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(Discrimination--sexual orientation--prohibits)

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SPONSOR(S): Feldman

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SENATE: Judiciary

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SENATE, No. 3758

STATE OF NEW JERSEY

INTRODUCED DECEMBER 9, 1991

By Senators FELDMAN and RICE

1 AN ACT to protect all persons in their civil rights and to prevent
2 and eliminate discrimination based on affectional or sexual
3 orientation, and amending various parts of the statutory law.
4

5 ~~BE IT ENACTED by the Senate and General Assembly of the~~
6 ~~State of New Jersey:~~

7 1. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read
8 as follows:

9 3. The Legislature finds and declares that practices of
10 discrimination against any of its inhabitants, because of race,
11 creed, color, national origin, ancestry, age, sex, affectional or
12 sexual orientation, marital status, ~~liability~~ for service in the
13 Armed Forces of the United States, or nationality, are a matter
14 of concern to the government of the State, and that such
15 discrimination threatens not only the rights and proper
16 privileges of the inhabitants of the State but menaces the
17 institutions and foundation of a free democratic State; provided,
18 however, that nothing in this expression of policy prevents the
19 making of legitimate distinctions between citizens and aliens
20 when required by federal law or otherwise necessary to promote
21 the national interest.

22 The Legislature further declares its opposition to such
23 practices of discrimination when directed against any person by
24 reason of the race, creed, color, national origin, ancestry, age,
25 sex, affectional or sexual orientation, marital status, liability
26 for service in the Armed Forces of the United States, or
27 nationality of that person or that person's spouse, partners,
28 members, stockholders, directors, officers, managers,
29 superintendents, agents, employees, business associates,
30 suppliers, or customers, in order that the economic prosperity
31 and general welfare of the inhabitants of the State may be
32 protected and ensured.

33 The Legislature further finds that because of discrimination,
34 people suffer personal hardships, and the State suffers a
35 grievous harm. The personal hardships include: economic loss;
36 time loss; physical and emotional stress; and in some cases
37 severe emotional trauma, illness, homelessness or other
38 irreparable harm resulting from the strain of employment
39 controversies; relocation, search and moving difficulties;
40 anxiety caused by lack of information, uncertainty, and

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 resultant planning difficulty; career, education, family and
2 social disruption; and adjustment problems, which particularly
3 impact on those protected by this act. Such harms have, under
4 the common law, given rise to legal remedies, including
5 compensatory and punitive damages. The Legislature intends
6 that such damages be available to all persons protected by this
7 act and that this act shall be liberally construed in combination
8 with other protections available under the laws of this State.

9 (cf: P.L.1990, c.12, s.1)

10 2. 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~~
16 ~~property without discrimination because of race, creed, color,~~
17 ~~national origin, ancestry, age, marital status, affectional or~~
18 ~~sexual orientation or sex, subject only to conditions and~~
19 ~~limitations applicable alike to all persons. This opportunity is~~
20 ~~recognized as and declared to be a civil right.~~

21 (cf: P.L.1970, c.80, s.9)

22 3. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read
23 as follows:

24 5. As used in this act, unless a different meaning clearly
25 appears from the context:

26 a. "Person" includes one or more individuals, partnerships,
27 associations, organizations, labor organizations, corporations,
28 legal representatives, trustees, trustees in bankruptcy,
29 receivers, and fiduciaries.

30 b. "Employment agency" includes any person undertaking to
31 procure employees or opportunities for others to work.

32 c. "Labor organization" includes any organization which
33 exists and is constituted for the purpose, in whole or in part, of
34 collective bargaining, or of dealing with employers concerning
35 ~~grievances, terms or conditions of employment, or of other~~
36 ~~mutual aid or protection in connection with employment.~~

37 d. "Unlawful employment practice" and "unlawful
38 discrimination" includes only those unlawful practices and acts
39 specified in section 11 of this act.

40 e. "Employer" includes all persons as defined in subsection a.
41 of this section unless otherwise specifically exempt under
42 ~~another section of this act, and includes the State, any political~~
43 ~~or civil subdivision thereof, and all public officers, agencies,~~
44 ~~boards or bodies.~~

45 f. "Employee" does not include any individual employed by
46 his parents, spouse or child, or in the domestic service of any
47 person.

48 g. "Liability for service in the Armed Forces of the United
49 States" means subject to being ordered as an individual or

1 member of an organized unit into active service in the Armed
2 Forces of the United States by reason of membership in the
3 National Guard, naval militia or a reserve component of the
4 Armed Forces of the United States, or subject to being inducted
5 into such armed forces through a system of national selective
6 service.

7 h. "Division" means the "Division on Civil Rights " created
8 by this act.

9 i. "Attorney General" means the, Attorney General of the
10 State of New Jersey or his representative or designee.

11 j. "Commission" means the Commission on Civil Rights
12 ~~created by this act.~~

13 k. "Director" means the Director of the Division on Civil
14 Rights.

