

[First Reprint]

SENATE, No. 726

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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**Senators Beck, A.R.Bucco, Pou, Assemblymen Space, O'Scanlon,
Assemblywoman Tucker, Assemblyman Houghtaling and Senator Beach**

SYNOPSIS

Extends full protection of Law Against Discrimination to persons having liability for service in Armed Forces of United States; guarantees equal employment opportunity in State contracting to all veterans.

CURRENT VERSION OF TEXT

As reported by the Assembly Military and Veterans' Affairs Committee on March 6, 2017, with amendments.

(Sponsorship Updated As Of: 6/23/2017)

1 AN ACT extending full protection of the Law Against
2 Discrimination to persons having liability for service in the
3 Armed Forces of United States, guaranteeing equal employment
4 opportunity in State contracting to all veterans, and amending
5 various parts of the statutory law.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. Section 4 of P.L.1945, c.169 (C.10:5-4) is amended to read
11 as follows:

12 4. All persons shall have the opportunity to obtain
13 employment, and to obtain all the accommodations, advantages,
14 facilities, and privileges of any place of public accommodation,
15 publicly assisted housing accommodation, and other real property
16 without discrimination because of race, creed, color, national origin,
17 ancestry, age, marital status, affectional or sexual orientation,
18 familial status, disability, liability for service in the Armed Forces
19 of the United States, nationality, sex, gender identity or expression
20 or source of lawful income used for rental or mortgage payments,
21 subject only to conditions and limitations applicable alike to all
22 persons. This opportunity is recognized as and declared to be a
23 civil right.

24 (cf: P.L.2006, c.100, s.3)

25

26 2. Section 1 of P.L.1954, c.198 (C.10:5-9.1) is amended to read
27 as follows:

28 1. The Division on Civil Rights in the Department of Law and
29 Public Safety shall enforce the laws of this State against
30 discrimination in housing built with, or leased with the assistance
31 of, public funds or public assistance, pursuant to any law, and in
32 real property, as defined in the law hereby supplemented, because
33 of race, religious principles, color, national origin, ancestry, marital
34 status, affectional or sexual orientation, familial status, disability,
35 liability for service in the Armed Forces of the United States,
36 nationality, sex, gender identity or expression or source of lawful
37 income used for rental or mortgage payments. The said laws shall
38 be so enforced in the manner prescribed in the act to which this act
39 is a supplement.

40 (cf: P.L.2006, c.100, s.7)

41

42 3. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to
43 read as follows:

44 11. It shall be an unlawful employment practice, or, as the case
45 may be, an unlawful discrimination:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AMV committee amendments adopted March 6, 2017.

1 a. For an employer, because of the race, creed, color, national
2 origin, ancestry, age, marital status, civil union status, domestic
3 partnership status, affectional or sexual orientation, genetic
4 information, pregnancy, sex, gender identity or expression,
5 disability or atypical hereditary cellular or blood trait of any
6 individual, or because of the liability for service in the Armed
7 Forces of the United States or the nationality of any individual, or
8 because of the refusal to submit to a genetic test or make available
9 the results of a genetic test to an employer, to refuse to hire or
10 employ or to bar or to discharge or require to retire, unless justified
11 by lawful considerations other than age, from employment such
12 individual or to discriminate against such individual in
13 compensation or in terms, conditions or privileges of employment;
14 provided, however, it shall not be an unlawful employment practice
15 to refuse to accept for employment an applicant who has received a
16 notice of induction or orders to report for active duty in the armed
17 forces; provided further that nothing herein contained shall be
18 construed to bar an employer from refusing to accept for
19 employment any person on the basis of sex in those certain
20 circumstances where sex is a bona fide occupational qualification,
21 reasonably necessary to the normal operation of the particular
22 business or enterprise; provided further that nothing herein
23 contained shall be construed to bar an employer from refusing to
24 accept for employment or to promote any person over 70 years of
25 age; provided further that it shall not be an unlawful employment
26 practice for a club exclusively social or fraternal to use club
27 membership as a uniform qualification for employment, or for a
28 religious association or organization to utilize religious affiliation
29 as a uniform qualification in the employment of clergy, religious
30 teachers or other employees engaged in the religious activities of
31 the association or organization, or in following the tenets of its
32 religion in establishing and utilizing criteria for employment of an
33 employee; provided further, that it shall not be an unlawful
34 employment practice to require the retirement of any employee
35 who, for the two-year period immediately before retirement, is
36 employed in a bona fide executive or a high policy-making position,
37 if that employee is entitled to an immediate non-forfeitable annual
38 retirement benefit from a pension, profit sharing, savings or
39 deferred retirement plan, or any combination of those plans, of the
40 employer of that employee which equals in the aggregate at least
41 \$27,000.00; and provided further that an employer may restrict
42 employment to citizens of the United States where such restriction
43 is required by federal law or is otherwise necessary to protect the
44 national interest.

