Employers Association of New Jersey

November 23, 2026

Via Email: david.fish@dol.nj.gov
David Fish, Executive Director
Legal and Regulatory Services
NJ Department of Labor and Workforce Development
P.O. Box 110 - 13th Floor
Trenton, New Jersey 08625-0110

Re: Proposed Change: N.J.A.C. 12:74-4.1

Dear Mr. Fish,

The Employers Association of New Jersey (EANJ) submits these comments on behalf of its employer members in support of the Department's proposal to delete N.J.A.C. 12:74-4.1(b), the 60 percent limit on advertised pay range spreads.

We appreciate the Department's careful consideration of the comments EANJ and others submitted on the original proposal. N.J.S.A. 34:6B-23 allows employers to post a pay range and places no limit on its width. Deleting the cap keeps the rule within that authority and allows employers to post ranges that reflect how they actually set pay, based on market conditions, experience, skill, and performance.

We also believe the change will produce better information for applicants. A fixed cap would have led some employers to narrow ranges artificially or post a single figure, which tells a candidate less about the real opportunity. The requirement that every range include both a minimum and a maximum, which remains in the rule, already prevents open ended postings.

EANJ urges the Department to adopt the change as proposed, without substituting another numerical limit.

Pay Not Expressed as an Hourly Rate or Salary

With subsection (b) removed, the core content requirement at N.J.A.C. 12:74-4.1(a)1 refers only to an hourly rate, an annual salary, or a range of either. As noted in our original comments, many positions are paid on a commission, per diem, piece rate, or project basis. We again ask the Department to confirm, in its notice of adoption, that employers may disclose pay in the form in which it is actually offered, providing greater transparency about the role.

Remaining Comments from Our Original Submission

We recognize that this comment period addresses the proposed change. We note the following issues from our October 16, 2025 comments only so they remain in view as the Department prepares its notice of adoption:

1. **Definition of "employer" (N.J.A.C. 12:74-2.1).** Clarify that coverage turns on hiring for positions located in whole or in substantial part in New Jersey, not on whether the employer "does business" here, and that taking applications in New Jersey requires both solicitation in the State and a New Jersey work location.

2. **Promotion notices methods (N.J.A.C. 12:74-3.1).** Confirm that email, messaging platforms, HRIS notices, and similar electronic channels satisfy the reasonable efforts standard, and clarify the scope of the "affected department or departments."

3. **Scope of promotion notice (N.J.A.C. 12:74-3.1).** The rule refers to the "department(s) of the employer to which the promotional opportunity is open," while N.J.S.A. 34:6B-23 requires notice to employees "in the affected department or departments." A promotion may be open to employees in other departments, but the statutory language points to a narrower group. We ask the Department to state whether notice must go only to the department where the opening exists or to every department whose employees are eligible to apply. A clear answer will let employers comply without unnecessary administrative burden while preserving the statute's purpose of making internal opportunities known.

4. **Promotion exemptions (N.J.A.C. 12:74-3.2).** Recognize that following promotion procedures in a collective bargaining agreement or Civil Service rules constitutes compliance.

Thank you for the opportunity to comment and for the Department's responsiveness to the employer community on this issue.

Respectfully submitted,

Amy Vazquez
Vice President
Employers Association of New Jersey