POLICY ANALYSIS SERIES

Pay and Benefits Transparency in New Jersey Employment

A Policy Analysis of the New Jersey Pay and Benefits Transparency Act (P.L. 2024, c. 91), Its Proposed Implementing Regulations, the Federal Legal Landscape, and Measured Effects of Pay Transparency Policy

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July 2026

Information current as of July 14, 2026

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Executive Summary

This report analyzes the New Jersey Pay and Benefits Transparency Act, the state law that since June 1, 2025 has required most employers doing business in New Jersey to state pay and describe benefits in postings for new jobs and transfer opportunities, and to make reasonable efforts to alert current employees to promotional openings. The report explains what the statute commands, who it covers, how it is enforced, and how it sits within the broader body of federal employment law. It also examines the New Jersey Department of Labor and Workforce Development's proposed implementing regulations, which would add requirements the statute does not contain, and it reviews the best available evidence on what pay transparency policies actually do to wages and wage gaps. As in all ARA policy analyses, the report is organized around a distinction the reader should keep in view throughout: the difference between what is **enacted and binding**, what is **proposed and pending**, and what is merely **anticipated**.

The statute is enacted, in force, and binding. Signed by Governor Philip D. Murphy on November 18, 2024 as P.L. 2024, chapter 91, and codified at N.J.S.A. 34:6B-23, the law took effect on June 1, 2025. It applies to any employer, public or private, with 10 or more employees over 20 calendar weeks, counted across the whole workforce rather than only New Jersey staff, that does business, employs persons, or takes applications for employment within the state. Every covered posting for a new job or transfer opportunity, internal and external alike, must state the pay, as a single hourly or salary figure or as a range, and must describe in general terms the benefits and other compensation available to the person selected.

The implementing regulations are proposed, not adopted. On September 15, 2025, the Department published proposed rules at N.J.A.C. 12:74. The proposal would, among other things, prohibit open-ended pay ranges and cap the width of any posted range at 60 percent of its minimum, a limit no other state has prescribed with that precision. The public comment period closed on November 14, 2025. As of July 14, 2026, the rules have not been adopted, do not carry the force of law, and are described by the Department itself as non-binding though instructive. Descriptions of the 60 percent cap and related provisions as current legal requirements are inaccurate; this report labels every such provision as proposed.

Enforcement is administrative and, so far, education-first. The statute creates no private right of action, so workers and applicants cannot sue over noncompliant postings; the remedy is an administrative complaint to the Department, which may assess civil penalties that top out at $300 for a first violation and $600 for each violation after it. In the first enforcement initiative under the law, announced March 18, 2026, the Department reported that 42 large employers, including nationally recognized firms, had corrected noncompliant postings and entered Assurances of Voluntary Compliance, with all available penalties waived in light of good-faith cooperation (New Jersey Department of Labor and Workforce Development 2026a).

There is no federal counterpart to New Jersey's posting requirement. Federal law protects the right of most private sector employees to discuss their pay with one another and prohibits sex-based and other discriminatory pay practices, but no federal statute requires employers to disclose compensation in job postings. Bills that would create such a requirement, most recently the Salary Transparency Act (H.R. 2007) in the 119th Congress, remain in committee. New Jersey's law therefore operates in a field the federal government has left to the states, alongside statutes in more than a dozen other jurisdictions and a stricter municipal ordinance in Jersey City that reaches employers with as few as five employees.

Finally, the report situates the law in its empirical context. In 2024, women working full time, year round in the United States were paid 81 cents for every dollar paid to men, the second consecutive annual widening of that gap in Census Bureau data, and the disparities were larger for Black women and Latinas (National Women's Law Center 2025). Peer-reviewed research on earlier transparency policies finds that they measurably narrow gender pay gaps, by roughly 13 percent in Danish private firms and by roughly 20 to 30 percent among Canadian university faculty, while one influential study finds that certain transparency regimes also modestly slow average wage growth, by about 2 percent, because employers bargain differently when every wage is visible (Bennedsen et al. 2022; Baker et al. 2023; Cullen and Pakzad-Hurson 2023). Both findings are presented here because both are part of the evidentiary record. This report neither supports nor opposes the Act; it explains it.

Key Findings

Enacted and binding. P.L. 2024, c. 91 (N.J.S.A. 34:6B-23) took effect June 1, 2025. Covered postings must state pay or a pay range and generally describe benefits and other compensation, and employers must make reasonable efforts to notify affected employees of promotional opportunities.

Proposed and pending. The Department's proposed rules at N.J.A.C. 12:74, including a first-in-the-nation 60 percent cap on pay range spreads, were published September 15, 2025; comments closed November 14, 2025; and as of July 14, 2026 the rules remain unadopted and non-binding, though the Department recommends following them (New Jersey Department of Labor and Workforce Development 2026b; Foley and Lardner LLP 2026).

Administrative enforcement only. There is no private right of action. Penalty exposure is capped at $300 for a first violation and $600 for each later one, assessed per job opening. The Department's first enforcement initiative, announced March 18, 2026, resolved 42 matters through Assurances of Voluntary Compliance with penalties waived (New Jersey Department of Labor and Workforce Development 2026a).

No federal posting mandate. Federal law protects pay discussion (National Labor Relations Act section 7) and prohibits discriminatory pay (Equal Pay Act of 1963; Title VII), but no federal statute requires pay disclosure in postings; the Salary Transparency Act (H.R. 2007) remains in committee.

Measured effects run in two directions. Transparency policies studied to date narrowed gender pay gaps by roughly 13 to 30 percent in Denmark and Canada, while one class of policies also lowered average wages by about 2 percent; against this backdrop, women working full time, year round in the United States were paid 81 cents per dollar paid to men in 2024 (Bennedsen et al. 2022; Baker et al. 2023; Cullen and Pakzad-Hurson 2023; National Women's Law Center 2025).

1. Introduction, Scope, and Method

Since June 1, 2025, a job posting that reaches New Jersey without stating what the job pays has, in most cases, violated state law. That simple fact has changed hiring practice for thousands of employers, inside and outside the state, and it has given New Jersey workers and applicants a right to compensation information they previously had to negotiate for, guess at, or do without. Yet public discussion of the law frequently conflates three distinct layers: the enacted statute, the Department of Labor and Workforce Development's proposed but unadopted regulations, and the separate municipal regime in Jersey City. The purpose of this report is to disentangle those layers with precision, to explain how the New Jersey scheme relates to federal law, and to ground the discussion in what has been measured rather than in what is predicted.

Agard Research Associates Inc. (ARA) is a nonpartisan institute. This analysis neither supports nor opposes the Act or its proposed regulations. Where the report presents evidence bearing on the law's likely effects, it presents the stated purposes of the law's sponsors and the concerns raised by employer associations with equal care, and it identifies the institutional perspective of data sources where relevant.

The report proceeds in eight further parts. Section 2 analyzes the statute itself: its history, its two core obligations, its coverage, and its penalty structure. Section 3 analyzes the proposed regulations at N.J.A.C. 12:74, provision by provision, with their procedural status stated exactly. Section 4 examines enforcement in practice, centered on the Department's March 2026 initiative. Section 5 sets out the federal legal landscape and includes a dedicated subsection on how New Jersey law applies alongside federal law. Section 6 reviews the empirical evidence: current wage gap data for the nation and for New Jersey, the peer-reviewed literature on transparency policies, and observed changes in job posting behavior. Section 7 describes the Jersey City ordinance that operates concurrently with the state law. Section 8 provides practical, nonpartisan guidance for workers who believe a posting violated the law and for employers seeking to comply. Section 9 concludes and identifies the developments that would warrant revisiting this analysis.