15 l. "A place of public accommodation" shall include, but not
16 be limited to: any tavern, roadhouse, hotel, motel, trailer camp,
17 summer camp, day camp, or resort camp, whether for
18 entertainment of transient guests or accommodation of those
19 seeking health, recreation or rest; any producer, manufacturer,
20 wholesaler, distributor, retail shop, store, establishment, or
21 concession dealing with goods or services of any kind; any
22 restaurant, eating house, or place where food is sold for
23 consumption on the premises; any place maintained for the sale
24 of ice cream, ice and fruit preparations or their derivatives,
25 soda water or confections, or where any beverages of any kind
26 ~~or retailed for consumption on the premises; any garage, any~~
27 ~~public conveyance operated on land or water, or in the air, any~~
28 ~~stations and terminals thereof; any bathhouse, boardwalk, or~~
29 ~~seashore accommodation; any auditorium, meeting place, or~~
30 ~~hall; any theatre, motion-picture house, music hall, roof garden,~~
31 ~~skating rink, swimming pool, amusement and recreation park,~~
32 ~~fair, bowling alley, gymnasium, shooting gallery, billiard and~~
33 ~~pool parlor, or other place of amusement; any comfort station;~~
34 ~~any dispensary, clinic or hospital; any public library; any~~
35 ~~kindergarten, primary and secondary school, trade or business~~
36 ~~school, high school, academy, college and university, or any~~
37 ~~educational institution under the supervision of the State Board~~
38 ~~of Education, or the Commissioner of Education of the State of~~
39 ~~New Jersey. Nothing herein contained shall be construed to~~
40 ~~include or to apply to any institution, bona fide club, or place of~~
41 ~~accommodation, which is in its nature distinctly private; nor~~
42 ~~shall anything herein contained apply to any educational facility~~
43 ~~operated or maintained by a bona fide religious or sectarian~~
44 ~~institution, and the right of a natural parent or one in loco~~
45 ~~parentis to direct the education and upbringing of a child under~~
46 ~~his control is hereby affirmed; nor shall anything herein~~
47 ~~contained be construed to bar any private secondary or~~
48 ~~postsecondary school from using in good faith criteria other than~~
49 ~~race, creed, color, national origin [or], ancestry[,] or affectional~~

1 or sexual orientation, in the admission of students.

2 m. "A publicly assisted housing accommodation" shall include
3 all housing built with public funds or public assistance pursuant
4 to P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949,
5 c.303, P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and
6 P.L.1949, c.184, and all housing financed in whole or in part by a
7 loan, whether or not secured by a mortgage, the repayment of
8 which is guaranteed or insured by the federal government or any
9 agency thereof.

10 n. The term "real property" includes real estate, lands,
11 tenements and hereditaments, corporeal, and incorporeal, and
12 leaseholds, provided, however, that, except as to publicly
13 assisted housing accommodations, the provisions of this act shall
14 not apply to the rental: (1) of a single apartment or flat in a
15 two-family dwelling, the other occupancy unit of which is
16 occupied by the owner as his residence or the household of his
17 family at the time of such rental; or (2) of a room or rooms to
18 another person or persons by the owner or occupant of a
19 one-family dwelling occupied by him as his residence or the
20 household of his family at the time of such rental. Nothing
21 herein contained shall be construed to bar any religious or
22 denominational institution or organization, or any organization
23 operated for charitable or educational purposes, which is
24 operated, supervised or controlled by or in connection with a
25 religious organization, in the sale, lease or rental of real
26 property, from limiting admission to or giving preference to
27 persons of the same religion or denomination or from making
28 such selection as is calculated by such organization to promote
29 the religious principles for which it is established or maintained.

30 o. "Real estate broker" includes a person, firm or corporation
31 who, for a fee, commission or other valuable consideration, or
32 by reason of promise or reasonable expectation thereof, lists for
33 sale, sells, exchanges, buys or rents, or offers or attempts to
34 negotiate a sale, exchange, purchase, or rental of real estate or
35 an interest therein, or collects or offers or attempts to collect
36 rent for the use of real estate, or solicits for prospective
37 purchasers or assists or directs in the procuring of prospects or
38 the negotiation or closing of any transaction which does or is
39 contemplated to result in the sale, exchange, leasing, renting or
40 auctioning of any real estate, or negotiates, or offers or
41 attempts or agrees to negotiate a loan secured or to be secured
42 by mortgage or other encumbrance up on or transfer of any real
43 estate for others, or any person who, for pecuniary gain or
44 expectation of pecuniary gain conducts a public or private
45 competitive sale of lands or any interest in lands. In the sale of
46 lots, the term "real estate broker" shall also include any person,
47 partnership, association or corporation employed by or on behalf
48 of the owner or owners of lots or other parcels of real estate, at
49 a stated salary, or upon a commission, or upon a salary and

1 commission or otherwise, to sell such real estate, or any parts
2 thereof, in lots or other parcels, and who shall sell or exchange,
3 or offer or attempt or agree to negotiate the sale or exchange,
4 of any such lot or parcel of real estate.

5 p. "Real estate salesman" includes any person who, for
6 compensation, valuable consideration or commission, or other
7 thing of value, or by reason of a promise or reasonable
8 expectation thereof, is employed by and operates under the
9 supervision of a licensed real estate broker to sell or offer to
10 sell, buy or offer to buy or negotiate the purchase, sale or
11 exchange of real estate, or offers or attempts to negotiate a
12 loan secured or to be secured by a mortgage or other
13 encumbrance upon or transfer of real estate, or to lease or rent,
14 or offer to lease or rent any real estate for others, or to collect
15 rents for the use of real estate, or to solicit for prospective
16 purchasers or lessees of real estate, or who is employed by a
17 licensed real estate broker to sell or offer to sell lots or other
18 parcels of real estate, at a stated salary, or upon a commission,
19 or upon a salary and commission, or otherwise to sell real
20 estate, or any parts thereof, in lots or other parcels.