45 The provisions of subsections a. and b. of section 57 of
46 P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of
47 P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an
48 unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

1 For the purposes of this subsection, a "bona fide executive" is a
2 top level employee who exercises substantial executive authority
3 over a significant number of employees and a large volume of
4 business. A "high policy-making position" is a position in which a
5 person plays a significant role in developing policy and in
6 recommending the implementation thereof.

7 b. For a labor organization, because of the race, creed, color,
8 national origin, ancestry, age, marital status, civil union status,
9 domestic partnership status, affectional or sexual orientation,
10 gender identity or expression, disability, pregnancy, or sex of any
11 individual, or because of the liability for service in the Armed
12 Forces of the United States or nationality of any individual, to
13 exclude or to expel from its membership such individual or to
14 discriminate in any way against any of its members, against any
15 applicant for, or individual included in, any apprentice or other
16 training program or against any employer or any individual
17 employed by an employer; provided, however, that nothing herein
18 contained shall be construed to bar a labor organization from
19 excluding from its apprentice or other training programs any person
20 on the basis of sex in those certain circumstances where sex is a
21 bona fide occupational qualification reasonably necessary to the
22 normal operation of the particular apprentice or other training
23 program.

24 c. For any employer or employment agency to print or circulate
25 or cause to be printed or circulated any statement, advertisement or
26 publication, or to use any form of application for employment, or to
27 make an inquiry in connection with prospective employment, which
28 expresses, directly or indirectly, any limitation, specification or
29 discrimination as to race, creed, color, national origin, ancestry,
30 age, marital status, civil union status, domestic partnership status,
31 affectional or sexual orientation, gender identity or expression,
32 disability, nationality, pregnancy, or sex or liability of any applicant
33 for employment for service in the Armed Forces of the United
34 States, or any intent to make any such limitation, specification or
35 discrimination, unless based upon a bona fide occupational
36 qualification.

37 d. For any person to take reprisals against any person because
38 that person has opposed any practices or acts forbidden under this
39 act or because that person has filed a complaint, testified or assisted
40 in any proceeding under this act or to coerce, intimidate, threaten or
41 interfere with any person in the exercise or enjoyment of, or on
42 account of that person having aided or encouraged any other person
43 in the exercise or enjoyment of, any right granted or protected by
44 this act.

45 e. For any person, whether an employer or an employee or not,
46 to aid, abet, incite, compel or coerce the doing of any of the acts
47 forbidden under this act, or to attempt to do so.

48 f. (1) For any owner, lessee, proprietor, manager,
49 superintendent, agent, or employee of any place of public

1 accommodation directly or indirectly to refuse, withhold from or
2 deny to any person any of the accommodations, advantages,
3 facilities or privileges thereof, or to discriminate against any person
4 in the furnishing thereof, or directly or indirectly to publish,
5 circulate, issue, display, post or mail any written or printed
6 communication, notice, or advertisement to the effect that any of
7 the accommodations, advantages, facilities, or privileges of any
8 such place will be refused, withheld from, or denied to any person
9 on account of the race, creed, color, national origin, ancestry,
10 marital status, civil union status, domestic partnership status,
11 pregnancy, sex, gender identity or expression, affectional or sexual
12 orientation, disability, liability for service in the Armed Forces of
13 the United States or nationality of such person, or that the patronage
14 or custom thereof of any person of any particular race, creed, color,
15 national origin, ancestry, marital status, civil union status, domestic
16 partnership status, pregnancy status, sex, gender identity or
17 expression, affectional or sexual orientation, disability, liability for
18 service in the Armed Forces of the United States or nationality is
19 unwelcome, objectionable or not acceptable, desired or solicited,
20 and the production of any such written or printed communication,
21 notice or advertisement, purporting to relate to any such place and
22 to be made by any owner, lessee, proprietor, superintendent or
23 manager thereof, shall be presumptive evidence in any action that
24 the same was authorized by such person; provided, however, that
25 nothing contained herein shall be construed to bar any place of
26 public accommodation which is in its nature reasonably restricted
27 exclusively to individuals of one sex, and which shall include but
28 not be limited to any summer camp, day camp, or resort camp,
29 bathhouse, dressing room, swimming pool, gymnasium, comfort
30 station, dispensary, clinic or hospital, or school or educational
31 institution which is restricted exclusively to individuals of one sex,
32 provided individuals shall be admitted based on their gender
33 identity or expression, from refusing, withholding from or denying
34 to any individual of the opposite sex any of the accommodations,
35 advantages, facilities or privileges thereof on the basis of sex;
36 provided further, that the foregoing limitation shall not apply to any
37 restaurant as defined in R.S.33:1-1 or place where alcoholic
38 beverages are served.