Method and sourcing

The statutory analysis rests on the official text of P.L. 2024, chapter 91, read directly, and on the First Reprint of Senate Bill No. 2310, which records the bill's amendment history. The regulatory analysis rests on the notice of proposal as published in the New Jersey Register, 57 N.J.R. 2220(a) (September 15, 2025), likewise read in the original rather than through summaries of it. The enforcement analysis rests on the Department's own releases and guidance pages. The account of federal law rests on the United States Code and the official texts of the cited bills and executive orders. Empirical claims are drawn from named federal statistical agencies, peer-reviewed journals, and identified organizations. Several organizations whose data appear here have institutional perspectives: the National Women's Law Center and Equal Rights Advocates support pay transparency legislation, and the New Jersey Business and Industry Association, whose public comments are cited, raised concerns about the proposed rules on behalf of employers. Their materials are used because they rest on transparent methods or constitute the public record of the rulemaking, and their perspectives are disclosed. Citations follow the American Political Science Association's Style Manual for Political Science (Revised 2018 Edition) for in-text and reference entries, with legal authorities cited in Bluebook form (22nd ed. 2025).

A note on the status of the regulations

The single most important currency point in this report is procedural. The proposed rules at N.J.A.C. 12:74 are exactly that: proposed. The Department's guidance states plainly that the proposed rules "have not been adopted and are currently non-binding, though they are instructive" (New Jersey Department of Labor and Workforce Development 2026b), and legal analyses current through June 2026 confirm that no notice of adoption has been published (Foley and Lardner LLP 2026; Epstein Becker Green 2026). Every statement in this report about the 60 percent range cap, the definition of benefits, third-party posting liability, and the reasonable efforts standard should be read with that status in mind. All statements of legal status are current as of July 14, 2026.

2. Statutory Analysis: The Pay and Benefits Transparency Act (P.L. 2024, c. 91)

2.1 Legislative history and enactment

The Act began as Senate Bill No. 2310 of the 221st Legislature, introduced by Senator Paul D. Moriarty in early 2024. The Senate Labor Committee reported the bill with amendments on May 6, 2024, and the full Senate passed it unanimously, 40 to 0, on June 28, 2024. The General Assembly substituted the bill for its companion measure, A4151, and passed it 57 to 16 on September 26, 2024 (New Jersey Legislature 2024). Governor Murphy signed it on November 18, 2024, as P.L. 2024, chapter 91. By its own terms the Act took effect on "the first day of the seventh month next following the date of enactment," that is, June 1, 2025 (P.L. 2024, c. 91, § 2).

The chapter law carries no statutory short title; its formal caption is "An Act concerning transparency in employment listings and supplementing Title 34 of the Revised Statutes." The Department of Labor and Workforce Development (NJDOL, or the Department) refers to it as the Pay Transparency law, and it is commonly called the Pay and Benefits Transparency Act, the usage this report follows. The Act is codified at N.J.S.A. 34:6B-23. When the Department announced the approaching effective date, Governor Murphy described the law as an effort to make salary and benefits information and advancement opportunities accessible to workers; that stated purpose is part of the record this report presents (New Jersey Department of Labor and Workforce Development 2025).

2.2 The disclosure obligation for job and transfer postings

The statute's central command sits in subsection b. For every posting for a new job or a transfer opportunity that an employer advertises, whether externally or internally, the employer must disclose "the hourly wage or salary, or a range of the hourly wage or salary, and a general description of benefits and other compensation programs for which the employee would be eligible" (N.J.S.A. 34:6B-23(b)). Three features of this text deserve emphasis.

First, the disclosure duty attaches to the posting itself, not to a later stage of the hiring process. New Jersey thus follows the posting-mandate model pioneered by Colorado in 2021 rather than the disclosure-on-request model used in states such as Connecticut and Nevada. Second, the employer may satisfy the pay element with either a single figure or a range; the statute places no textual limit on how wide a range may be, which is precisely the gap the proposed regulations would fill (see Section 3.2). Third, the benefits element requires a “general description,” a phrase the statute does not define; the proposed regulations would give it content (see Section 3.3).

The statute contains a safety valve for employers: at the offer stage, an employer remains free to improve on whatever wages, benefits, and compensation the posting identified (N.J.S.A. 34:6B-23(b)). The posted figures are a floor for the offer, not a ceiling.

2.3 The promotion notice obligation and its exemptions

The statute's second command sits in subsection a. An employer contemplating a promotion must first make “reasonable efforts to announce, post, or otherwise make known” the opportunity, where it is advertised internally or externally, to every current employee in the department or departments the opportunity touches (N.J.S.A. 34:6B-23(a)). Two exemptions are written into the statute: it excuses from the notice duty any promotion awarded “on the basis of years of experience or performance,” and it preserves the employer's ability to promote “on an emergent basis due to an unforeseen event” (N.J.S.A. 34:6B-23(a)).

The Act defines a promotion as “a change in job title and an increase in compensation” (N.J.S.A. 34:6B-23(e)). The definition matters: a lateral move with a new title but no raise is not a promotion under the Act, though as a transfer opportunity its posting would still trigger the disclosure duty of subsection b.

2.4 Coverage: the ten-employee threshold and the Act's reach beyond New Jersey

The Act defines an employer as “any person, company, corporation, firm, labor organization, or association which has 10 or more employees over 20 calendar weeks and does business, employs persons, or takes applications for employment within this State, including the State, any county or municipality, or any instrumentality thereof,” and employment agencies, among them placement and referral firms, are named within the definition (N.J.S.A. 34:6B-23(e)). Several consequences follow.

- **Public employers are covered.** The State itself, counties, municipalities, and their instrumentalities, including school districts, fall within the definition; two school districts appear among the 42 employers in the Department's March 2026 enforcement initiative (New Jersey Department of Labor and Workforce Development 2026a).
- **The headcount is not limited to New Jersey.** The statute counts 10 or more employees over 20 calendar weeks without geographic qualification, and the Department's guidance confirms that employees who work outside New Jersey count toward the threshold, a reading the proposed regulations would codify (New Jersey Department of Labor and Workforce Development 2026b; 57 N.J.R. 2220(a)).
- **Out-of-state employers can be covered.** Under the Department's guidance, a business based outside New Jersey may be covered if it regularly does business with New Jersey customers or takes applications from New Jersey residents for work that could be performed remotely from New Jersey (New Jersey Department of Labor and Workforce Development 2026b). The proposed regulations would sharpen this by defining “take applications for employment within New Jersey” to mean “both that the solicitation occurred in New Jersey and that the physical location of the prospective

employment is in whole, or in substantial part, within New Jersey" (57 N.J.R. 2220(a)); until adoption, that narrowing definition is not binding.

Coverage therefore turns on two questions: whether the employer's total workforce reaches 10 for 20 weeks, and whether the employer has one of the three specified connections to New Jersey. An employer whose headcount fluctuates around the threshold should note the Department's guidance that the 10-employee, 20-week condition is measured against the current and the prior calendar year alike, so dipping below 10 mid-year does not end coverage (New Jersey Department of Labor and Workforce Development 2026b).

