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Governor Chris Christie Takes Action on Legislation to Advance Workplace Gender Equality

Friday, September 21, 2012

Tags: [Bill Action](#)

Trenton, NJ – Underscoring his commitment to vigorous enforcement of gender equality and equal compensation in the workplace, Governor Christie has signed commonsense legislation (A-2647) creating a statewide notice requirement for employers to directly and routinely advise their employees of the right to be free from pay and benefits discrimination. The bill requires every employer in this state with 50 or more employees to provide each current employee, as well as all new employees going forward, a written copy of an anti-discrimination notice. The notice must be presented anew before the end of every year and any time upon the request of a worker. Proof of delivery of the notice to each of the employees must be shown with a signature on the notice by every worker. "Everyone in the workplace – whether the employer or employee – needs to be on notice that, as with all forms of bias, compensation discrimination due to gender is illegal and has no place in our modern workforce," said Governor Christie. "Too often, women's value and contributions in the workplace have been undermined and shortchanged merely because of their gender. I fully endorse the Legislature's efforts in this regard, and that is why I signed this sensible, preventative measure into law." Governor Christie also lauded the intent behind two other related bills, both of which he conditionally vetoed with modest recommendations. In each of these bills, the Governor delivered the same critically important message: "For decades, New Jersey has led the nation's fight against unlawful discrimination in its many forms, and defined our country's path towards inclusion and progress for all. Our leadership has produced a workforce proudly reflective of our state's rich cultural, ethnic and gender diversity. While we celebrate the accomplishments that have enriched our communities, strengthened our families and broadened our businesses, we must remain vigilant against efforts to derail our combined progress." The Governor continued, "I support efforts that remind all those who work in our state of the need to root out discrimination, and to vigorously enforce our strong commitments to equality. Too often in our past, women have seen their incalculable contributions to the workplace succumb to ignorance." To that end, Governor Christie supports A-2650 to the extent that it conforms with the federal Lilly Ledbetter Fair Pay Act of 2009 and New Jersey's established case law. This bill regarding discriminatory compensation decisions or other wage-related employment practices that are unlawful under the Law Against Discrimination (LAD) effectively makes each paycheck an employee receives another instance of discrimination in cases where a compensation discrimination finding is made. As the Governor noted, this aspect of the bill sensibly conforms with present protections of federal law under the Lilly Ledbetter Act and also matches protections provided by a well-settled decision by the New Jersey Supreme Court. However, A-2650 departs from those state and federal standards by omitting an express limitation on the amount of back pay an employee can recover. Consequently, the Governor makes modest recommendations so that the bill mirrors the provisions of the Ledbetter Act and the holding of the State Supreme Court. This advances the Administration's goal of providing consistency with federal standards as outlined in the Governor's Executive Order No. 2 of 2010. "Federal and state law provide critical protections against gender discrimination, and my intention is to reinforce them by making them rock solid in terms of matching our existing and well-established legal bulwark against wage and compensation bias and compensation for violations," said Governor Christie. "I believe these recommended amendments accomplish that and adhere to what the Legislature sought to achieve without overreaching." Similarly, Governor Christie recommended commonsense procedural modifications to A-2648, which would have stretched the terms of the existing Conscientious Employee Protection Act (CEPA), also known as the "whistleblower" law against employer retaliation, in instances of employees seeking information that could reveal discriminatory practices in the workplace. Because workplace discrimination claims are brought under LAD, the bill's revision of CEPA in this regard is inconsistent with the original intent of the law, and instead belongs in LAD. Therefore, the Governor proposed modifying the bill to remove the proposed language from CEPA and incorporate it in LAD, consistent with the current legal scheme. Finally, Governor Christie vetoed A-2649 as being unnecessary and duplicative of existing law and regulations concerning reporting requirements of businesses contracting with the state. The Governor noted that, while A-2649 purports to increase transparency on compliance with state gender parity laws by state contractors, the bill actually does nothing tangible to improve pay disparity. "Government transparency has been a priority of this Administration, and I have set forth numerous proposals over the last two years to increase government transparency," Governor Christie wrote in his veto message. "Regrettably, many of these proposals remain stalled in the Legislature. However, as these new reporting requirements fail to advance sound policy over senseless bureaucracy, I must return Assembly Bill No. 2649 without my approval." Primary sponsors of A-2647 includes Assemblymembers Pamela Lampitt (D-Burlington and Camden), Celeste Riley (D-Salem, Cumberland and Gloucester) and Paul D. Moriarty (D-Camden and Gloucester).

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A-2648/S-1935 (Fuentes, Lampitt, Riley/Weinberg, Greenstein) - CONDITIONAL - Concerns disclosure of certain employment information

A-2649/S-1932 (Lampitt, Riley, Moriarty/Weinberg, Greenstein) – ABSOLUTE -Requires public contractors to report certain employment information

A-2650/S-1933 (Lampitt, Riley, Moriarty/Sweeney, Weinberg) – CONDITIONAL - Provides that unlawful employment practice occurs each time individual is affected by decision or practice, including each time compensation is paid

Copies of the veto messages:

[A-2648/S-1935 \[pdf 75kB\]](#)

[A-2649/S-1932 \[pdf 15kB\]](#)

[A-2650/S-1933 \[pdf 30kB\]](#)

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