39 (2) Notwithstanding the definition of "a place of public
40 accommodation" as set forth in subsection 1. of section 5 of
41 P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor,
42 manager, superintendent, agent, or employee of any private club or
43 association to directly or indirectly refuse, withhold from or deny to
44 any individual who has been accepted as a club member and has
45 contracted for or is otherwise entitled to full club membership any
46 of the accommodations, advantages, facilities or privileges thereof,
47 or to discriminate against any member in the furnishing thereof on
48 account of the race, creed, color, national origin, ancestry, marital
49 status, civil union status, domestic partnership status, pregnancy,

1 sex, gender identity, or expression, affectional or sexual orientation,
2 disability, liability for service in the Armed Forces of the United
3 States or nationality of such person.

4 In addition to the penalties otherwise provided for a violation of
5 P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2)
6 of subsection f. of this section is the holder of an alcoholic beverage
7 license issued under the provisions of R.S.33:1-12 for that private
8 club or association, the matter shall be referred to the Director of
9 the Division of Alcoholic Beverage Control who shall impose an
10 appropriate penalty in accordance with the procedures set forth in
11 R.S.33:1-31.

12 g. For any person, including but not limited to, any owner,
13 lessee, sublessee, assignee or managing agent of, or other person
14 having the right of ownership or possession of or the right to sell,
15 rent, lease, assign, or sublease any real property or part or portion
16 thereof, or any agent or employee of any of these:

17 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise
18 to deny to or withhold from any person or group of persons any real
19 property or part or portion thereof because of race, creed, color,
20 national origin, ancestry, marital status, civil union status, domestic
21 partnership status, pregnancy, sex, gender identity or expression,
22 affectional or sexual orientation, familial status, disability, ¹liability
23 for service in the Armed Forces of the United States,¹ nationality,
24 or source of lawful income used for rental or mortgage payments;

25 (2) To discriminate against any person or group of persons
26 because of race, creed, color, national origin, ancestry, marital
27 status, civil union status, domestic partnership status, pregnancy,
28 sex, gender identity or expression, affectional or sexual orientation,
29 familial status, disability, liability for service in the Armed Forces
30 of the United States, nationality or source of lawful income used for
31 rental or mortgage payments in the terms, conditions or privileges
32 of the sale, rental or lease of any real property or part or portion
33 thereof or in the furnishing of facilities or services in connection
34 therewith;

35 (3) To print, publish, circulate, issue, display, post or mail, or
36 cause to be printed, published, circulated, issued, displayed, posted
37 or mailed any statement, advertisement, publication or sign, or to
38 use any form of application for the purchase, rental, lease,
39 assignment or sublease of any real property or part or portion
40 thereof, or to make any record or inquiry in connection with the
41 prospective purchase, rental, lease, assignment, or sublease of any
42 real property, or part or portion thereof which expresses, directly or
43 indirectly, any limitation, specification or discrimination as to race,
44 creed, color, national origin, ancestry, marital status, civil union
45 status, domestic partnership status, pregnancy, sex, gender identity,
46 or expression, affectional or sexual orientation, familial status,
47 disability, liability for service in the Armed Forces of the United
48 States, nationality, or source of lawful income used for rental or

1 mortgage payments, or any intent to make any such limitation,
2 specification or discrimination, and the production of any such
3 statement, advertisement, publicity, sign, form of application,
4 record, or inquiry purporting to be made by any such person shall
5 be presumptive evidence in any action that the same was authorized
6 by such person; provided, however, that nothing contained in this
7 subsection shall be construed to bar any person from refusing to
8 sell, rent, lease, assign or sublease or from advertising or recording
9 a qualification as to sex for any room, apartment, flat in a dwelling
10 or residential facility which is planned exclusively for and occupied
11 by individuals of one sex to any individual of the exclusively
12 opposite sex on the basis of sex provided individuals shall be
13 qualified based on their gender identity or expression;

14 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise
15 to deny to or withhold from any person or group of persons any real
16 property or part or portion thereof because of the source of any
17 lawful income received by the person or the source of any lawful
18 rent payment to be paid for the real property; or

19 (5) To refuse to rent or lease any real property to another person
20 because that person's family includes children under 18 years of
21 age, or to make an agreement, rental or lease of any real property
22 which provides that the agreement, rental or lease shall be rendered
23 null and void upon the birth of a child. This paragraph shall not
24 apply to housing for older persons as defined in subsection mm. of
25 section 5 of P.L.1945, c.169 (C.10:5-5).