21 q. "Handicapped" means suffering from physical disability,
22 infirmity, malformation or disfigurement which is caused by
23 bodily injury, birth defect or illness including epilepsy, and
24 which shall include, but not be limited to, any degree of
25 paralysis, amputation, lack of physical coordination, blindness or
26 visual impediment, deafness or hearing impediment, muteness or
27 speech impediment or physical reliance on a service or guide
28 dog, wheelchair, or other remedial appliance or device, or from
29 any mental, psychological or developmental disability resulting
30 from anatomical, psychological, physiological or neurological
31 conditions which prevents the normal exercise of any bodily or
32 mental functions or is demonstrable, medically or
33 psychologically, by accepted clinical or laboratory diagnostic
34 techniques.

35 r. "Blind person" means any individual whose central visual
36 acuity does not exceed 20/200 in the better eye with correcting
37 lens or whose visual acuity is better than 20/200 if accompanied
38 by a limit to the field of vision in the better eye to such a
39 degree that its widest diameter subtends an angle of no greater
40 than 20 degrees.

41 s. "Guide dog" means a dog used to assist deaf persons or
42 which fitted with a special harness so as to be suitable as an aid
43 to the mobility of a blind person, and is used by a blind person
44 who has satisfactorily completed a specific course of training in
45 the use of such a dog, and has been trained by an organization
46 generally recognized by agencies involved in the rehabilitation
47 of the blind or deaf as reputable and competent to provide dogs
48 with training of this type.

49 t. "Guide or service dog trainer" means any person who is

1 employed by an organization generally recognized by agencies
2 involved in the rehabilitation of the blind, handicapped or deaf
3 as reputable and competent to provide dogs with training, and
4 who is actually involved in the training process.

5 u. "Housing accommodation" means any publicly assisted
6 housing accommodation or any real property, or portion thereof,
7 which is used or occupied, or is intended, arranged, or designed
8 to be used or occupied, as the home, residence or sleeping place
9 of one or more persons, but shall not include any single family
10 residence the occupants of which rent, lease, or furnish for
11 compensation not more than one room therein.

12 v. "Public facility" means any place of public accommodation
13 and any street, highway, sidewalk, walkway, public building, and
14 any other place or structure to which the general public is
15 regularly, normally or customarily permitted or invited.

16 w. "Deaf person" means any person whose hearing is so
17 severally impaired that he is unable to hear and understand
18 normal conversation speech through the unaided ear alone, and
19 who must depend primarily on supportive device or visual
20 communication such as writing, lip reading, sign language, and
21 gestures.

22 x. "Atypical hereditary cellular or blood trait" means sickle
23 cell trait, hemoglobin C trait, thalassemia trait, Tay-Sachs
24 trait, or cystic fibrosis trait.

25 y. "Sickle cell trait" means the condition wherein the major
26 natural hemoglobin components present in the blood of the
27 individual are hemoglobin A (normal) and hemoglobin S (sickle
28 hemoglobin) as defined by standard chemical and physical
29 analytic techniques, including electrophoresis; and the
30 proportion of hemoglobin A is greater than the proportion of
31 hemoglobin S or one natural parent of the individual is shown to
32 have only normal hemoglobin components (hemoglobin A,
33 hemoglobin A2, hemoglobin F) in the normal proportions by
34 standard chemical and physical analytic tests.

35 z. "Hemoglobin C trait" means the condition wherein the
36 major natural hemoglobin components present in the blood of
37 the individual are hemoglobin A (normal) and hemoglobin C as
38 defined by standard chemical and physical analytic techniques,
39 including electrophoresis; and the proportion of hemoglobin A is
40 greater than the proportion of hemoglobin C or one natural
41 parent of the individual is shown to have only normal hemoglobin
42 components (hemoglobin A, hemoglobin A2, hemoglobin F) in
43 normal proportions by standard chemical and physical analytic
44 tests.

45 aa. "Thalassemia trait" means the presence of the
46 thalassemia gene which in combination with another similar
47 gene results in the chronic hereditary disease Cooley's anemia.

48 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs
49 gene which in combination with another similar gene results in

1 the chronic hereditary disease Tay-Sachs.

2 cc. "Cystic fibrosis trait" means the presence of the cystic
3 fibrosis gene which in combination with another similar gene
4 results in the chronic hereditary disease, cystic fibrosis.

5 dd. "Service dog" means any dog individually trained to a
6 handicapped person's requirements including, but not limited to,
7 minimal protection work, rescue work, pulling a wheelchair or
8 retrieving dropped items.

9 ee. "Qualified Medicaid applicant" means an individual who is
10 a qualified applicant pursuant to P.L.1968, c.413 (C. 30:4D-1 et
11 seq.).

12 ff. "Affectional or sexual orientation" means male or female
13 heterosexuality, homosexuality or bisexuality by inclination,
14 practice, identity or expression, having a history thereof or
15 being perceived, presumed or identified by others as having such
16 an orientation.

17 gg. "Heterosexuality" means affectional, emotional or
18 physical attraction or behavior which is primarily directed
19 towards persons of the other gender.

20 hh. "Homosexuality" means affectional, emotional or
21 physical attraction or behavior which is primarily directed
22 towards persons of the same gender.

23 ii. "Bisexuality" means affectional, emotional or physical
24 attraction or behavior which is directed towards persons of
25 either gender.

