

Chapter 37 - Education 372.2

ASSEMBLY, No. 601

STATE OF NEW JERSEY

INTRODUCED APRIL 2, 1962

By Assemblymen LYNCH, SWEENEY, KIJEWski, SAVINO,
GROSS, MINOTTY and BEADLESTON

Referred to Committee on Education

AN ACT to amend the title of "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry, or because of their liability for service in the Armed Forces of the United States; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April 16, 1945 (P. L. 1945, c. 169), as said title was amended by chapter 64 of the laws of 1951, so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against certain persons and to create a division on civil rights," and to amend and supplement the body of said act.

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. The title of "An act to protect all persons in their civil rights; to
2 prevent and eliminate practices of discrimination against persons because of
3 race, creed, color, national origin or ancestry, or because of their liability
4 for service in the Armed Forces of the United States; to create a division
5 in the Department of Education to effect such prevention and elimination;
6 and making an appropriation therefor," approved April 16, 1945 (P. L.
7 1945, c. 169), as said title was amended by chapter 64 of the laws of 1951, is

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

8 amended to read "An act to protect all persons in their civil rights; to pre-
9 vent and eliminate practices of discrimination against certain persons and
10 to create a division on civil rights."

1 2. Section 3 of the act of which this act is amendatory is amended to
2 read as follows:

3 3. The Legislature finds and declares that practices of discrimination
4 against any of its inhabitants, because of race, creed, color, national origin,
5 [or] ancestry, *age* or because of their liability for service in the Armed
6 Forces of the United States, are a matter of concern to the government of
7 the State, and that such discrimination threatens not only the rights and
8 proper privileges of the inhabitants of the State but menaces the institutions
9 and foundation of a free democratic State.

1 3. Section 4 of the act of which this act is amendatory is amended to
2 read as follows:

3 4. All persons shall have the opportunity to obtain employment, and to
4 obtain all the accommodations, advantages, facilities, and privileges of any
5 place of public accommodation, publicly assisted housing accommodation,
6 and other real property without discrimination because of race, creed,
7 color, national origin, [or] ancestry *or age*, subject only to conditions and
8 limitations applicable alike to all persons. This opportunity is recognized
9 as and declared to be a civil right.

1 4. Section 6 of the act of which this act is amendatory is amended to
2 read as follows:

3 6. There is created in the Department of Education a division to be
4 known as "The Division on Civil Rights" with power to prevent and elimi-
5 nate discrimination in employment against persons because of race, creed,
6 color, national origin, [or] ancestry, *or age* or because of their liability for
7 service in the Armed Forces of the United States, by employers, labor
8 organizations, employment agencies or other persons and to take other
9 actions against discrimination because of race, creed, color, national origin
10 or ancestry or because of their liability for service in the Armed Forces of

11 the United States, as herein provided; and the division created hereunder
12 is given general jurisdiction and authority for such purposes.

1 5. Section 8 of the act of which this act is amendatory is amended to
2 read as follows:

3 8. The commissioner shall

4 a. Exercise all powers of the division not vested in the commission.

5 b. Administer the work of the division.

6 c. Organize the division into 2 sections, one of which shall receive, in-
7 vestigate, and act upon complaints alleging discrimination in employment
8 against persons because of race, creed, color, national origin, [or] ancestry,
9 or age or because of their liability for service in the Armed Forces of the
10 United States, and the other of which shall receive, investigate, and act upon
11 complaints alleging other unlawful acts of discrimination against persons
12 because of race, creed, color, national origin or ancestry; prescribe the or-
13 ganization of said sections and the duties of his subordinates and assistants.

14 d. Subject to the approval of the commission and the Governor, appoint
15 an assistant Commissioner of Education, who shall act for the commissioner,
16 in his place and with his powers, and such other directors, field representa-
17 tives and assistants as may be necessary for the proper administration of
18 the division and fix their compensation within the limits of available appro-
19 priations. The assistant commissioner, directors, field representatives, and
20 assistants shall not be subject to the civil service act and shall be removable
21 by the commissioner at will.

22 e. Appoint such clerical force and employees as he may deem necessary
23 and fix their duties, all of whom shall be subject to the civil service act.

24 f. Maintain liaison with local and State officials and agencies concerned
25 with matters related to the work of the division.

26 g. Subject to the approval of the commission adopt, promulgate, amend,
27 and rescind suitable rules and regulations to carry out the provisions of
28 this act.

29 h. Receive, investigate, and pass upon complaints alleging acts in viola-
30 tion of the provisions of this act.

31 i. Hold hearings, subpoena witnesses, compel their attendance, administer
32 oaths, take the testimony of any person, under oath, and, in connection
33 therewith, require the production for examination of any books or papers
34 relating to any subject matter under investigation or in question before the
35 commissioner. The commissioner may make rules as to the issuance of sub-
36 poenas by the assistant commissioner.

