



Eye On Washington

Legislative Update



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New Jersey Department of Labor and Workforce Development Releases Guidance and Forms Regarding Equal Pay Protections

The New Jersey Department of Labor and Workforce Development (NJ DOL) has released guidance and forms in connection with the Diane B. Allen Equal Pay Act.

Background

On April 24, 2018, Governor Phil Murphy signed into law New Jersey's Diane B. Allen Equal Pay Act. The law provides that, effective July 1, 2018, any employer entering into a contract with the State of New Jersey or an instrumentality of the state for "qualifying services" or "public work" must provide to the New Jersey Department of Labor and Workforce Development (NJ DOL) wage and demographic data for its employees.

Who Must File a Report?

Any employer, regardless of location, who enters into a contract with a public body to provide "qualifying services" or "public work" must file a report.

"Public body" means the State of New Jersey or any agency or instrumentality of the state, and does not include county or local governments.

"Qualifying services" means the provision of any service to the State of New Jersey or to any other public body, except for public work.

"Public work" is defined as:

Construction, reconstruction, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program.

"Public work" shall also mean construction, reconstruction, demolition, alteration, custom fabrication, or repair work, done on any property or premises, whether or not the work is paid for from public funds, if, at the time of entering into the contract, the property or premises is owned by the public body or:

- (a) Not less than 55% of the property or premises is leased by a public body, or is subject to an agreement to be subsequently leased by the public body; and
- (b) The portion of the property or premises that is leased or subject to an agreement to be subsequently leased by the public body measures more than 20,000 square feet.

What Is Included?

The report must contain the following information about each affected employee: gender, race, ethnicity, job category, compensation, and number of hours worked by each employee.

New Jersey state contractors must provide this data for all employees who are employed in connection with a public work contract. Employers who contract with the state for qualifying services must provide the data for all employees.

Employers who contract for qualifying services must file a Form MW-353. Employers who contract for public work must file a Form MW-352.



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When to File

For employers filing reports for qualifying services, reports must be submitted annually by March 31 for the preceding year, using wage and demographic data from any pay period in the previous October through December.

For employers filing reports for public work contracts, reports must be submitted weekly.

How to File

The NJ DOL requires that reports be filed electronically and emailed to equalpayact@dol.nj.gov.

For more detailed instructions and information, please see the New Jersey Department of Labor and Workforce Development Website (<https://nj.gov/labor/equalpay/equalpay.html>), which provides detailed instructions and the forms for reports for contracts for qualifying services and contracts for public work.

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