26 (cf: P.L. 1986, c.8, s.1)

27 4. Section 6 of P.L.1945, c.169 (C.10:5-6) is amended to read
28 as follows:

29 6. There is created in the Department of Law and Public
30 Safety a division known as "The Division on Civil Rights" with
31 power to prevent and eliminate discrimination in the manner
32 prohibited by this act against persons of race, creed, color,
33 national origin, ancestry, age, marital status, affectional or
34 sexual orientation or sex or because of their liability for service
35 ~~in the Armed Forces of the United States, by employers, labor~~
36 organizations, employment agencies or other persons and to take
37 other actions against discrimination because of race, creed,
38 color, national origin, ancestry or age because of their liability
39 for service in the Armed Forces of the United States, as herein
40 provided; and the division created hereunder is given general
41 jurisdiction and authority for such purposes.

42 (cf: P.L.1970, c.80, s.10)

43 5. Section 8 of P.L.1945, c.169 (C.10:5-8) is amended to read
44 as follows:

45 8. The Attorney General shall:

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

48 b. Administer the work of the division.

49 c. Organize the division into sections, which shall include but

1 not be limited to a section which shall receive, investigate, and
2 act upon complaints alleging discrimination against persons
3 because of race, creed, color, national origin, ancestry, age,
4 marital status, affectional or sexual orientation or sex or
5 because of their liability for service in the Armed Forces of the
6 United States; and another which shall, in order to eliminate
7 prejudice and to further good will among the various racial,
8 [and], religious [and], nationality and other groups in this State,
9 study, recommend, prepare and implement, in cooperation with
10 such other departments of the State Government or any other
11 agencies, groups or entity both public and private, such
12 educational and human relations programs as are consonant with
13 the objectives of this act; and prescribe the organization of said
14 sections and the duties of his subordinates and assistants.

15 d. Appoint a Director of the Division on Civil Rights, who
16 shall act for the Attorney General, in his place and with his
17 powers, which appointment shall be subject to the approval of
18 the commission and the Governor, a deputy director and such
19 assistant directors, field representatives and assistants as may
20 be necessary for proper administration of the division and fix
21 their compensation within the limits of available
22 appropriations. The director, deputy director, assistant
23 directors, field representatives and assistants shall not be
24 subject to the Civil Service Act and shall be removable by the
25 Attorney General at will.

26 e. Appoint such clerical force and employees as he may deem
27 necessary and fix their duties, all of whom shall be subject to
28 the Civil Service Act.

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

31 g. Adopt, promulgate, amend, and rescind, suitable rules and
32 regulations to carry out the provisions of this act.

33 h. Conduct investigations, receive complaints and conduct
34 hearings thereon other than those complaints received and
35 hearings held pursuant to the provisions of this act.

36 ~~i. In connection with any investigation or hearing held~~
37 ~~pursuant to the provisions of this act, subpoena witnesses,~~
38 ~~compel their attendance, administer oaths, take the testimony~~
39 ~~of any person, under oath, and, in connection therewith, require~~
40 ~~the production for examination of any books or papers relating~~
41 ~~to any subject matter under investigation or in question by the~~
42 ~~division and conduct such discovery procedures which may~~
43 ~~include the taking of interrogatories and oral depositions as shall~~
44 ~~be deemed necessary by the Attorney General in any~~
45 ~~investigation. The Attorney General may make rules as to the~~
46 ~~issuance of subpoenas by the director. The failure of any~~
47 ~~witness when duly subpoenaed to attend, give testimony, or~~
48 ~~produce evidence shall be punishable by the Superior Court of~~
49 ~~New Jersey in the same manner as such failure is punishable by~~

- 1 such court in a case therein pending.
- 2 j. Issue such publications and such results of investigations
3 and research tending to promote good will and to minimize or
4 eliminate discrimination because of race, creed, color, national
5 origin, ancestry, age, marital status, affectional or sexual
6 orientation or sex, as the commission shall direct, subject to
7 available appropriations.
- 8 k. Render each year to the Governor and Legislature a full
9 written report of all the activities of the division.
- 10 l. Appoint, subject to the approval of the commission, a panel
11 of not more than five hearing examiners, each of whom shall be
12 duly licensed to practice law in this State for a period of at
13 least five years, and each to serve for a term of one year and
14 until his successor is appointed, any one of whom the director
15 may designate in his place to conduct any hearing and
16 recommend findings of fact and conclusions of law. The hearing
17 examiners shall receive such compensation as may be
18 determined by the Attorney General, subject to available
19 appropriations.
20 (cf: P.L.1970, c.80, s.11)
- 21 6. Section 1 of P.L.1954, c.198 (C.10:5-9.1) is amended to
22 read as follows:
- 23 1. The Division on Civil Rights in the Department of Law and
24 Public Safety shall enforce the laws of this State against
25 discrimination in housing built with public funds or public
26 assistance, pursuant to any law, and in real property, as defined
27 in the law hereby supplemented, because of race, religious
28 principles, color, national origin, ancestry, marital status,
29 affectional or sexual orientation or sex. The said laws shall be
30 so enforced in the manner prescribed in the act to which this act
31 is a supplement.
32 (cf: P.L.1970, c.80, s.12)
- 33 7. Section 9 of P.L.1945, c.169 (C.10:5-10) is amended to
34 read as follows:
- 35 9. The commission shall:
- 36 a. Consult with and advise the Attorney General with respect
37 to the work of the division.
- 38 b. Survey and study the operations of the division.
- 39 c. Report to the Governor and the Legislature with respect to
40 such matters relating to the work of the division and at such
41 times as it may deem in the public interest.
- 42 The mayors or chief executive officers of the municipalities
43 in the State may appoint local commissions on civil rights to aid
44 in effectuating the purposes of this act. Such local commissions
45 shall be composed of representative citizens serving without
46 compensation. Such commissions shall attempt to foster
47 through community effort or otherwise, good will, cooperation
48 and conciliation among the groups and elements of the
49 inhabitants of the community, and they may be empowered by

1 the local governing bodies to make recommendations to them
2 for the development of policies and procedures in general and
3 for programs of formal and informal education that will aid in
4 eliminating all types of discrimination based on race, creed,
5 color, national origin, ancestry, age, marital status, affectional
6 or sexual orientation or sex.

