

PROPOSAL SECTION

LABOR AND WORKFORCE DEVELOPMENT

DIVISION OF WAGE AND HOUR COMPLIANCE

Notice of Administrative Corrections, Extension of Public Comment Period, and Change of Public Hearing Date

Notification Posted by Employer Pursuant to P.L. 2012, c. 57, Relating to the Right to Be Free of Gender Inequity or Bias in Pay, Compensation, Benefits, or Terms, Conditions, or Privileges of Employment

Posting and Distribution Requirements; Acknowledgement of Receipt

Proposed Amendments: N.J.A.C. 12:2-1.3 and 12:2 Appendix

Proposed New Rules: N.J.A.C. 12:2-2 and 12:2 Appendix B

Take notice that the Department of Labor and Workforce Development (Department) discovered an error in the above-referenced notice of proposal, published in the January 7, 2013 New Jersey Register at 45 N.J.R. 18(a). As filed with the Office of Administrative Law (OAL) by the Department, N.J.A.C. 12:2-2.3 contained five subsections, (a) through (f). In the course of the review of the notice by the OAL, it was determined that subsections (b), (c), and (d) should be merged into subsection (b) and subsections (e) and (f) should be recodified as subsections (c) and (d). As part of these changes, recodified subsection (d) contained a cross-reference to “(b) through (d) above.” This cross-reference was inadvertently corrected by the OAL to “(b) and (c) above,” but should have only referenced “(b) above,” as only subsection (b) contains information on “written copies” of the notification, whereas subsection (c), as recodified, contains information about posting the notifications on an internet or intranet website, if such is available.

N.J.A.C. 12:2-2.4(a) requires the employer to give each employee an acknowledgement form that they have received the “notification” and understand its terms. As originally filed by the Department, N.J.A.C. 12:2-2.4(a) referred back to N.J.A.C. 12:2-2.3(b), (c), and (d). As noted above, N.J.A.C. 12:2-2.3(b), (c), and (d) were merged into subsection (b), but the cross-reference at N.J.A.C. 12:2-2.4 was inadvertently corrected by the OAL to subsections (b) and (c), but should have only referenced subsection (b), as subsection (c) is about an employer making electronic copies of the notifications available, and only subsection (b) contains information on “written copies” of the notification, for which the acknowledgement requirements of N.J.A.C. 12:2-2.4 were intended to apply to.

This notice of administrative corrections, published pursuant to N.J.A.C. 1:30-2.7, revises the notice of proposal to include the proper cross-references. In addition, this notice extends the comment period on the notice of proposal from March 8, 2013 to March 23, 2013, and changes the public hearing date from Wednesday, January 30, 2013 to Wednesday, February 13, 2013.

A **public hearing** on the proposed amendments and new rules will be held on the following date at the following location:

Wednesday, February 13, 2013

10:00 A.M. to 12:00 Noon

New Jersey Department of Labor and Workforce Development

John Fitch Plaza

13th Floor Auditorium

Trenton, NJ

Submit comments by March 23, 2013 to:

David Fish, Regulatory Officer

Office of Legal and Regulatory Services

P.O. Box 110, 13th Floor

Trenton, New Jersey 08625-0110

Fax: (609) 292-8246

Full text of the corrected proposed rules follows (deletions from proposal indicated in brackets [thus]):

12:2-2.3 Posting and distribution requirements

(a) – (c) (No change from proposal.)

(d) An employer shall make the written copy of the notification available to each worker under

(b) [and (c)] above using one of the following methods:

1. – 3. (No change from proposal.)

12:2-2.4 Acknowledgement of receipt

(a) The notification provided by the employer under N.J.A.C. 12:2-2.3(b) [and (c)] shall be accompanied by an acknowledgement that the employee has received the notification and has read and understands its terms.

(b) (No change from proposal.)