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To: Members of the Assembly Labor Committee
From: Elissa Frank, NJBIA Vice President of Government Affairs
Date: September 18, 2024
RE: NJBIA Opposition to A-4625

On behalf of our member companies that make NJBIA the largest, most impactful association representing New Jersey businesses, I write to you in opposition to **Assembly Bill No. 4625** (Danielsen) which would set forth specific mandates for all employers publicly advertising job postings. NJBIA's members include businesses in nearly every market sector throughout the State, many of whom would be subject to this legislation's requirements. Our members have shared that it would be extraordinarily difficult to comply with this legislation given its sheer impracticality, vagueness, and costs.

First, compliance with this legislation is impractical for most businesses in the State. This legislation requires an employer to remove a job posting when a position has been filled within two weeks. This provision does not account for larger employers proactively hiring for positions with high turnover (i.e., cashiers, cleaning staff, night crew). To hire for these positions, many of which are open indefinitely, our members may have over 1,000 job postings on any given day. Thus, it would not be practical for businesses – or helpful to applicants – to mandate that employers remove each job posting only to replace it with an identical job posting. Furthermore, this legislation requires an employer to provide a timeframe in the job posting as to when the position is anticipated to be filled. For many vacant positions, the timeframe as to when the position is anticipated to be filled is unpredictable given several factors (i.e., number of qualified applicants, if an offer is accepted, the length of time to get candidates through the hiring process).

Additionally, this legislation requires that an employer, during the interview process, provide the applicant within the timeframe set forth in the job posting, with an affirmative response as to whether the position has been filled and whether the employer is still considering the applicant for the position. Given the volume of continuously open positions, it is very difficult to notify each applicant individually as to whether the position is still open and whether the candidate is still under consideration. Consequently, businesses may have to invest in additional resources to ensure compliance, leading to increased operational costs. New Jersey does not need to become an outlier on yet another labor mandate when we are already making it as challenging and costly as possible to run a business in the state.

Lastly, this legislation is vague, such that compliance is nearly impossible. For example, this legislation sets forth several mandates on employers during the hiring process but does not define what constitutes an “employer”. Similarly, this legislation places affirmative requirements on employers that are “aware or should reasonably be aware that a third-party job posting company posted the position independently of the employer . . .” but does not define what constitutes “awareness”; “reasonab[le] awareness”; and “third-party job posting company.” NJBIA respectfully requests clarification of these ambiguities, so that businesses can properly plan.

For these reasons, we respectfully request that you vote NO on A-4625. Thank you for taking our concerns and suggestions into consideration. If you have any questions or would like to further discuss this legislation, please do not hesitate to contact me at efrank@njbja.org.