7 (cf: P.L.1970, c.80, s.13)

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

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

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

1 the aggregate at least \$27,000.00; and provided further that an
2 employer may restrict employment to citizens of the United
3 States where such restriction is required by federal law or is
4 otherwise necessary to protect the national interest.

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

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

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

38 d. For any person to take reprisals against any person because
39 he has opposed any practices or acts forbidden under this act or
40 because he has filed a complaint, testified or assisted in any
41 proceeding under this act.

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

45 f. For any owner, lessee, proprietor, manager,
46 superintendent, agent, or employee of any place of public
47 accommodation directly or indirectly to refuse, withhold from
48 or deny to any person any of the accommodations, advantages,
49 facilities or privileges thereof, or to discriminate against any

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

31 g. For the owner, lessee, sublessee, assignee or managing
32 agent of, or other person having the right of ownership or
33 possession of or the right to sell, rent, lease, assign, or sublease
34 any real property or part or portion thereof, or any agent or
35 employee of any of these:

36 (1) To refuse to sell, rent, lease, assign, or sublease or
37 otherwise to deny to or withhold from any person or group of
38 persons any real property or part or portion thereof because of
39 the race, creed, color, national origin, ancestry, marital status,
40 sex, affectional or sexual orientation or nationality of such
41 person or group of persons;

42 (2) To discriminate against any person or group of persons
43 because of the race, creed, color, national origin, marital status
44 [or], sex or affectional or sexual orientation of such person or
45 group of persons in the terms, conditions or privileges of the
46 sale, rental or lease of any real property or part or portion
47 thereof or in the furnishing of facilities or services in
48 connection therewith; or

49 (3) To print, publish, circulate, issue, display, post or mail, or

1 cause to be printed, published, circulated, issued, displayed,
2 posted or mailed any statement, advertisement, publication or
3 sign, or to use any form of application for the purchase, rental,
4 lease, assignment or sublease of any real property or part or
5 portion thereof, or to make any record or inquiry in connection
6 with the prospective purchase, rental, lease, assignment, or
7 sublease of any real property, or part or portion thereof which
8 expresses, directly or indirectly, any limitation, specification or
9 discrimination as to race, creed, color, national origin, ancestry,
10 marital status, sex, affectional or sexual orientation or
11 nationality or any intent to make any such limitation,
12 specification or discrimination, and the production of any such
13 ~~statement, advertisement, publicity, sign, form of application,~~
14 ~~record, or inquiry purporting to be made by any such person shall~~
15 ~~be presumptive evidence in any action that the same was~~
16 ~~authorized by such person; provided, however, that nothing~~
17 ~~contained in this subsection shall be construed to bar any person~~
18 ~~from refusing to sell, rent, lease, assign or sublease or from~~
19 ~~advertising or recording a qualification as to sex for any room,~~
20 ~~apartment, flat in a dwelling or residential facility which is~~
21 ~~planned exclusively for and occupied exclusively by individuals~~
22 ~~of one sex to any individual of the opposite sex on the basis of~~
23 ~~sex.~~

24 h. For any real estate broker, real estate salesman or
25 employee or agent thereof:

26 (1) To refuse to sell, rent, assign, lease or sublease, or offer
27 for sale, rental, lease, assignment, or sublease any real property
28 or part or portion thereof to any person or group of persons or to
29 refuse to negotiate for the sale, rental, lease, assignment, or
30 sublease of any real property or part or portion thereof to any
31 person or group of persons because of the race, creed, color,
32 national origin, ancestry, marital status, sex, affectional or
33 sexual orientation or nationality of such person or group of
34 persons, or to represent that any real property or portion
35 thereof is not available for inspection, sale, rental, lease,
36 assignment, or sublease when in fact it is so available, or
37 otherwise to deny or withhold any real property or any part or
38 portion of facilities thereof to or from any person or group of
39 persons because of the race, creed, color, national origin,
40 ancestry, marital status, sex, affectional or sexual orientation,
41 or nationality of such person or group of persons;

42 (2) To discriminate against any person because of his race,
43 creed, color, national origin, ancestry, marital status [or], sex or
44 affectional or sexual orientation in the terms, conditions or
45 privileges of the sale, rental, lease, assignment or sublease of
46 any real property or part or portion thereof or in the furnishing
47 of facilities or services in connection therewith; or

48 (3) To print, publish, circulate, issue, display, post, or mail, or
49 cause to be printed, published, circulated, issued, displayed,

1 posted or mailed any statement, advertisement, publication or
2 sign, or to use any form of application for the purchase, rental,
3 lease, assignment, or sublease of any real property or part or
4 portion thereof or to make any record or inquiry in connection
5 with the prospective purchase, rental, lease, assignment, or
6 sublease of any real property or part or portion thereof which
7 expresses, directly or indirectly, any limitation, specification or
8 discrimination as to race, creed, color, national origin, ancestry,
9 marital status, sex, affectional or sexual orientation or
10 nationality or any intent to make any such limitation,
11 specification or discrimination, and the production of any such
12 statement, advertisement, publicity, sign, form of application,
13 record, or inquiry purporting to be made by any such person shall
14 be presumptive evidence in any action that the same was
15 authorized by such person; provided, however, that nothing
16 contained in this subsection h. shall be construed to bar any
17 person from refusing to sell, rent, lease, assign or sublease or
18 from advertising or recording a qualification as to sex for any
19 room, apartment, flat in a dwelling or residential facility which
20 is planned exclusively for and occupied exclusively by individuals
21 of one sex to any individual of the opposite sex on the basis of
22 sex.