26 h. For any person, including but not limited to, any real estate
27 broker, real estate salesperson, or employee or agent thereof:

28 (1) To refuse to sell, rent, assign, lease or sublease, or offer for
29 sale, rental, lease, assignment, or sublease any real property or part
30 or portion thereof to any person or group of persons or to refuse to
31 negotiate for the sale, rental, lease, assignment, or sublease of any
32 real property or part or portion thereof to any person or group of
33 persons because of race, creed, color, national origin, ancestry,
34 marital status, civil union status, domestic partnership status,
35 familial status, pregnancy, sex, gender identity or expression,
36 affectional or sexual orientation, disability, liability for service in
37 the Armed Forces of the United States, nationality, or source of
38 lawful income used for rental or mortgage payments, or to represent
39 that any real property or portion thereof is not available for
40 inspection, sale, rental, lease, assignment, or sublease when in fact
41 it is so available, or otherwise to deny or withhold any real property
42 or any part or portion of facilities thereof to or from any person or
43 group of persons because of race, creed, color, national origin,
44 ancestry, marital status, civil union status, domestic partnership
45 status, familial status, pregnancy, sex, gender identity or expression,
46 affectional or sexual orientation, disability, liability for service in
47 the Armed Forces of the United States or nationality;

48 (2) To discriminate against any person because of race, creed,
49 color, national origin, ancestry, marital status, civil union status,

1 domestic partnership status, familial status, pregnancy, sex, gender
2 identity or expression, affectional or sexual orientation, disability,
3 liability for service in the Armed Forces of the United States,
4 nationality, or source of lawful income used for rental or mortgage
5 payments in the terms, conditions or privileges of the sale, rental,
6 lease, assignment or sublease of any real property or part or portion
7 thereof or in the furnishing of facilities or services in connection
8 therewith;

9 (3) To print, publish, circulate, issue, display, post, or mail, or
10 cause to be printed, published, circulated, issued, displayed, posted
11 or mailed any statement, advertisement, publication or sign, or to
12 use any form of application for the purchase, rental, lease,
13 assignment, or sublease of any real property or part or portion
14 thereof or to make any record or inquiry in connection with the
15 prospective purchase, rental, lease, assignment, or sublease of any
16 real property or part or portion thereof which expresses, directly or
17 indirectly, any limitation, specification or discrimination as to race,
18 creed, color, national origin, ancestry, marital status, civil union
19 status, domestic partnership status, familial status, pregnancy, sex,
20 gender identity or expression, affectional or sexual orientation,
21 disability, liability for service in the Armed Forces of the United
22 States, nationality, or source of lawful income used for rental or
23 mortgage payments or any intent to make any such limitation,
24 specification or discrimination, and the production of any such
25 statement, advertisement, publicity, sign, form of application,
26 record, or inquiry purporting to be made by any such person shall
27 be presumptive evidence in any action that the same was authorized
28 by such person; provided, however, that nothing contained in this
29 subsection h., shall be construed to bar any person from refusing to
30 sell, rent, lease, assign or sublease or from advertising or recording
31 a qualification as to sex for any room, apartment, flat in a dwelling
32 or residential facility which is planned exclusively for and occupied
33 exclusively by individuals of one sex to any individual of the
34 opposite sex on the basis of sex, provided individuals shall be
35 qualified based on their gender identity or expression;

36 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise
37 to deny to or withhold from any person or group of persons any real
38 property or part or portion thereof because of the source of any
39 lawful income received by the person or the source of any lawful
40 rent payment to be paid for the real property; or

41 (5) To refuse to rent or lease any real property to another person
42 because that person's family includes children under 18 years of
43 age, or to make an agreement, rental or lease of any real property
44 which provides that the agreement, rental or lease shall be rendered
45 null and void upon the birth of a child. This paragraph shall not
46 apply to housing for older persons as defined in subsection mm. of
47 section 5 of P.L.1945, c.169 (C.10:5-5).