37 j. Issue such publications and such results of investigations and research
38 tending to promote good will and to minimize or eliminate discrimination
39 because of race, creed, color, national origin, [or] ancestry, or age as the
40 commission shall direct.

41 k. Render each year to the Governor and Legislature a full written
42 report of all the activities of the division.

43 l. Appoint, subject to the approval of the commission, a panel of not
44 more than 5 hearing examiners, each to serve for a term of one year and
45 until his successor is appointed, any one of whom the commissioner may
46 designate in his place to conduct any hearing and recommend findings of
47 fact and conclusions of law. The hearing examiners shall receive such com-
48 pensation as may be determined by the commissioner, subject to available
49 appropriations.

1 6. Section 9 of the act of which this act is amendatory is amended to
2 read as follows:

3 9. The commission shall

4 a. Consult with and advise the commissioner with respect to the work of
5 the division.

6 b. Approve or disapprove the appointment of officers, employees and
7 agents, and the fixing of their compensation by the commissioner.

8 c. Survey and study the operations of the division.

9 d. Report to the Governor and the Legislature with respect to such matters
9a relating to the work of the division and at such times as it may deem in the
10 public interest.

11 The mayors or chief executive officers of the municipalities in the State
12 may appoint local commissions on civil rights to aid in effectuating the pur-

13 poses of this act. Such local commissions shall be composed of representa-
14 tive citizens serving without compensation. Such commissions shall attempt
15 to foster through community effort or otherwise good will, co-operation and
16 conciliation among the groups and elements of the inhabitants of the com-
17 munity, and they may be empowered by the local governing bodies to make
18 recommendations to them for the development of policies and procedures
19 in general and for programs of formal and informal education that will aid
20 in eliminating all types of discrimination based on race, creed, color, national
21 origin, [or] ancestry *or age*. The State commission may make provision for
22 technical and clerical assistance to municipal officials to aid in organizing
23 such commissions in all of the municipalities in this State.

1 7. Section 11 of the act of which this act is amendatory is amended to
2 read as follows:

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

5 a. For an employer, because of the race, creed, color, national origin,
6 [or] ancestry, *or age* of any individual, or because of the liability for serv-
7 iced in the Armed Forces of the United States, of any individual, to refuse
8 to hire or employ or to bar or to discharge from employment such individual
9 or to discriminate against such individual in compensation or in terms, con-
10 ditions or privileges of employment, however, it shall not be an unlawful
11 employment practice to refuse to accept for employment an applicant who
12 has received a notice of induction or orders to report for active duty in the
13 armed forces.

14 b. For a labor organization, because of the race, creed, color, national
15 origin, [or] ancestry, *or age* of any individual, or because of the liability
16 for service in the Armed Forces of the United States, of any individual, to
17 exclude or to expel from its membership such individual or to discriminate
18 in any way against any of its members or against any employer or any
19 individual employed by an employer.

20 c. For any employer or employment agency to print or circulate or
21 cause to be printed or circulated any statement, advertisement or publica-
22 tion, or to use any form of application for employment, or to make any in-
23 quiry in connection with prospective employment, which expresses, directly
24 or indirectly, any limitation, specification or discrimination as to race, creed,
25 color, national origin. [or] ancestry, or age or liability of any applicant
26 for employment for service in the Armed Forces of the United States, or any
27 intent to make any such limitation, specification or discrimination, unless
28 based upon a bona fide occupational qualification.

29 d. For any employer, labor organization or employment agency to dis-
30 charge, expel or otherwise discriminate against any person because he has
31 opposed any practices or acts forbidden under this act or because he has
32 filed a complaint, testified or assisted in any proceeding under this act.

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

36 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
37 employee of any place of public accommodation directly or indirectly to re-
38 fuse, withhold from or deny to any person any of the accommodations, ad-
39 vantages, facilities or privileges thereof, or to discriminate against any
40 person in the furnishing thereof, or directly or indirectly to publish, circu-
41 late, issue, display, post or mail any written or printed communication,
42 notice, or advertisement to the effect that any of the accommodations, ad-
43 vantages, facilities, or privileges of any such place will be refused, withheld
44 from, or denied to any person on account of the race, creed, color, national
45 origin, or ancestry of such person, or that the patronage or custom thereat
46 of any person of any particular race, creed, color, national origin or an-
47 cestry is unwelcome, objectionable or not acceptable, desired or solicited,
48 and the production of any such written or printed communication, notice or
49 advertisement, purporting to relate to any such place and to be made by any
50 owner, lessee, proprietor, superintendent, or manager thereof, shall be pre-

51 sumptive evidence in any action that the same was authorized by such
52 person.