23 i. For any person, bank, banking organization, mortgage
24 company, insurance company or other financial institution,
25 lender or credit institution to whom application is made for any
26 loan or extension of credit including but not limited to an
27 application for financial assistance for the purchase, acquisition,
28 construction, rehabilitation, repair or maintenance of any real
29 property or part or portion thereof or any agent or employee
30 thereof:

31 (1) To discriminate against any person or group of persons
32 because of the race, creed, color, national origin, ancestry,
33 marital status, sex, affectional or sexual orientation or
34 nationality of such person or group of persons or of the
35 prospective occupants or tenants of such real property or part or
36 portion thereof, in the granting, withholding, extending,
37 modifying or renewing, or in the fixing of the rates, terms,
38 conditions or provisions of any such loan, extension of credit or
39 financial assistance or in the extension of services in connection
40 therewith; or

41 (2) To use any form of application for such loan, extension of
42 credit or financial assistance or to make record or inquiry in
43 connection with applications for any such loan, extension of
44 credit or financial assistance which expresses, directly or
45 indirectly, any limitation, specification or discrimination as to
46 race, creed, color, national origin, ancestry, marital status, sex,
47 affectional or sexual orientation or nationality or intent to make
48 any such limitation, specification or discrimination; unless
49 otherwise required by law or regulation to retain or use such

1 information.

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

6 k. For any real estate broker, real estate salesman or
7 employee or agent thereof or any other individual, corporation,
8 partnership, or organization, for the purpose of inducing a
9 transaction for the sale or rental of real property from which
10 transaction such person or any of its members may benefit
11 financially, to represent that a change has occurred or will or
12 may occur in the composition with respect to race, creed, color,
13 national origin, ancestry, marital status, sex, affectional or
14 sexual-orientation or nationality of the owners or occupants in
15 the block, neighborhood or area in which the real property is
16 located, and to represent, directly or indirectly, that this change
17 will or may result in undesirable consequences in the block,
18 neighborhood or area in which the real property is located,
19 including, but not limited to the lowering of property values, an
20 increase in criminal or antisocial behavior, or a decline in the
21 quality of schools or other facilities.

22 l. For any person to refuse to buy from, sell to, lease from or
23 to, license, contract with, or trade with, provide goods, services
24 or information to, or otherwise do business with any other
25 person on the basis of the race, creed, color, national origin,
26 ancestry, age, sex, affectional or sexual orientation, marital
27 status, liability for service in the Armed Forces of the United
28 States, or nationality of such other person or of such other
29 person's spouse, partners, members, stockholders, directors,
30 officers, managers, superintendents, agents, employees, business
31 associates, suppliers, or customers. This subsection shall not
32 prohibit refusals or other actions (1) pertaining to
33 employee-employer collective bargaining, labor disputes, or
34 unfair labor practices, or (2) made or taken in connection with a
35 protest of unlawful discrimination or unlawful employment
36 practices.

37 m. For any person to:

38 (1) Grant or accept any letter of credit or other document
39 which evidences the transfer of funds or credit, or enter into
40 any contract for the exchange of goods or services, where the
41 letter of credit, contract, or other document contains any
42 provisions requiring any person to discriminate against or to
43 certify that he, she or it has not dealt with any other person on
44 the basis of the race, creed, color, national origin, ancestry,
45 age, sex, affectional or sexual orientation, marital status,
46 liability for service in the Armed Forces of the United States, or
47 nationality of such other person or of such other person's
48 spouse, partners, members, stockholders, directors, officers,
49 managers, superintendents, agents, employees, business

1 associates, suppliers, or customers.

2 (2) Refuse to grant or accept any letter of credit or other
3 document which evidences the transfer of funds or credit, or
4 refuse to enter into any contract for the exchange of goods or
5 services, on the ground that it does not contain such a
6 discriminatory provision or certification.

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

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

20 (1) Buying from, selling to, leasing from or to, licensing,
21 contracting with, trading with, providing goods, services, or
22 information to, or otherwise doing business with any person
23 because that person does, or agrees or attempts to do, any such
24 act or any act prohibited by this subsection n.; or

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

35 (cf: P.L.1985, c.73, s.3)

36 9. Section 26 of P.L.1945, c.169 (C.10:5-27) is amended to
37 read as follows:

38 26. The provisions of this act shall be construed fairly and
39 justly with due regard to the interests of all parties. Nothing
40 contained in this act shall be deemed to repeal any of the
41 provisions of the Civil Rights Law or of any other law of this
42 State relating to discrimination because of race, creed, color,
43 national origin, ancestry, marital status, affectional or sexual
44 orientation or sex or liability for service in the Armed Forces of
45 the United States; except that, as to practices and acts declared
46 unlawful by section 11 of this act, the procedure herein provided
47 shall, while pending, be exclusive; and the final determination
48 therein shall exclude any other action, civil or criminal, based
49 on the same grievance of the individual concerned. Nothing

1 herein contained shall bar, exclude or otherwise affect any right
2 or action, civil or criminal, which may exist independently of
3 any right to redress against or specific relief from any unlawful
4 employment practice or unlawful discrimination. With respect
5 only to affectional or sexual orientation, nothing contained
6 herein shall be construed to require the imposition of
7 affirmative action, plans or quotas as specific relief from an
8 unlawful employment practice or unlawful discrimination.