48 i. For any person, bank, banking organization, mortgage
49 company, insurance company or other financial institution, lender

1 or credit institution involved in the making or purchasing of any
2 loan or extension of credit, for whatever purpose, whether secured
3 by residential real estate or not, including but not limited to
4 financial assistance for the purchase, acquisition, construction,
5 rehabilitation, repair or maintenance of any real property or part or
6 portion thereof or any agent or employee thereof:

7 (1) To discriminate against any person or group of persons
8 because of race, creed, color, national origin, ancestry, marital
9 status, civil union status, domestic partnership status, pregnancy,
10 sex, gender identity or expression, affectional or sexual orientation,
11 disability, liability for service in the Armed Forces of the United
12 States, familial status or nationality, in the granting, withholding,
13 extending, modifying, renewing, or purchasing, or in the fixing of
14 the rates, terms, conditions or provisions of any such loan,
15 extension of credit or financial assistance or purchase thereof or in
16 the extension of services in connection therewith;

17 (2) To use any form of application for such loan, extension of
18 credit or financial assistance or to make record or inquiry in
19 connection with applications for any such loan, extension of credit
20 or financial assistance which expresses, directly or indirectly, any
21 limitation, specification or discrimination as to race, creed, color,
22 national origin, ancestry, marital status, civil union status, domestic
23 partnership status, pregnancy, sex, gender identity or expression,
24 affectional or sexual orientation, disability, liability for service in
25 the Armed Forces of the United States, familial status or nationality
26 or any intent to make any such limitation, specification or
27 discrimination; unless otherwise required by law or regulation to
28 retain or use such information;

29 (3) (Deleted by amendment, P.L.2003, c.180).

30 (4) To discriminate against any person or group of persons
31 because of the source of any lawful income received by the person
32 or the source of any lawful rent payment to be paid for the real
33 property; or

34 (5) To discriminate against any person or group of persons
35 because that person's family includes children under 18 years of
36 age, or to make an agreement or mortgage which provides that the
37 agreement or mortgage shall be rendered null and void upon the
38 birth of a child. This paragraph shall not apply to housing for older
39 persons as defined in subsection mm. of section 5 of P.L.1945,
40 c.169 (C.10:5-5).

41 j. For any person whose activities are included within the
42 scope of this act to refuse to post or display such notices concerning
43 the rights or responsibilities of persons affected by this act as the
44 Attorney General may by regulation require.

45 k. For any real estate broker, real estate salesperson or
46 employee or agent thereof or any other individual, corporation,
47 partnership, or organization, for the purpose of inducing a
48 transaction for the sale or rental of real property from which
49 transaction such person or any of its members may benefit

1 financially, to represent that a change has occurred or will or may
2 occur in the composition with respect to race, creed, color, national
3 origin, ancestry, marital status, civil union status, domestic
4 partnership status, familial status, pregnancy, sex, gender identity or
5 expression, affectional or sexual orientation, disability, liability for
6 service in the Armed Forces of the United States, nationality, or
7 source of lawful income used for rental or mortgage payments of
8 the owners or occupants in the block, neighborhood or area in
9 which the real property is located, and to represent, directly or
10 indirectly, that this change will or may result in undesirable
11 consequences in the block, neighborhood or area in which the real
12 property is located, including, but not limited to the lowering of
13 property values, an increase in criminal or anti-social behavior, or a
14 decline in the quality of schools or other facilities.

15 l. For any person to refuse to buy from, sell to, lease from or
16 to, license, contract with, or trade with, provide goods, services or
17 information to, or otherwise do business with any other person on
18 the basis of the race, creed, color, national origin, ancestry, age,
19 pregnancy, sex, gender identity or expression, affectional or sexual
20 orientation, marital status, civil union status, domestic partnership
21 status, liability for service in the Armed Forces of the United States,
22 disability, nationality, or source of lawful income used for rental or
23 mortgage payments of such other person or of such other person's
24 spouse, partners, members, stockholders, directors, officers,
25 managers, superintendents, agents, employees, business associates,
26 suppliers, or customers. This subsection shall not prohibit refusals
27 or other actions (1) pertaining to employee-employer collective
28 bargaining, labor disputes, or unfair labor practices, or (2) made or
29 taken in connection with a protest of unlawful discrimination or
30 unlawful employment practices.