53 g. For the owner, lessee, sublessee, assignee or managing agent of, or
54 other person having the right of ownership or possession of or the right to
55 sell, rent, lease, assign, or sublease any real property or part or portion
56 thereof, or any agent or employee of any of these:

57 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise to
58 deny to or withhold from any person or group of persons any real property
59 or part or portion thereof because of the race, creed, color, national origin
60 or ancestry of such person or group of persons;

61 (2) To discriminate against any person or group of persons because of
62 the race, creed, color or national origin of such person or group of persons
63 in the terms, conditions or privileges of the sale, rental or lease of any real
64 property or part or portion thereof or in the furnishing of facilities or
65 services in connection therewith; or

66 (3) To print, publish, circulate, issue, display, post or mail, or cause to
67 be printed, published, circulated, issued, displayed, posted or mailed any
68 statement, advertisement, publication or sign, or to use any form of applica-
69 tion for the purchase, rental, lease, assignment or sublease of any real
70 property or part or portion thereof, or to make any record or inquiry in con-
71 nection with the prospective purchase, rental, lease, assignment, or sublease
72 of any real property, or part or portion thereof which expresses, directly
73 or indirectly, any limitation, specification or discrimination as to race, creed,
74 color, national origin or ancestry, or any intent to make any such limitation,
75 specification or discrimination, and the production of any such statement,
76 advertisement, publicity, sign, form of application, record, or inquiry pur-
77 porting to be made by any such person shall be presumptive evidence in any
78 action that the same was authorized by such person.

79 h. For any real estate broker, real estate salesman or employee or agent
80 thereof:

81 (1) To refuse to sell, rent, assign, lease or sublease, or offer for sale,
82 rental, lease, assignment, or sublease any real property or part or portion

83 thereof to any person or group of persons or to refuse to negotiate for the
84 sale, rental, lease, assignment, or sublease of any real property or part or
85 portion thereof to any person or group of persons because of the race, creed,
86 color, national origin or ancestry of such person or group of persons, or to
87 represent that any real property or part or portion thereof is not available
88 for inspection, sale, rental, lease, assignment, or sublease when in fact it
89 is so available, or otherwise to deny or withhold any real property or any
90 part or portion or facilities thereof to or from any person or group of per-
91 sons because of the race, creed, color, national origin or ancestry of such
92 person or group of persons.

93 (2) To discriminate against any person because of his race, creed, color,
94 national origin or ancestry in the terms, conditions or privileges of the sale,
95 rental, lease, assignment or sublease of any real property or part or portion
96 thereof or in the furnishing of facilities or services in connection there-
97 with; or

98 (3) To print, publish, circulate, issue, display, post, or mail, or cause
99 to be printed, published, circulated, issued, displayed, posted or mailed, any
100 statement, advertisement, publication or sign, or to use any form of applica-
101 tion for the purchase, rental, lease, assignment, or sublease of any real
102 property or part or portion thereof or to make any record or inquiry in con-
103 nection with the prospective purchase, rental, lease, assignment, or sublease
104 of any real property or part or portion thereof which expresses, directly or
105 indirectly, any limitation, specification or discrimination as to race, creed,
106 color, national origin or ancestry or any intent to make any such limitation,
107 specification or discrimination, and the production of any such statement,
108 advertisement, publicity, sign, form of application, record, or inquiry pur-
109 porting to be made by any such person shall be presumptive evidence in any
110 action that the same was authorized by such person.

111 i. For any person, bank, banking organization, mortgage company, in-
112 surance company or other financial institution or lender to whom application
113 is made for financial assistance for the purchase, acquisition, construction,

114 rehabilitation, repair or maintenance of any real property or part or portion
115 thereof or any agent or employee thereof:

116 (1) To discriminate against any person or group of persons because of
117 the race, creed, color, national origin or ancestry of such person or group
118 of persons or of the prospective occupants or tenants of such real property
119 or part or portion thereof, in the granting, withholding, extending, modify-
120 ing or renewing, or in the fixing of the rates, terms, conditions or provisions
121 of any such financial assistance or in the extension of services in connection
122 therewith; or

123 (2) To use any form of application for such financial assistance or to
124 make any record or inquiry in connection with applications for such finan-
125 cial assistance which expresses, directly or indirectly, any limitation, specifi-
126 cation or discrimination as to race, creed, color, national origin or ancestry,
127 or any intent to make any such limitation, specification or discrimination.

1 8. Nothing contained in this act or in the act to which this is a supple-
2 ment shall be construed to require or authorize any act prohibited by law,
3 nor to conflict with the provisions of chapter 2 (child and female labor) of
4 Title 34 (Labor) of the Revised Statutes, nor to require the employment of
5 any person under the age of 21, nor to prohibit the establishment and main-
6 tenance of bona fide occupational qualifications or the establishment and main-
6a tenance of apprenticeship requirements based upon a reasonable minimum
7 age nor to prevent the termination or change of the employment of any per-
8 son who in the opinion of his employer, reasonably arrived at, is unable to
9 perform adequately his duties, nor to preclude discrimination among indi-
10 viduals on the basis of competence, performance, conduct or any other
11 reasonable standard, nor to interfere with the operation of the terms or
12 conditions and administration of any bona fide retirement, pension, em-
13 ployee benefit or insurance plan or program.

1 9. This act shall take effect on the thirty-first day following the date of
2 enactment.