9 (cf: P.L.1970, c.80, s.15)

10 10. R.S.10:2-1 is amended to read as follows:

11 10:2-1. Every contract for or on behalf of the State or any
12 county or municipality or other political subdivision of the
13 State, or any agency of or authority created by any of the
14 foregoing, for the construction, alteration or repair of any
15 public building or public work or for the acquisition of materials,
16 equipment, supplies or services shall contain provisions by which
17 the contractor agrees that:

18 a. In the hiring of persons for the performance of work under
19 this contract or any subcontract hereunder, or for the
20 procurement, manufacture, assembling or furnishing of any such
21 materials, equipment, supplies or services to be acquired under
22 this contract, no contractor, nor any person acting on behalf of
23 such contractor or subcontractor, shall, by reason of race,
24 creed, color, national origin, ancestry, marital status,
25 affectional or sexual orientation or sex, discriminate against any
26 ~~person who is qualified and available to perform the work to~~
27 which the employment relates;

28 b. No contractor, subcontractor, nor any person on his behalf
29 shall, in any manner, discriminate against or intimidate any
30 employee engaged in the performance of work under this
31 contract or any subcontract hereunder, or engaged in the
32 procurement, manufacture, assembling or furnishing of any such
33 materials, equipment, supplies or services to be acquired under
34 such contract, on account of race, creed, color, national origin,
35 ancestry, marital status, affectional or sexual orientation or sex;

36 c. There may be deducted from the amount payable to the
37 contractor by the contracting public agency, under this
38 contract, a penalty of \$50.00 for each person for each calendar
39 day during which such person is discriminated against or
40 intimidated in violation of the provisions of the contract; and

41 d. This contract may be canceled or terminated by the
42 contracting public agency, and all money due or to become due
43 hereunder may be forfeited, for any violation of this section of
44 the contract occurring after notice to the contractor from the
45 contracting public agency of any prior violation of this section
46 of the contract.

47 No provision in this section shall be construed to prevent a
48 board of education from designating that a contract,
49 subcontract or other means of procurement of goods, services,

1 equipment or construction shall be awarded to a small business
2 enterprise, minority business enterprise or a women's business
3 enterprise pursuant to P.L.1985, c.490 (C.18A:18A-51 et seq.).

4 (cf: P.L.1988, c.37, s.8)

5 11. Section 1 of P.L.1975, c.127 (C.10:5-31) is amended to
6 read as follows:

7 1. As used in this act:

8 a. "Public works contract" means any contract to be
9 performed for or on behalf of the State or any county or
10 municipality or other political subdivision of the State, or any
11 agency or authority created by any of the foregoing, for the
12 construction, alteration or repair of any building or public work
13 or for the acquisition of materials, equipment, supplies or
14 services with respect to which discrimination in the hiring of
15 persons for the performance of work thereunder or under any
16 subcontract thereunder by reason of race, creed, color, national
17 origin, ancestry, marital status, affectional or sexual orientation
18 or sex is prohibited under R.S.10:2-1.

19 b. ~~"Equal employment opportunity"~~ means equality in
20 opportunity for employment by any contractor, subcontractor or
21 business firm engaged in the carrying out of a public works
22 project including its development, design, acquisition,
23 construction, management and operation.

24 (cf: P.L.1975, c.127, s.1)

25 12. Section 2 of P.L.1975, c.127 (C.10:5-32) is amended to
26 read as follows:

27 2. No public works contract shall be awarded by the State, a
28 county, municipality or other political subdivision of the State,
29 or any agency of or authority created by any of the foregoing,
30 nor shall any moneys be paid thereunder to any contractor,
31 subcontractor or business firm which has not agreed and
32 guaranteed to afford equal opportunity in performance of the
33 contract and, except with respect to affectional or sexual
34 orientation, in accordance with an affirmative action program
35 approved by the State Treasurer.

36 (cf: P.L.1975, c.127, s.2)

37 13. Section 3 of P.L.1975, c.127 (C.10:5-33) is amended to
38 read as follows:

39 3. The State or any county or municipality or other political
40 subdivision of the State, or any agency of or authority created
41 by any of the foregoing, shall include in the bid specifications
42 and the contract provisions of any public works contract the
43 following language:

44 "During the performance of this contract, the contractor
45 agrees as follows:

46 a. The contractor or subcontractor, where applicable, will not
47 discriminate against any employee or applicant for employment
48 because of age, race, creed, color, national origin, ancestry,
49 marital status, affectional or sexual orientation or sex. [The]

1 Except with respect to affectional or sexual orientation, the
2 contractor will take affirmative action to ensure that such
3 applicants are recruited and employed, and that employees are
4 treated during employment, without regard to their age, race,
5 creed, color, national origin, ancestry, marital status,
6 affectional or sexual orientation or sex. Such action shall
7 include, but not be limited to the following: employment,
8 upgrading, demotion, or transfer; recruitment or recruitment
9 advertising; layoff or termination; rates of pay or other forms of
10 compensation; and selection for training, including
11 apprenticeship. The contractor agrees to post in conspicuous
12 places, available to employees and applicants for employment,
13 notices to be provided by the contracting officer setting forth
14 the provisions of this nondiscrimination clause;

15 b. The contractor or subcontractor, where applicable will, in
16 all solicitations or advertisements for employees placed by or on
17 behalf of the contractor, state that all qualified applicants will
18 receive consideration for employment without regard to age,
19 ~~race, creed, color, national origin, ancestry, marital status,~~
20 affectional or sexual orientation or sex;

21 c. The contractor or subcontractor where applicable, will
22 send to each labor union or representative of workers with which
23 he has a collective bargaining agreement or other contract or
24 understanding, a notice, to be provided by the agency
25 contracting officer, advising the labor union or workers'
26 representative of the contractor's commitments under this act
27 and shall post copies of the notice in conspicuous places
28 available to employees and applicants for employment."