2.5 Temporary help service firms and consulting firms

The Act treats registered temporary help service firms and consulting firms differently, in recognition of a structural feature of their business: they routinely post to build applicant pools for openings that do not yet exist. For postings published "for the purpose of identifying qualified applicants for potential future job openings and not for existing job openings," such firms need not include the pay and benefits information (N.J.S.A. 34:6B-23(d)(1)). The obligation is deferred, not eliminated: the firm owes each temporary-employment applicant the pay and benefits details "at the time of interview or hire for a specific job opening" (N.J.S.A. 34:6B-23(d)(2)). Postings for existing, identified openings remain fully subject to the disclosure rule.

2.6 Penalties, the one-violation rules, and the absence of a private right of action

Violations expose the employer to "a civil penalty in an amount not to exceed $300 for the first violation, and $600 for each subsequent violation, collectible by the Commissioner of Labor and Workforce Development in a summary proceeding" under the Penalty Enforcement Law of 1999 (N.J.S.A. 34:6B-23(c)(1)). The statute contains two counting rules that operate in the employer's favor. A failure to give the required notice for one promotional opportunity counts as a single violation across all listings of that promotion, however many forums carry it, and a failure to make compliant postings for one particular job opening or transfer opportunity likewise counts as a single violation regardless of how many postings or forums advertise it (N.J.S.A. 34:6B-23(c)(2), (3)). As Section 4.3 explains, the Department has clarified the converse: multiple noncompliant openings advertised simultaneously generate one penalty per opening.

Equally important is what the statute omits. It creates no private right of action. A worker or applicant who encounters a noncompliant posting cannot sue the employer under the Act; the exclusive route is an administrative complaint to the Department, described in Section 8.1. The penalty amounts are modest in absolute terms, which places the practical weight of the scheme on the Department's enforcement posture and on employers' reputational and compliance incentives rather than on litigation risk.

3. The Proposed Regulations at N.J.A.C. 12:74: Proposed, Not Adopted

3.1 Procedural posture as of July 14, 2026

On September 15, 2025, the Department published a notice of proposal for new rules at N.J.A.C. 12:74, Requirements for Notification of Promotion, New Job, and Transfer Opportunities, at 57 N.J.R. 2220(a), Proposal Number PRN 2025-124, under the authority of N.J.S.A. 34:1-20 and 34:1A-3(e). The notice was authorized by then-Commissioner Robert Asaro-Angelo and provided a 60-day comment period; written comments were due to the Department's Legal and Regulatory Services office by November 14, 2025 (57 N.J.R. 2220(a)). Employer organizations filed substantive comments; the New Jersey Business and Industry Association, for example, urged the Department to preserve flexibility for small businesses and third-party recruiting and questioned whether portions of the proposal exceed the statute (New Jersey Business and Industry Association 2025).

As of July 14, 2026, the Department has not published a notice of adoption. The Department's own guidance page states that the proposed rules "have not been adopted and are currently non-binding, though they are instructive," and directs readers to check back for updates on their status (New Jersey Department of Labor and Workforce Development 2026b). Independent legal analyses published in January and June 2026 reach the same conclusion: the comment period has closed and final rules have not been published (Epstein Becker Green 2026; Foley and Lardner LLP 2026). Under New Jersey administrative procedure, a proposal that is not adopted within the permitted window lapses and must be re-proposed, so the possibility that these rules are adopted, modified on adoption, or allowed to expire all remain open as of this writing. The Department nonetheless signals through its guidance that it expects employers to treat the proposal as the best available statement of its interpretive views, and cautious employers are widely advised to conform to it pending adoption (Foley and Lardner LLP 2026).

Everything that follows in this section describes the proposal's content. None of it is binding law as of July 14, 2026.

3.2 The proposed 60 percent cap on pay range spreads

The proposal's most consequential provision, and the one without precedent in any other state, concerns pay ranges. Where an employer chooses to post a range rather than a single figure, proposed N.J.A.C. 12:74-4.1(b) would require that "the range spread from minimum hourly rate of pay or salary to maximum hourly rate of pay or salary shall be no more than 60 percent of the minimum hourly rate of pay or minimum annual salary" (57 N.J.R. 2220(a)). The proposal spells out the arithmetic: subtract the minimum from the maximum, divide the result by the minimum, and multiply by 100 (57 N.J.R. 2220(a)). A companion provision, proposed N.J.A.C. 12:74-4.1(c), would prohibit open-ended ranges outright; a posting of "$17.00 per hour and up" would not comply, because a range must contain both a bottom and a top number (57 N.J.R. 2220(a)).

The practical effect is that a posted maximum could not exceed 160 percent of the posted minimum. A $20.00 hourly minimum would permit a maximum of no more than $32.00; a $120,000 salary minimum would permit a maximum of no more than $192,000. The Department's worker-facing guidance illustrates the line with concrete examples. A Line Cook posting of $27 to $29 per hour and a Registered Nurse posting of $95,000 to $115,000 per year would comply. A Line Cook posting of $27 to $44 per hour would not, because 160 percent of $27 is $43.20; a Registered Nurse posting of $95,000 to $155,000 would not, because 160 percent of $95,000 is $152,000; and a posting of $100,000 to $165,000 would not, because its $65,000 spread is 65 percent of the minimum (New Jersey Department of Labor and Workforce Development 2026b).

The proposal contains one exception. Ranges fixed by a collective bargaining agreement, or set by statute, regulation, or local ordinance, would sit outside the cap, and the employer could advertise the range so established (57 N.J.R. 2220(a)). If adopted, the cap would make New Jersey the first state to prescribe by regulation exactly how wide a posted pay range may be, a design choice that squarely addresses a practice critics of transparency laws elsewhere have documented: technically compliant postings with ranges so wide they convey little information. Employer commenters, for their part, argued that a fixed percentage cap fits some occupations and pay structures poorly and urged flexibility (New Jersey Business and Industry Association 2025). The Department will state its response to comments if and when it adopts the rules.

3.3 A defined meaning of benefits, and the end of vague phrasing

The statute requires a "general description of benefits" without saying what benefits means. Proposed N.J.A.C. 12:74-2.1 would define the term to cover fringe benefits "including, but not limited to, health insurance, life insurance, disability insurance, paid time off (including vacation, holidays, personal leave, and sick leave), training, and pension" (57 N.J.R. 2220(a)). The Department's guidance draws the operational consequence: a posting should name the benefits actually offered, and shortcuts like "great benefits offered" or "health insurance and more" will not do (New Jersey Department of Labor and Workforce Development 2026b). The proposal would similarly define "other compensation programs" as methods of compensation beyond traditional wages, such as commissions, bonuses, and profit-sharing (57 N.J.R. 2220(a)), so a posting for a commissioned role would need to say that commissions are part of the package.

3.4 Third-party postings: liability and the safe harbor link

Modern hiring runs through job boards, staffing platforms, and aggregators, and the proposal addresses who answers for a noncompliant advertisement on a third-party site. Under proposed N.J.A.C. 12:74-4.1(d), the employer would be cited only when it either retains control over the advertisement's content or has expressly agreed or contracted to relinquish that control to the third party (57 N.J.R. 2220(a)). The proposal works through the scenarios: an employer that supplies the content to a job site, or that supplies the underlying information and lets the site write the advertisement, would be responsible for the result; an employer whose posting appears on a site that automatically scrapes and aggregates listings from the internet without the employer's involvement would not be (57 N.J.R. 2220(a)).