31 m. For any person to:

32 (1) Grant or accept any letter of credit or other document which
33 evidences the transfer of funds or credit, or enter into any contract
34 for the exchange of goods or services, where the letter of credit,
35 contract, or other document contains any provisions requiring any
36 person to discriminate against or to certify that he, she or it has not
37 dealt with any other person on the basis of the race, creed, color,
38 national origin, ancestry, age, pregnancy, sex, gender identity or
39 expression, affectional or sexual orientation, marital status, civil
40 union status, domestic partnership status, disability, liability for
41 service in the Armed Forces of the United States, or nationality of
42 such other person or of such other person's spouse, partners,
43 members, stockholders, directors, officers, managers,
44 superintendents, agents, employees, business associates, suppliers,
45 or customers.

46 (2) Refuse to grant or accept any letter of credit or other
47 document which evidences the transfer of funds or credit, or refuse
48 to enter into any contract for the exchange of goods or services, on

1 the ground that it does not contain such a discriminatory provision
2 or certification.

3 The provisions of this subsection shall not apply to any letter of
4 credit, contract, or other document which contains any provision
5 pertaining to employee-employer collective bargaining, a labor
6 dispute or an unfair labor practice, or made in connection with the
7 protest of unlawful discrimination or an unlawful employment
8 practice, if the other provisions of such letter of credit, contract, or
9 other document do not otherwise violate the provisions of this
10 subsection.

11 n. For any person to aid, abet, incite, compel, coerce, or induce
12 the doing of any act forbidden by subsections l. and m. of section
13 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to
14 do so. Such prohibited conduct shall include, but not be limited to:

15 (1) Buying from, selling to, leasing from or to, licensing,
16 contracting with, trading with, providing goods, services, or
17 information to, or otherwise doing business with any person
18 because that person does, or agrees or attempts to do, any such act
19 or any act prohibited by this subsection; or

20 (2) Boycotting, commercially blacklisting or refusing to buy
21 from, sell to, lease from or to, license, contract with, provide goods,
22 services or information to, or otherwise do business with any person
23 because that person has not done or refuses to do any such act or
24 any act prohibited by this subsection; provided that this subsection
25 shall not prohibit refusals or other actions either pertaining to
26 employee-employer collective bargaining, labor disputes, or unfair
27 labor practices, or made or taken in connection with a protest of
28 unlawful discrimination or unlawful employment practices.

29 o. For any multiple listing service, real estate brokers'
30 organization or other service, organization or facility related to the
31 business of selling or renting dwellings to deny any person access
32 to or membership or participation in such organization, or to
33 discriminate against such person in the terms or conditions of such
34 access, membership, or participation, on account of race, creed,
35 color, national origin, ancestry, age, marital status, civil union
36 status, domestic partnership status, familial status, pregnancy, sex,
37 gender identity or expression, affectional or sexual orientation,
38 disability, liability for service in the Armed Forces of the United
39 States or nationality.

40 p. Nothing in the provisions of this section shall affect the
41 ability of an employer to require employees to adhere to reasonable
42 workplace appearance, grooming and dress standards not precluded
43 by other provisions of State or federal law, except that an employer
44 shall allow an employee to appear, groom and dress consistent with
45 the employee's gender identity or expression.

46 q. (1) For any employer to impose upon a person as a
47 condition of obtaining or retaining employment, including
48 opportunities for promotion, advancement or transfers, any terms or
49 conditions that would require a person to violate or forego a

1 sincerely held religious practice or religious observance, including
2 but not limited to the observance of any particular day or days or
3 any portion thereof as a Sabbath or other holy day in accordance
4 with the requirements of the religion or religious belief, unless,
5 after engaging in a bona fide effort, the employer demonstrates that
6 it is unable to reasonably accommodate the employee's religious
7 observance or practice without undue hardship on the conduct of the
8 employer's business. Notwithstanding any other provision of law to
9 the contrary, an employee shall not be entitled to premium wages or
10 premium benefits for work performed during hours to which those
11 premium wages or premium benefits would ordinarily be
12 applicable, if the employee is working during those hours only as an
13 accommodation to his religious requirements. Nothing in this
14 subsection q. shall be construed as reducing:

15 (a) The number of the hours worked by the employee which are
16 counted towards the accruing of seniority, pension or other benefits;
17 or

18 (b) Any premium wages or benefits provided to an employee
19 pursuant to a collective bargaining agreement.

20 (2) For an employer to refuse to permit an employee to utilize
21 leave, as provided for in this subsection q., which is solely used to
22 accommodate the employee's sincerely held religious observance or
23 practice. Except where it would cause an employer to incur an
24 undue hardship, no person shall be required to remain at his place
25 of employment during any day or days or portion thereof that, as a
26 requirement of his religion, he observes as his Sabbath or other holy
27 day, including a reasonable time prior and subsequent thereto for
28 travel between his place of employment and his home; provided that
29 any such absence from work shall, wherever practicable in the
30 reasonable judgment of the employer, be made up by an equivalent
31 amount of time and work at some other mutually convenient time,
32 or shall be charged against any leave with pay ordinarily granted,
33 other than sick leave, and any such absence not so made up or
34 charged, may be treated by the employer of that person as leave
35 taken without pay.

