

ASSEMBLY, No. 5631

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 17, 2019

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Co-Sponsored by:

Assemblywomen B.DeCroce, Schepisi, Vainieri Huttle, Murphy and Downey

SYNOPSIS

Specifies certain requirements for State agency review of complaint of workplace discrimination.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning complaints related to equal employment
2 opportunity and amending N.J.S.11A:7-3.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.11A:7-3 is amended to read as follows:

8 11A:7-3. The division shall develop, implement and administer
9 an equal employment opportunity and affirmative action program
10 for all State agencies. The program shall consider the particular
11 personnel requirements that are reasonably related to job
12 performance of each State agency. The director of the division
13 shall ensure that the affirmative action and equal employment goals
14 of each State agency for minorities, women, and persons with
15 disabilities shall be reasonably related to their population in the
16 relevant surrounding labor market areas. The director, in
17 accordance with applicable federal and State guidelines, shall:

18 a. Ensure each State agency's compliance with all laws and
19 rules relating to equal employment opportunity and seek correction
20 of discriminatory practices, policies and procedures;

21 b. Recommend appropriate sanctions for noncompliance to the
22 State Treasurer who, with the concurrence of the Governor, is
23 authorized to implement sanctions;

24 c. Review State personnel practices, policies, and procedures,
25 inclusive of recruitment, selection, and promotion, in order to
26 identify and eliminate artificial barriers to equal employment
27 opportunity;

28 d. Act as liaison with federal, State, and local enforcement
29 agencies;

30 e. Recommend appropriate legislation to the State Treasurer
31 and perform other actions deemed necessary by the State Treasurer
32 to implement this chapter; and

33 f. Provide, under rules adopted by the Department of the
34 Treasury, for review of equal employment complaints. Such rules
35 shall, at minimum, (1) require that each State agency create a
36 written record of each complaint received and provide a uniform
37 format and procedure for creating and maintaining that record; (2)
38 require that the State agency interview the person submitting the
39 complaint to determine the nature and scope of the complaint; and
40 (3) when the person submitting the complaint is the person against
41 whom the discrimination is alleged to have occurred, require that
42 the State agency notify that person as to whether an investigation
43 into the complaint will be conducted and if not, the basis for such a
44 determination.

45 (cf: P.L.2017, c.131, s.11)

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.

1 2. The rules established pursuant to this act, P.L. ,
2 c. , (C.) (pending before the Legislature as this bill), shall be
3 effective immediately upon filing with the Office of Administrative
4 Law and shall be effective for a period not to exceed 18 months,
5 and may, thereafter, be amended, adopted or readopted in
6 accordance with the provisions of the “Administrative Procedure
7 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

8
9 3. This act shall take effect on the 60th day following
10 enactment.

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STATEMENT

15 This bill specifies certain requirements that must be included in
16 the rules governing a State agency’s review of equal employment
17 and discrimination complaints.

18 Under the bill, the rules must, at minimum,

19 (1) require that each State agency create a written record of each
20 complaint received and provide a uniform format and procedure for
21 creating and maintaining that record;

22 (2) require that the State agency interview the person submitting
23 the complaint to determine the nature and scope of the complaint;
24 and

25 (3) when the person who submitted the complaint is the person
26 against whom the discrimination is alleged to have occurred,
27 require that the State agency notify that person as to whether an
28 investigation into the complaint will be conducted and if not, the
29 basis for that determination.