The proposal also offers a cure. Under proposed N.J.A.C. 12:74-4.1(e), an internet advertisement that lacks the required content would nonetheless comply if it contains a link that immediately and without barriers takes the viewer to a page where all required information is clearly visible, provided the originating advertisement identifies the employer, the position, and the fact that the link leads to the pay and benefits information (57 N.J.R. 2220(a)). For employers managing hundreds of postings across platforms with rigid formatting, this link-out mechanism would be the principal practical compliance route, and employer commenters urged the Department to preserve it (New Jersey Business and Industry Association 2025). Separately, the Department's guidance notes that a third-party job board can itself be liable as an "employer" when it functions as an employment agency, a term the proposal would define by reference to the Division of Consumer Affairs' licensing definition (New Jersey Department of Labor and Workforce Development 2026b; 57 N.J.R. 2220(a)).

3.5 Reasonable efforts for promotions, defined

The statute requires reasonable efforts to make promotional opportunities known but does not say what suffices. Proposed N.J.A.C. 12:74-3.1(b) would define the phrase as two concrete acts: conspicuously posting notice of the opportunity in workplace locations accessible to all employees in the affected department or departments, and, if the employer maintains an internet or intranet site for the exclusive use of its employees to which all employees have access, posting the notice there as well (57 N.J.R. 2220(a)). The statutory exemptions carry over unchanged: promotions awarded on the basis of years of experience or performance, and promotions made on an emergent basis due to an unforeseen event, would not require notice (57 N.J.R. 2220(a)). The proposal would also fix the vocabulary, defining a promotion as a change in job title with an increase in compensation and a transfer as a change in job title with no increase in compensation (57 N.J.R. 2220(a)).

3.6 Penalty factors, hearings, complaints, and other clarifications

The remainder of the proposal supplies the administrative machinery. In setting a penalty within the statutory maximums, the Commissioner would weigh the seriousness of the violation, the employer's history of previous violations, the employer's good faith, the size of the employer's business, and any other factors the Commissioner deems appropriate (57 N.J.R. 2220(a)). Before any penalty issues, the employer must receive written notice of the violation and the proposed amount and may demand a formal hearing, with the demand due within 15 business days of the notice; disputes may first be routed to an informal settlement conference, unresolved cases proceed to the Office of Administrative Law, the Commissioner renders the agency's final decision, and review from there runs to the Appellate Division of the New Jersey Superior Court (57 N.J.R. 2220(a)). Complaints would be processed in the same manner as complaints under the New Jersey Wage and Hour Law (57 N.J.R. 2220(a)).

Two further clarifications are worth noting. The proposal would restate the statute's one-violation counting rules for multi-forum postings of a single opening or promotion, and it would carve out the New Jersey Civil Service Commission's examination announcements, which the Department reasons are notices of examinations, not of job or transfer opportunities (57 N.J.R. 2220(a)). Finally, the Department's own impact statements accompanying the proposal observe that most of the proposed rules mirror the Act, that the Department anticipates no effect on job creation or loss, and, notably for Section 5 of this report, that “there are currently no Federal standards or requirements relating to the publication of notifications by employers of promotion, new job, and transfer opportunities” (57 N.J.R. 2220(a)).

The table below summarizes the division of labor between the binding statute and the pending proposal.

Topic	Enacted statute (binding since June 1, 2025)	Proposed N.J.A.C. 12:74 (not adopted; non-binding)
Pay disclosure	Hourly wage or salary, or a range, in every internal or external posting for a new job or transfer opportunity.	Restates the duty; adds that any range must have both a bottom and a top number.
Range width	No limit stated.	Spread capped at 60 percent of the minimum; open-ended ranges

Topic	Enacted statute (binding since June 1, 2025)	Proposed N.J.A.C. 12:74 (not adopted; non-binding)
		prohibited; exception for ranges set by collective bargaining agreement, law, rule, or ordinance.
Benefits	A general description of benefits and other compensation programs.	Benefits defined (health, life, and disability insurance; paid time off; training; pension); vague phrases such as great benefits offered would not comply.
Third-party postings	Not addressed.	Employer liable only if it controls the content or expressly relinquished control; automatic aggregators excluded; compliant-link cure available.
Promotions	Reasonable efforts to notify affected departments; exemptions for experience or performance-based and emergent promotions.	Reasonable efforts defined as conspicuous workplace posting plus posting on any all-employee internet or intranet site; promotion and transfer defined.
Temporary help and consulting firms	No posting disclosure for speculative future openings; information required at interview or hire for a specific opening.	Restates the statutory rule.
Penalties and process	Up to $300 first violation, $600 each subsequent; one violation per opening or promotion across forums; summary collection.	Adds penalty factors (seriousness, history, good faith, employer size); notice, 15-business-day hearing request, Office of Administrative Law process, appeal to the Appellate Division; complaints processed as under the Wage and Hour Law.

4. Enforcement in Practice

4.1 The enforcement design

The Act's enforcement architecture is administrative from end to end. The Commissioner of Labor and Workforce Development assesses and collects the civil penalties; the Division of Wage and Hour Compliance receives and investigates complaints; contested penalties move through the state's administrative hearing process; and judicial review runs to the Appellate Division. Because there is no private right of action, no employer faces a lawsuit from an applicant or employee under this Act, and no worker can obtain damages under it. The scheme's leverage therefore comes from three sources: the per-opening penalty exposure for employers with high posting volume, the reputational weight of public enforcement announcements, and the Department's capacity to convert complaints and its own monitoring into compliance.

4.2 The Department's opening initiative: March 18, 2026

The Department's opening enforcement move set the tone. On March 18, 2026, NJDOL publicized the outcome of what it described as its “first affirmative enforcement initiative” under the law. During the rollout period, the Department's Office of Strategic Enforcement and Compliance had reached out to major employers in sectors that included banking and finance, technology, health care, energy, restaurants and food service, grocery chains, pharmaceuticals, consumer goods, and public school districts. Forty-two of those employers, whose postings at first fell short of the law's requirements, worked with the Department to fix or take down the offending postings and to put safeguards in place against repeat problems (New Jersey Department of Labor and Workforce Development 2026a).

The resolutions took the form of Assurances of Voluntary Compliance, and, in light of the employers' cooperation and pledges of future compliance, the Department waived all penalties that could have been assessed (New Jersey Department of Labor and Workforce Development 2026a). The published list of 42 employers includes nationally recognized names such as Merck, Samsung Electronics America, Bank of America, Panasonic Corporation of North America, Becton Dickinson, Darden Restaurants, Verisk Analytics, Zoetis, and Seton Hall University, alongside regional health systems, supermarket operators, franchise restaurant groups, and the Delran Township, Rockaway Township, and West Essex Regional school districts (New Jersey Department of Labor and Workforce Development 2026a). Acting Commissioner Kevin D. Jarvis framed the initiative as a partnership with employers to empower workers seeking new opportunities (New Jersey Department of Labor and Workforce Development 2026a).

