

Department of Labor and Workforce Development
Response to Senate Budget Committee Follow Up Questions
Hearing held on May 15, 2018 at 1:00PM

Senator Cunningham

Please provide an update on the status of the “ban-the-box” law, which restricts employers from enquiring into, and use, criminal background records of prospective employees.

Since enacted in 2015, complaints regarding violations of the New Jersey Opportunity to Compete Act (Ban the Box) resulted in 15 cases with \$14,750 in penalties collected. The highest volume of complaints occurred in the first year after the law was enacted and began to diminish in the following year. This trend suggests that as knowledge of the law spread, compliance increased. There have been no repeat violations of the law.

While an initial complaint may start as a violation of the Ban the Box law, it can lead to investigations of other Wage and Hour Law violations. Good training, clear guidance, and a comprehensive understanding of all facets of the Wage and Hour Law enables our inspectors to identify multiple violations stemming from a single complaint.

LWD is committed to its role in ensuring a successful reentry from correctional programs into the labor force. LWD works diligently to ensure that those with criminal records do not face significant barriers to employment. We are working hard to ensure that all of our resources are available to all New Jerseyans who look to provide a better life for themselves and their families.

Senator Greenstein

Please provide the department’s specific protocol, if any, for handling or referring simultaneous claimants of wage and hour discrimination and harassment violations

Upon receipt of a complaint by a member of the public containing multiple allegations, the Department’s Wage and Hour Division will analyze the complaint, record the information

needed for enforcement of the alleged Wage and Hour violation, and provide contact information for other agencies having jurisdiction. It should be noted that referral sharing is a common practice among the state's agencies.

If during a Wage and Hour investigation a LWD investigator is notified of additional potential violations (such as a discrimination or harassment complaint), the investigator will refer the claim to the agency having jurisdiction.

It is the overarching strategy of the Department to increase coordination between state agencies, as evident by LWD's current work with the Attorney General on issues of employee misclassification. Looking forward, the Department will analyze how referrals are entered, tracked, and resolved. LWD will seek enhancements, not only in our internal handling of current referrals, but through coordinated enforcement operations with other state agencies.