and from which the Department has no discretion to deviate.

### **Federal Standards Statement**

A Federal standards analysis is not required because the rules proposed for re-adoption are not subject to any Federal standards or requirements. Specifically, the subject matter of the rules proposed for re-adoption are governed by P.L. 2009, c. 194 and P.L. 2012, c. 57.

### **Jobs Impact**

The rules proposed for re-adoption would have no impact on either the generation or loss of jobs.

### **Agriculture Industry Impact**

The rules proposed for re-adoption would have no impact on the agriculture industry.

### **Regulatory Flexibility Statement**

The rules proposed for re-adoption would impose no reporting or recordkeeping requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, [N.J.S.A. 52:14B-16](#) et seq. With regard to compliance requirements, the rules proposed for re-adoption would require the posting and distribution of the notifications found in [N.J.A.C. 12:2](#) Appendices A and B, as is required by P.L. 2009, c. 194, and P.L. 2012, c. 57. The law requires compliance and makes no distinction between small and large employers. However, the Department has sought to minimize the impact on both small and large businesses by permitting the use of electronic means for posting and distribution under certain circumstances.

### **Housing Affordability Impact Analysis**

The rules proposed for re-adoption would not evoke a change in the average costs associated with housing or on the affordability of housing. The basis for this finding is that the rules proposed for re-adoption pertain to the posting and distribution by employers of notifications and have nothing to do with housing.

### **Smart Growth Development Impact Analysis**

The rules proposed for readoption would not evoke a change in housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan. The basis for this finding is that the rules proposed for readoption pertain to the posting and distribution by employers of notifications and have nothing to do with housing production.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department has evaluated the rules proposed for readoption and determined that they will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

## **Regulations**

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**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at [N.J.A.C. 12:2](#).

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