Two observations follow, and both are descriptive rather than evaluative. First, the initiative confirms that the Department is monitoring postings affirmatively rather than waiting for complaints; the release itself contrasts the approach with traditional complaint-driven investigation (New Jersey Department of Labor and Workforce Development 2026a). Second, the choice to waive penalties for cooperating employers signals an education-first posture in the law's first enforcement cycle. Whether that posture persists, and whether penalties are assessed against employers who do not cooperate, are among the monitoring indicators identified in Section 9. Readers should also note the administration context: the initiative was announced under the administration of Governor Mikie Sherrill and Lieutenant Governor Dale G. Caldwell, which took office in January 2026, and under an Acting Commissioner; the proposal itself had been issued under the prior Commissioner in 2025. This report draws no inference from those facts beyond their bearing on the rulemaking's timeline.

4.3 The per-opening penalty mechanic

The March 2026 release also clarified how the statute's counting rules operate when an employer advertises at scale. The statute provides that all postings for one opening count as a single violation. The

Department's guidance and the release supply the converse rule: where an employer advertises more than one opening and the postings do not comply, each opening is a separate violation carrying its own penalty (New Jersey Department of Labor and Workforce Development 2026a, 2026b). An employer running one noncompliant posting template across 50 open requisitions therefore faces exposure not to one penalty but to 50, with the first at up to $300 and each subsequent at up to $600. For high-volume employers, the arithmetic converts nominally modest penalty amounts into a material compliance incentive, which is presumably the design.

5. The Federal Legal Landscape

New Jersey legislated into a field the federal government has not occupied. No federal statute requires employers to disclose pay in job postings, a point the Department's own rulemaking documents make expressly: the proposal's Federal Standards Statement records that “there are currently no Federal standards or requirements relating to the publication of notifications by employers of promotion, new job, and transfer opportunities” (57 N.J.R. 2220(a)). What federal law does supply is a set of adjacent guarantees, protections for discussing pay and prohibitions on discriminatory pay, that form the backdrop against which every state transparency law operates. This section describes that backdrop and then, in Section 5.5, explains precisely how the New Jersey Act fits within it.

5.1 The right to discuss pay: National Labor Relations Act section 7

Section 7 of the National Labor Relations Act has, since 1935, guaranteed most private sector employees the right to engage in “concerted activities” for “mutual aid or protection” (29 U.S.C. § 157). The National Labor Relations Board and the federal courts have long read that guarantee to protect employees who discuss their wages with one another, and to prohibit employer rules or retaliation that suppress such discussion. Section 7 is thus the oldest federal pay transparency protection, but it is transparency of a particular kind: it protects information exchange among employees who already hold the information. It does not require an employer to disclose anything to anyone, and it does not reach applicants viewing a job posting. The Act's coverage also has categorical limits; supervisors, agricultural laborers, domestic workers, independent contractors, and most public sector employees fall outside it (29 U.S.C. §§ 152, 157). Those gaps are part of why state legislatures have treated posting mandates as complements to, rather than duplicates of, federal law.

5.2 Prohibitions on discriminatory pay: the Equal Pay Act and Title VII

The Equal Pay Act of 1963, an amendment to the Fair Labor Standards Act, prohibits paying employees of one sex less than employees of the other sex for equal work on jobs requiring equal skill, effort, and responsibility, performed under similar working conditions in the same establishment, subject to four statutory defenses: “(i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex” (29 U.S.C. § 206(d)(1)). Title VII of the Civil Rights Act of 1964 prohibits compensation discrimination on the broader grounds of race, color, religion, sex, and national origin (42 U.S.C. § 2000e-2). Together these statutes make discriminatory pay unlawful; neither makes pay visible. A worker cannot invoke either statute against a disparity she does not know exists, which is the informational problem transparency legislation is designed to address and the reason sponsors of such legislation routinely frame disclosure as an enforcement aid to the antidiscrimination laws (Norton 2025).

5.3 The Lilly Ledbetter Fair Pay Act of 2009

The connection between information and enforcement is written into the most recent major federal pay statute. In *Ledbetter v. Goodyear Tire and Rubber Co.*, 550 U.S. 618 (2007), the Supreme Court held that the Title VII charging period ran from the original discriminatory pay decision, even where the employee, like Lilly Ledbetter, did not learn of the disparity until years later. Congress responded with the Lilly Ledbetter Fair Pay Act of 2009, under which liability attaches anew with every paycheck that carries a discriminatory compensation decision forward, so the charging period restarts each time such a payment is made (Pub. L. No. 111-2, 123 Stat. 5). Congress's findings in the Act state that the Court's rule ignored the realities of wage discrimination (Pub. L. No. 111-2, § 2). The Ledbetter Act fixed the timing problem created by hidden pay disparities; it did not, and does not, require disclosure of pay itself. State posting mandates address the information gap directly, at the front end of the employment relationship.

5.4 Proposed federal transparency legislation, and a rescinded contractor rule

Congress has repeatedly considered, and has not enacted, affirmative disclosure requirements. Two bills define the current landscape. The Salary Transparency Act would amend the Fair Labor Standards Act to require employers to disclose the wage range in postings, to applicants, and to existing employees for their positions; Delegate Eleanor Holmes Norton introduced it as H.R. 1599 in the 118th Congress and reintroduced it as H.R. 2007 in the 119th Congress on March 10, 2025; the House referred it to the Committee on Education and Workforce, where it sits today (Salary Transparency Act, H.R. 2007, 119th Cong. (2025); Norton 2025). The Pay Equity for All Act would take the complementary approach of restricting reliance on salary history: it would bar employers from screening applicants by prior pay, from setting wages by reference to wage history except where the applicant volunteers it to support a higher offer, and from retaliating against those who assert the Act's protections, enforced through civil penalties and a private action for damages (Pay Equity for All Act of 2023, H.R. 1600, 118th Cong. (2023)). H.R. 1600, introduced March 14, 2023, remains the most recent standalone version of that bill; measures lapse at the end of each two-year Congress, and its provisions were carried forward in the 119th Congress within section 10 of the Paycheck Fairness Act (S. 1115, 119th Cong. (2025)), which likewise remains in committee. None of these measures has become law, and this report takes no position on whether any should.

One federal development moved in the other direction. Executive Order 13665 of 2014 had amended Executive Order 11246 to bar federal contractors from discharging or disciplining employees for discussing their compensation (Exec. Order No. 13,665, 79 Fed. Reg. 20,749 (Apr. 8, 2014)). On January 21, 2025, Executive Order 14173 revoked Executive Order 11246, and the contractor pay-discussion protection built on it fell with the revocation (Exec. Order No. 14,173, 90 Fed. Reg. 8,633 (Jan. 31, 2025)). Employees of federal contractors retain their section 7 rights where the NLRA covers them, and, in New Jersey, the state protections described below. The rescission is noted here as a factual change in the federal baseline, without evaluation.

5.5 How New Jersey law applies alongside federal law

Because readers frequently ask whether state and federal requirements conflict, this subsection states the relationship exactly.

There is no preemption problem. Employment regulation of this kind lies within the states' traditional police powers, and federal law preempts state law in this area only where Congress says so or where compliance with both is impossible. Neither condition is present. No federal statute addresses pay disclosure in postings at all, so New Jersey's requirement neither conflicts with nor duplicates a federal command; the Department's Federal Standards Statement, quoted above, makes the same point in the rulemaking record (57 N.J.R. 2220(a)). An employer can comply fully with the NLRA, the Equal Pay Act, Title VII, and N.J.S.A. 34:6B-23 simultaneously, because they regulate different conduct.