36 (3) (a) For purposes of this subsection q., "undue hardship"
37 means an accommodation requiring unreasonable expense or
38 difficulty, unreasonable interference with the safe or efficient
39 operation of the workplace or a violation of a bona fide seniority
40 system or a violation of any provision of a bona fide collective
41 bargaining agreement.

42 (b) In determining whether the accommodation constitutes an
43 undue hardship, the factors considered shall include:

44 (i) The identifiable cost of the accommodation, including the
45 costs of loss of productivity and of retaining or hiring employees or
46 transferring employees from one facility to another, in relation to
47 the size and operating cost of the employer.

- 1 (ii) The number of individuals who will need the particular
2 accommodation for a sincerely held religious observance or
3 practice.
- 4 (iii) For an employer with multiple facilities, the degree to which
5 the geographic separateness or administrative or fiscal relationship
6 of the facilities will make the accommodation more difficult or
7 expensive.
- 8 (c) An accommodation shall be considered to constitute an
9 undue hardship if it will result in the inability of an employee to
10 perform the essential functions of the position in which he or she is
11 employed.
- 12 (d) (i) The provisions of this subsection q. shall be applicable
13 only to reasonable accommodations of religious observances and
14 shall not supersede any definition of undue hardship or standards
15 for reasonable accommodation of the disabilities of employees.
- 16 (ii) This subsection q. shall not apply where the uniform
17 application of terms and conditions of attendance to employees is
18 essential to prevent undue hardship to the employer. The burden of
19 proof regarding the applicability of this subparagraph (d) shall be
20 upon the employer.
- 21 r. For any employer to take reprisals against any employee for
22 requesting from any other employee or former employee of the
23 employer information regarding the job title, occupational category,
24 and rate of compensation, including benefits, of any employee or
25 former employee of the employer, or the gender, race, ethnicity,
26 military status, or national origin of any employee or former
27 employee of the employer, regardless of whether the request was
28 responded to, if the purpose of the request for the information was
29 to assist in investigating the possibility of the occurrence of, or in
30 taking of legal action regarding, potential discriminatory treatment
31 concerning pay, compensation, bonuses, other compensation, or
32 benefits. Nothing in this subsection shall be construed to require an
33 employee to disclose such information about the employee herself
34 to any other employee or former employee of the employer or to
35 any authorized representative of the other employee or former
36 employee.
- 37 s. For an employer to treat, for employment-related purposes, a
38 woman employee that the employer knows, or should know, is
39 affected by pregnancy in a manner less favorable than the treatment
40 of other persons not affected by pregnancy but similar in their
41 ability or inability to work. In addition, an employer of an
42 employee who is a woman affected by pregnancy shall make
43 available to the employee reasonable accommodation in the
44 workplace, such as bathroom breaks, breaks for increased water
45 intake, periodic rest, assistance with manual labor, job restructuring
46 or modified work schedules, and temporary transfers to less
47 strenuous or hazardous work, for needs related to the pregnancy
48 when the employee, based on the advice of her physician, requests
49 the accommodation, unless the employer can demonstrate that

1 providing the accommodation would be an undue hardship on the
2 business operations of the employer. The employer shall not in any
3 way penalize the employee in terms, conditions or privileges of
4 employment for requesting or using the accommodation. Workplace
5 accommodation provided pursuant to this subsection and paid or
6 unpaid leave provided to an employee affected by pregnancy shall
7 not be provided in a manner less favorable than accommodations or
8 leave provided to other employees not affected by pregnancy but
9 similar in their ability or inability to work. This subsection shall
10 not be construed as otherwise increasing or decreasing any
11 employee's rights under law to paid or unpaid leave in connection
12 with pregnancy.

13 For the purposes of this section "pregnancy" means pregnancy,
14 childbirth, or medical conditions related to pregnancy or childbirth,
15 including recovery from childbirth.

16 For the purposes of this subsection, in determining whether an
17 accommodation would impose undue hardship on the operation of
18 an employer's business, the factors to be considered include: the
19 overall size of the employer's business with respect to the number
20 of employees, number and type of facilities, and size of budget; the
21 type of the employer's operations, including the composition and
22 structure of the employer's workforce; the nature and cost of the
23 accommodation needed, taking into consideration the availability of
24 tax credits, tax deductions, and outside funding; and the extent to
25 which the accommodation would involve waiver of an essential
26 requirement of a job as opposed to a tangential or non-business
27 necessity requirement.

