

SENATE BILL No. 1440
(SECOND REPRINT)

ADVANCE COPY

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1440 (Second Reprint) without my approval.

This bill would prohibit an employer from taking adverse employment action against a job applicant because the applicant is unemployed. The Department of Labor and Workforce Development would be required to enforce the bill with civil penalties imposed through summary proceedings.

I agree with the sponsors that employers should be encouraged to hire the best-qualified applicants regardless of their unemployment history. That is why in 2011 I signed legislation into law that bars employers from stating in employment advertisements that the unemployed need not apply for the position. That law advances the important public policy of encouraging employers to consider all applicants regardless of their unemployment history, and is enforceable through a simple examination of the advertisement itself for prohibited language. Those sorts of determinations are well suited for summary proceedings envisioned by the statute, and thus the previously enacted law effectively lowers hurdles to re-employment.

Conversely, this bill makes it illegal for an employer to refuse employment to an applicant because he or she is unemployed. The sort of in-depth factual analysis necessary to determine the subjective reasons why an employer did not hire a job applicant is inappropriate for summary proceedings by the Department. Because there is no practical way for the Department to enforce the bill, the bill would provide no tangible benefits to job applicants seeking to reenter the workforce. Rather, the bill would only serve to expose employers to additional legal proceedings and impose more red-

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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tape and bureaucracy onto the State's already embattled business community. Because this bill will do nothing to improve the lives of unemployed New Jerseyans, but rather will drive up the cost of doing business in our State, I cannot support it.

Accordingly, I am returning Senate Bill No. 1440 (Second Reprint) without my approval.

[seal]

Respectfully,
/s/ Chris Christie
Governor

Attest:

/s/ Christopher S. Porrino
Chief Counsel to the Governor