Federal law is a floor; New Jersey builds on it. The practical stack for a covered New Jersey employer runs as follows. Federal law prohibits discriminatory pay (Equal Pay Act; Title VII) and protects covered employees who discuss pay among themselves (NLRA section 7). New Jersey law adds its own layers: the Law Against Discrimination protects employees who request, discuss, or disclose compensation information from retaliation (N.J.S.A. 10:5-12(r)); the Diane B. Allen Equal Pay Act of 2018 strengthened the state's substantive equal pay guarantee beyond the federal standard (P.L. 2018, c. 9); a statewide salary history restriction has, since January 2020, barred most employers from screening applicants by pay history (N.J.S.A. 34:6B-20); and the Pay and Benefits Transparency Act now requires affirmative disclosure in postings. Notably, the transparency Act and the salary history law form a pair: one requires the employer to reveal its number, and the other restricts the employer from demanding the applicant's.

The state law fills the federal gaps. Each federal protection described above has a boundary the New Jersey Act crosses. Section 7 protects incumbent employees' conversations but gives applicants nothing; the Act gives applicants the pay information at the posting stage. The Equal Pay Act and Title VII operate after a disparity exists and is discovered; the Act operates before hire, when the terms are set. The Ledbetter Act eased the timing consequences of late discovery; the Act reduces the likelihood of late discovery. And where the federal contractor protection was rescinded in 2025, the state statutes remain in force for New Jersey workplaces. Sponsors of the federal bills describe state laws such as New Jersey's as the model they seek to nationalize (Norton 2025); opponents of a federal mandate argue the states are the proper level for such experimentation. Both positions are part of the public record, and this report endorses neither.

Multistate employers face a patchwork, and New Jersey is one of its stricter pieces. Because Congress has not legislated, employers hiring across state lines comply with each applicable state regime. Colorado enacted the first posting mandate, effective in 2021, and by mid-2026 statewide pay transparency laws were in force in well over a dozen jurisdictions, with roughly thirteen, including California, Colorado, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, New York, Vermont, Washington, Virginia as of July 1, 2026, and the District of Columbia, requiring the range in the posting itself, and further laws, such as Delaware's, scheduled to take effect later (Teamed 2026; Foley and Lardner LLP 2026). Counts differ across published trackers because the laws vary in scope, threshold, and effective date; the durable point is the trend line. Many of these laws, New Jersey's included, reach remote positions performable from within the state, so a single national posting can trigger several states' rules at once. In practice, compliance advisers counsel multistate employers to draft to the strictest applicable standard, and if New Jersey adopts the 60 percent range cap, New Jersey would define that standard for range width nationally (Foley and Lardner LLP 2026).

6. Measured Effects and Affected Populations: What the Evidence Shows

A policy analysis that stopped at the statute's text would leave the most common questions unanswered: what problem is the law aimed at, and what do laws like it actually do? This section answers both with data, drawing on federal statistical agencies for the wage gap context, on the peer-reviewed economics literature for the measured effects of transparency policies, and on labor market data for how posting behavior has already changed. The evidence points in more than one direction, and all of it is reported.

6.1 The national wage gap context

The most recent federal data describe a persistent and recently widening gender pay gap. Census Bureau data for 2024, released in September 2025, show that women working full time, year round were paid 81 cents for every dollar paid to men, down from 83 cents in 2023 and 84 cents in 2022, which the National Women's Law Center, a pay-equity advocacy organization, characterized as the first two-year consecutive widening in the recorded series (National Women's Law Center 2025). In dollar terms, median earnings for men working full time, year round rose 3.7 percent to $71,090 in 2024, while the comparable figure for women, $57,520, did not change significantly (Equal Rights Advocates 2025). The disparities compound by race and ethnicity: in the 2024 data, Black women working full time, year round were paid 65 cents, and white, non-Hispanic women 77 cents, for every dollar paid to white, non-Hispanic men (National Women's Law Center 2025); in the 2023 data, the comparable figures were 66.5 cents for Black women, 57.8 cents for Latinas, and 94.2 cents for Asian women (Institute for Women's Policy Research 2024).

Two official series corroborate the magnitude with different methods. The Bureau of Labor Statistics reports that women who were full-time wage and salary workers in 2024 had median usual weekly earnings equal to 83 percent of men's, a ratio that has moved within the 81 to 84 percent band since 2010 after rising from 62 percent in 1979 (Bureau of Labor Statistics 2025). American Community Survey estimates for 2024 likewise put women's median earnings at 83 percent of men's among full-time, year-round workers, of whom women were 44 percent (U.S. Census Bureau 2026). These broad ratios do not control for occupation, hours, experience, or other compensable factors, a limitation the agencies themselves state (Bureau of Labor Statistics 2025); they measure the aggregate gap, not the portion attributable to discrimination. Both the raw gap and its contested decomposition are part of the policy debate around transparency laws.

6.2 The New Jersey picture

New Jersey's own numbers frame the state law. In 2023, the most recent year covered by the Bureau of Labor Statistics' state release, New Jersey women who were full-time wage and salary workers had median usual weekly earnings of $1,168, against $1,497 for their male counterparts, a women's-to-men's ratio of 78.0 percent, below the national 83.6 percent for that year and down from the state's 83.5 percent in 2022 (Bureau of Labor Statistics, Mid-Atlantic Information Office 2024). The Bureau cautions that state estimates carry larger sampling error than national ones and reflect each state's occupational and industrial mix, so single-year state movements should be read carefully (Bureau of Labor Statistics, Mid-Atlantic Information Office 2024). Jersey City's municipal council, in the preamble to its own transparency ordinance, cited the gender gap and its racial dimensions as the ordinance's motivating problem (Jersey City Ordinance 22-045). Current state-by-state gap figures, disaggregated by race and ethnicity, are maintained by the National Women's Law Center from American Community Survey data (National Women's Law Center 2026).

6.3 What peer-reviewed research finds about transparency policies

New Jersey's law is too new for its own effects to be measured, but earlier transparency policies elsewhere have been studied with strong research designs, and the findings are consistent enough to summarize with confidence.

- **Transparency narrows gender pay gaps.** A 2006 Danish law requiring firms to produce gender-disaggregated wage statistics reduced the gender pay gap in treated private firms by about 2 percentage points, a 13 percent reduction relative to the pre-law mean, primarily by slowing wage growth for men; the mandate did not reduce firm profitability (Bennedsen et al. 2022). Canadian public sector salary disclosure laws, which put individual university faculty salaries above a threshold into the public record, reduced the faculty gender pay gap by roughly 20 to 30 percent (Baker et al. 2023). A study of United States public university systems similarly found that moving salaries into easily accessible public databases reduced pay inequity, including gender gaps, and compressed pay inequality (Obloj and Zenger 2022).
- **Some transparency designs also lower average wages.** Cullen and Pakzad-Hurson (2023) model wage bargaining when pay is visible and show that transparency reduces workers' individual bargaining power, because an employer that raises one visible wage invites renegotiation from everyone; testing the model against United States state laws protecting workers' right to discuss pay, they find average wages declined by approximately 2 percent, with the smallest declines where workers had little individual bargaining power to begin with. The distributional implication is direct: the workers with the least bargaining power, who gain the most information from transparency, lose the least from this equilibrium effect.
- **Design details determine outcomes.** A synthesis of the literature concludes that the effects of transparency depend on what is disclosed and to whom: policies revealing pay across coworkers tend to compress wages and narrow gaps, while disclosure of pay ranges to applicants, the design New Jersey adopted, operates mainly by improving the information job seekers bring to search and negotiation (Cullen 2024). Posting-mandate laws of New Jersey's type are newer than the coworker-disclosure policies studied above, and their long-run wage effects are still being measured; this report does not extrapolate the Danish or Canadian point estimates to New Jersey.