28 (cf: P.L.2013, c.220, s.2)

29

30 4. Section 12 of P.L.1992, c.146 (C.10:5-12.5) is amend to read
31 as follows:

32 12. a. It shall be an unlawful discrimination for a municipality,
33 county or other local civil or political subdivision of the State of
34 New Jersey, or an officer, employee, or agent thereof, to exercise
35 the power to regulate land use or housing in a manner that
36 discriminates on the basis of race, creed, color, national origin,
37 ancestry, marital status, familial status, sex, gender identity or
38 expression, liability for service in the Armed Forces of the United
39 States, nationality or disability.

40 b. Notwithstanding the provisions of section 12 of P.L.1945,
41 c.169 (C.10:5-13) any person claiming to be aggrieved by an
42 unlawful discrimination under this section shall enforce this section
43 by private right of action in Superior Court. This section shall not
44 apply to discrimination in housing owned or managed by a
45 municipality, county or other local civil or political subdivision of
46 the State of New Jersey where such discrimination is otherwise
47 prohibited by section 11 of P.L.1945, c.169 (C.10:5-12).

48 (cf: P.L.2006, c.100, s.10)

1 5. Section 1 of P.L.1983, c.197 (C.10:5-39) is amended to read
2 as follows:

3 1. As used in this act:

4 a. "Affirmative action program for veterans [of the Vietnam
5 era]" means a plan guaranteeing to veterans [of the Vietnam era]
6 an equal employment opportunity, which includes but is not limited
7 to the following areas: recruitment, selection, hiring, training,
8 promotion, transfer, layoff, return from layoff, compensation, and
9 fringe benefits.

10 b. "Public works contract" means any contract exceeding
11 \$250,000.00 in price to be performed for or on behalf of the State
12 for the construction, alteration, or repair of any building or public
13 work.

14 c. "Veteran [of the Vietnam era]" means any soldier, sailor,
15 marine, airman, nurse or army field clerk, who has served at least
16 90 days in the active military, naval or air service of the United
17 States [, commencing in the period between the dates of January 1,
18 1960 and August 1, 1974,] and has been discharged or released
19 therefrom under conditions other than dishonorable, and who has
20 presented to the Civil Service Commission of New Jersey full and
21 convincing evidence of such record of service on or before the date
22 of making application for a position governed by this act. The 90
23 day requirement for active service is exclusive of any time such
24 veteran was assigned: (1) for a course of education or training under
25 the Army Specialized Training Program or the Navy College
26 Training Program, which course was a continuation of his civilian
27 course and was pursued to completion; or (2) as a cadet or
28 midshipman at one of the service academies[, any part of which 90
29 days was served between said dates]; and exclusive of any service
30 performed pursuant to the provisions of section 511(d) of Title 10,
31 United States Code, pursuant to an enlistment in the Army or Air
32 Force National Guard or as a reserve for service in the Army
33 Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve,
34 or Coast Guard Reserve; provided, that any person receiving an
35 actual, service-incurred injury or disability shall be classed as a
36 veteran, whether or not he has completed the 90 days' service as
37 herein provided.

38 (cf: P.L.1983, c.197, s.1)

39

40 6. Section 2 of P.L.1983, c.197 (C.10:5-40) is amended to read
41 as follows:

42 2. Each public works contract shall contain appropriate
43 provisions in which contractors, subcontractors, or their assignees
44 shall guarantee an equal employment opportunity to veterans [of
45 the Vietnam era]. If any veteran believes any contractor of the
46 State has failed to comply or refuses to comply with the provisions
47 of the contractor's contract relating to the employment of [Vietnam

1 era] veterans, such veteran may file a complaint with the State
2 Treasurer, who shall promptly investigate such complaint and take
3 appropriate action.

4 (cf: P.L.1983, c.197, s.2)

5

6 7. Section 3 of P.L.1983, c.197 (C.10:5-41) is amended to read
7 as follows:

8 3. The State Treasurer shall prescribe an affirmative action
9 program for veterans [of the Vietnam era]. The Treasurer shall
10 designate an appropriate official in the Department of the Treasury
11 to receive and investigate any complaints charging discriminatory
12 employment practices toward such veterans.

13 (cf: P.L.1983, c.197, s.3)

14

15 8. This act shall take effect immediately.