29 In soliciting bids for any public works contract the State or
30 any county or municipality or other political subdivision of the
31 State, or any agency of or authority created by any of the
32 foregoing, shall include in the advertisement and solicitation of
33 bids the following language: "Bidders are required to comply
34 with the requirements of P.L.1975, c.127."

35 (cf: P.L.1976, c.60, s.1)

36 14. Section 4 of P.L.1975, c.127 (C.10:5-34) is amended to
37 read as follows:

38 4. Each prospective bidder on a public works contract or
39 contracts and each subcontract bidder to a prime contract
40 bidder shall formulate and submit to the State Treasurer his or
41 its affirmative action program of equal opportunity whereby he
42 or it guarantees minorities employment in all employment
43 categories; the submission shall be accompanied by a fee in an
44 amount to be fixed by the State Treasurer. For the purposes of
45 this section, equal employment opportunity but not affirmative
46 action is required with respect to persons identified solely by
47 their affectional or sexual orientation. The State Treasurer
48 shall notify the bidder of approval or disapproval of his or its
49 program within 60 days of its submission; failure of the State

1 Treasurer to so act within 60 days shall constitute approval of
2 the program. Any existing federally approved or sanctioned
3 affirmative action program shall be approved by the State
4 Treasurer.

5 No subcontract bidder who has less than five employees need
6 comply with the provisions of this section.

7 (cf: P.L. 1975, c. 127, s. 4)

8 15. This act shall take effect immediately.
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STATEMENT

12

13

14 This bill amends the "Law against Discrimination" and related
15 laws concerning public contracts and employment, making it
16 unlawful to discriminate on the basis of one's affectional or
17 sexual orientation. However, the bill is limited in scope as it
18 does not require affirmative action programs to recruit or
19 employ persons solely based on their affectional or sexual
orientation.

20

21

22

CIVIL JUSTICE

23

24

25 Prohibits discrimination based on affectional or sexual
orientation.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3758

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 1992

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3758.

Presently, New Jersey's "Law Against Discrimination" prohibits discrimination in areas such as housing and employment because of race, creed, color, natural origin, ancestry, age, sex or marital status. This bill would expand the provisions of the "Law Against Discrimination" to include discrimination on the basis of affectional or sexual orientation.

Although the bill would prohibit discrimination in employment on the basis of affectional or sexual orientation, the bill would not require affirmative action programs to recruit or employ persons solely based on their affectional or sexual orientation.

By amendment, the committee added a section to the bill dealing with affirmative action programs operated by State agencies.

The committee also voted to include in this statement the following language: Nothing in this bill shall be construed to prevent or preclude the owners or operators of day care centers and similar facilities from refusing to employ known or suspected child molesters.

SENATE SII COMMITTEE

AMENDMENTS

to

SENATE No. 3758

(Sponsored by Senator Feldman)

ADOPTED

JAN 9 1992

INSERT NEW SECTION 15 TO READ:

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

11A:7-1. Equal employment opportunity. The head of each State agency shall ensure equality of opportunity for all of its employees and applicants seeking employment. Equal employment opportunity includes, but is not limited to, the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation and fringe benefits. Equal employment opportunity further includes policies, procedures, and programs for recruitment, employment, training, promotion, and retention of minorities, women and handicapped persons. Equal employment opportunity but not affirmative action is required with respect to persons identified solely by their affectional or sexual orientation.

~~The head of each State agency shall explore innovative personnel policies in order to enhance these efforts and where appropriate shall implement them to the fullest extent authorized. Where the implementation of those policies is not authorized, an agency head shall recommend implementation to the appropriate State agency.¹~~

(cf: P.L. 1986, c. 112, s.11A:7-1)

RENUMBER SECTION 15 AS SECTION 16



S3158

OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

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TRENTON, N.J. 08625
SUNDAY
Release: JAN. 19, 1992

GOVERNOR FLORIO SIGNS MEASURE BANNING DISCRIMINATION BASED ON SEXUAL ORIENTATION

Governor Jim Florio today signed a law that amends the state civil rights statute to prohibit discrimination based on sexual orientation.

New Jersey's Law Against Discrimination applies to employment, public accommodations, housing and public contracts. That law prohibits discrimination based on race, creed, color, national origin, ancestry, age, marital status, sex and handicap.

The law signed today by Governor Florio adds sexual orientation to those categories, and allows victims of discrimination to file suit or file a complaint with the Division of Civil Rights.

"Employees should be judged and treated based upon how well they perform their jobs," Governor Florio said. "Tenants should be judged and treated based upon whether they are good tenants and pay their rent on time."

"These are common sense principles of fairness. There is no room in our state, or our society, for arbitrary discrimination of any kind," Governor Florio said.

Governor Florio's action makes New Jersey the fifth state in the nation with such a law, following Wisconsin, Connecticut, Massachusetts and Hawaii.

The law does not impose hiring requirements upon religious groups because current law allows religious groups to follow the tenets of their religion in setting criteria for employment.

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