Read together, the literature supports two nonpartisan statements. Proponents can accurately say that transparency policies have measurably narrowed gender pay gaps where studied. Skeptics can accurately say that at least one class of transparency policies has also modestly slowed average wage growth. Both statements are true, they are not contradictory, and an informed reader should hold both.

6.4 How posting behavior has already changed

The labor market has moved faster than the statute books. According to Indeed's Hiring Lab, which tracks the share of United States postings on its platform containing explicit pay information, that share stood at 52.2 percent in September 2023 and 57.8 percent in September 2024, and reached 59 percent by May 2025, the month before New Jersey's law took effect; the underlying monthly series, published openly, shows the share roughly tripling since early 2020 (Indeed Hiring Lab 2024, n.d.; Indeed 2025). Hiring Lab's economists attribute part of the rise to state laws, noting that the jurisdictions with the largest year-over-year transparency gains have been those where new laws took effect, and that employers in Maryland moved into compliance in advance of that state's effective date (HR Dive 2024). The same data show a private incentive operating alongside the legal one: postings that include employer-provided salary information receive 3.8 times as many applications as postings that do not (Indeed 2025).

For New Jersey audiences, the practical meaning is that disclosure is now both the legal norm within the state and, increasingly, the market norm beyond it. For workers in communities that have historically had the least access to informal salary information, including workers changing industries, workers without professional networks, and workers navigating the labor market in a second language, the posting itself now carries information that previously traveled through channels unevenly available. The Department's guidance is explicit that its complaint process is open to workers regardless of immigration status, that multilingual staff are available, and that a trusted person, including a union or community organization representative, may file on a worker's behalf (New Jersey Department of Labor and Workforce Development 2026b).

6.5 Stated purposes and stated concerns, side by side

Fairness to both sides of the policy debate requires stating each side's strongest documented position. The law's proponents, including its sponsors and the Department, describe it as a tool to let job seekers judge offers before applying, to let incumbent workers benchmark their own pay against what is advertised for similar work, and thereby to narrow gaps that persist in the aggregate data summarized above (New Jersey Department of Labor and Workforce Development 2025, 2026b; Norton 2025 states the parallel rationale for the federal bills). Employer organizations that commented on the proposed rules did not, in the main, contest the statute's disclosure principle; their concerns ran to the proposal's additions, principally that a fixed 60 percent range cap fits heterogeneous pay structures poorly, that third-party posting liability must remain workable for small businesses recruiting through job boards, and that portions of the proposal may exceed the statute the Legislature wrote (New Jersey Business and Industry Association 2025). The economics literature, as Section 6.3 shows, contains evidence each side cites. The Department's response to the comments, if and when it adopts the rules, will be the next authoritative document in this record.

7. The Local Layer: Jersey City's Pay Transparency Ordinance

New Jersey's state law did not arrive on a blank slate. Jersey City adopted a municipal pay transparency requirement in 2022, three years before the state law took effect, and the ordinance remains in force alongside the statute. Employers connected to Jersey City therefore answer to two overlapping regimes, and in several respects the municipal one is stricter.

7.1 What the ordinance requires

The Municipal Council adopted the original measure, Ordinance 22-026, on March 23, 2022, as an amendment to Chapter 148 of the city code, the chapter governing discrimination, and then adopted a clarifying amendment, Ordinance 22-045, by an 8 to 0 vote on June 15, 2022; Mayor Steven M. Fulop approved it the following day (Jersey City Ordinance 22-026; Jersey City Ordinance 22-045). As amended, section 148-4.1 obligates any employer, employment agency, or employer's agent headquartered in Jersey City that advertises jobs, transfers, or promotions through any medium reaching the city's residents, whether the position is permanent or temporary, to state both a minimum and a maximum annual salary or hourly wage, together with benefits, in the advertisement itself (Jersey City Ordinance 22-045).

The ordinance supplies its own good-faith standard for the range, which “may extend from the lowest to the highest salary the employer in good faith believes at the time of the posting it would pay” for the advertised opportunity (Jersey City Ordinance 22-045). For purposes of the requirement, an employer is one with “five (5) or more persons in their employ within Jersey City on the date of the notice or advertisement,” and, unusually, people engaged as independent contractors who further the employer's business are counted as employees toward that five (Jersey City Ordinance 22-045). The ordinance's preamble states its rationale in the council's own words: the city sought to help combat the wage gap for minority members of its community, reciting that “women earn 84% of what men make for the same work or position” and that minority workers, and minority women in particular, are paid less still (Jersey City Ordinance 22-045). Complaints about the posting requirement go to the city's Office of Code Compliance, either directly or by referral from the Women's Advisory Board, with prosecution available under the city code's general penalty chapter (Jersey City Ordinance 22-045; City of Jersey City, Women's Advisory Board n.d.).

7.2 How the ordinance and the state law fit together

The two regimes are cumulative, and an employer subject to both must satisfy both. The points of difference matter in practice. The ordinance reaches smaller employers: five or more employees within Jersey City, counting independent contractors, against the statute's ten or more employees counted enterprise-wide. The ordinance requires a minimum and a maximum in every case, so a single-figure posting or an open-ended range does not satisfy it; the statute permits a single figure, and its proposed regulations would bar open-ended ranges statewide if adopted. The ordinance is anchored to employers with a principal place of business in the city, while the statute turns on doing business, employing persons, or taking applications anywhere in the state. And the ordinance is enforced through the municipal code compliance process rather than the Department of Labor and Workforce Development. Nothing in the state Act displaces the ordinance; indeed, the proposed state regulations expressly accommodate local law by exempting from the 60 percent cap any range spread established by local ordinance (57 N.J.R. 2220(a)). For a Jersey City employer, the conservative course is a posting with a good-faith minimum and maximum and a concrete benefits description, which satisfies both regimes at once.

8. Practical Guidance

This section translates the foregoing analysis into plain steps. It is general information, not legal advice, and it is written for both audiences the law touches: the worker or applicant who encounters a posting that omits pay, and the employer that must build compliant postings.

8.1 For workers and applicants

If a posting for a New Jersey job omits the pay, the pay range, or the description of benefits and other compensation, the law's remedy is a complaint to the Department of Labor and Workforce Development, not a lawsuit; the Act gives individuals no private right of action. The Department accepts complaints online through its secure system, and by mail or fax; in the online form's Complaint Reason Details section, complainants are directed to check Other and describe the pay transparency violation (New Jersey Department of Labor and Workforce Development 2026b). The Department's guidance identifies what a well-supported complaint contains, and the following points reflect it (New Jersey Department of Labor and Workforce Development 2026b).

- **Preserve the posting itself.** Print or download a copy showing the date and the web address where it appeared. Online postings change or disappear, and the Department cautions that a bare web link may expire before an investigator can review it.
- **Explain when and how you learned of the violation.** A short factual statement anchors the complaint.
- **For promotion cases, describe the missing notice.** If a promotional opportunity was not made known to workers in an affected department, say so in the statement of facts.
- **For temporary work, document the interview or hire stage.** Temporary help service firms owe the pay and benefits information at interview or hire for a specific opening, so that is the stage a complaint should document.
- **You do not have to file alone.** A trusted person, including a representative of a union or a community-based organization, may help file or may write to the Department on a worker's behalf, and the Department publishes a guide for worker rights organizations submitting wage and hour complaints.

Two assurances in the Department's guidance deserve emphasis for the communities ARA serves. The Department states that it assists and protects workers in New Jersey regardless of immigration status, and it maintains multilingual staff and translated materials so that workers can engage with the process in their own language (New Jersey Department of Labor and Workforce Development 2026b). After a complaint is filed, the Department reviews it and the supporting documentation, determines whether to investigate, may notify the employer and assess a penalty if a violation occurred, provides the employer information on future compliance, and affords the employer an opportunity to contest the assessment (New Jersey Department of Labor and Workforce Development 2026b).

8.2 For employers

Compliance is chiefly a matter of building the right posting template and the right process around it. The steps below follow from the statute, the Department's guidance, and, where noted, the proposed rules that careful employers are being advised to follow pending adoption (New Jersey Department of Labor and Workforce Development 2026b; Foley and Lardner LLP 2026).

- **Determine coverage first.** Count the entire workforce, inside and outside New Jersey, against the 10-employee, 20-week threshold, and treat the current and previous calendar year as the measuring period. Then ask whether the organization does business in New Jersey, employs persons there, or takes applications there, including applications from New Jersey residents for remote-capable roles. An employer with its principal place of business in Jersey City and five or more employees in the city, counting independent contractors, is separately covered by the municipal ordinance.
- **Put pay and benefits in every covered posting, internal and external.** State the hourly wage or salary, or a bounded range, and describe the actual benefits, for example health insurance, paid time off, and retirement benefits, along with other compensation such as commissions or bonuses where offered. Avoid placeholder phrases; the Department's guidance treats formulations such as great benefits offered as noncompliant.
- **If posting a range, keep it disciplined.** The statute permits any bounded range, but the proposed rules would cap the spread at 60 percent of the minimum and prohibit open-ended ranges. An employer that keeps posted maximums at or below 160 percent of posted minimums complies with the proposal as written and loses nothing under the statute; ranges set by collective bargaining agreement, law, rule, or ordinance would be exempt from the cap.
- **Manage third-party channels deliberately.** Under the proposal, responsibility follows control of the advertisement's content. Where a platform's format cannot carry the full information, the proposal's link-out cure, an unobstructed link to a page with all required content, identified as such and naming the employer and position, would preserve compliance. Contracts with recruiters, staffing firms, and job boards should allocate these duties explicitly.
- **Build a promotion notice routine.** Post promotional opportunities conspicuously where all employees in the affected department can see them, and on any all-employee intranet or internet site, before deciding. Document which promotions rest on years of experience or performance, since those are exempt from notice, and reserve the emergent-basis exception for genuinely unforeseen events.
- **Keep records and monitor the rulemaking.** Retain copies of postings as published, since complaints and investigations center on posting content, and watch the New Jersey Register for a notice of adoption, which could modify the proposed requirements described in this report.

Finally, employers should weigh the enforcement arithmetic described in Section 4.3: penalties accrue per noncompliant opening, so a single flawed template propagated across many requisitions multiplies exposure. The Department's first initiative resolved matters cooperatively and waived penalties, but the release announcing it frames that outcome as a product of good-faith cooperation, not a ceiling on future enforcement (New Jersey Department of Labor and Workforce Development 2026a).

9. Conclusion and Monitoring Indicators

Three findings carry this report, and they bear restating plainly. New Jersey has an enacted, binding pay transparency statute: since June 1, 2025, covered postings must carry pay or a pay range and a real description of benefits, promotional opportunities must be made known to affected employees, and the Department of Labor and Workforce Development enforces the scheme administratively, so far through cooperation rather than penalties. The most demanding elements attributed to the law in public discussion, above all the 60 percent cap on range spreads, are not law: they sit in a regulatory proposal that closed for comment on November 14, 2025 and remained unadopted as of July 14, 2026. And the law operates in a space the federal government has left open, complementing federal protections for pay discussion and against pay discrimination, alongside a stricter municipal ordinance in Jersey City and a widening set of sister-state statutes, against an evidentiary record showing that transparency policies narrow measured pay gaps while some designs also modestly restrain average wage growth.

The second finding is the one most likely to change first. ARA will therefore track the indicators below; movement on any of them would prompt an update to this analysis:

- **Adoption, modification, or lapse of N.J.A.C. 12:74.** A notice of adoption in the New Jersey Register, with the Department's responses to comments, would convert the proposal's requirements into binding rules, possibly in changed form; if the proposal is not adopted within the window New Jersey administrative procedure allows, it would expire and require re-proposal.
- **The Department's enforcement posture.** Further initiatives by the Office of Strategic Enforcement and Compliance, the first assessed and unwaived penalties, and the first contested cases to reach the Office of Administrative Law or the Appellate Division would show whether the education-first phase is transitional.
- **Federal legislative movement.** Committee or floor action on the Salary Transparency Act (H.R. 2007) or on the Paycheck Fairness Act (S. 1115), either of which would begin to nationalize requirements New Jersey now imposes alone with its sister states.
- **The multistate trajectory.** Effective dates arriving elsewhere, including Virginia's July 1, 2026 requirement and Delaware's 2027 law, and any state's adoption of a range-width rule comparable to New Jersey's proposal, which would signal convergence on posting quality rather than mere posting presence.
- **New Jersey legislative activity.** Any bill amending N.J.S.A. 34:6B-23, including changes to the penalty structure, the coverage threshold, or the creation of a private right of action, would alter the enforcement analysis in Sections 2 and 4.
- **The data record.** The Census Bureau and Bureau of Labor Statistics earnings releases expected in the fall of 2026, covering calendar year 2025, will provide the first national wage gap readings for a period in which New Jersey's law was in force, and Indeed Hiring Lab's tracker will continue to measure the share of postings carrying pay information.

ARA will publish a plain-language summary of this report, a Spanish-language edition of that summary, and an accompanying presentation, and will update all of them if the legal status described here changes.

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About This Report

Agard Research Associates Inc. is a nonpartisan, nonprofit research institute based in New Jersey. This report is part of the ARA Policy Analysis Series. It neither supports nor opposes any political party, candidate, or piece of legislation; it presents the stated purposes of the measures analyzed alongside the documented evidence of their effects, and it identifies the institutional perspective of data sources where relevant. Citations follow the American Political Science Association's Style Manual for Political Science (Revised 2018 Edition) for in-text and reference entries, with legal authorities cited in Bluebook form (22nd ed. 2025).

This report provides general information only and does not constitute legal advice. All statements of legal and regulatory status are current as of July 14, 2026 and are subject to the rulemaking, enforcement, and legislative developments identified in Section 9. Procedural details, including legislative vote tallies drawn from the Legislature's online records, should be confirmed against the official journals before quotation in derivative materials.

Document control. Version 1.0, July 2026. Author: Alyssa I. Agard, President and Chief Executive Officer.

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