

11:2D-1 to 11:2D-10

LEGISLATIVE HISTORY CHECKLIST

NJSA 11:2D-1 to 11:2D-10 (Equal employment opportunity program-- State government)

LAWS 1981 CHAPTER 124

Bill No. S3013

Sponsor(s) Lipman

Date Introduced Jan. 22, 1981

Committee: Assembly -----

Senate State Govt., Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Feb. 23, 1981

Senate Feb. 19, 1981

Date of approval April 24, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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SENATE, No. 3013

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1981

By Senators LIPMAN and MERLINO

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

AN ACT providing equal employment opportunities in the State
Government and supplementing Title 11 of the Revised Statutes.

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

1 1. As used in this act:

2 a. "State agency" means any department, division, office, agency
3 or bureau of this State, or any authority or instrumentality thereof.

4 b. "Head" means the person representing the highest authority
5 within a State agency.

1 2. The head of each State agency shall ensure equality of oppor-
2 tunity for all of its employees and for all applicants seeking
3 employment within its jurisdiction. Equal employment opportunity
4 includes, but is not limited to, the following areas: recruitment,
5 selection, hiring, training, promotion, transfer, layoff, return from
6 layoff, compensation and fringe benefits. Equal employment oppor-
7 tunity further includes policies, procedures, and programs for
8 recruitment, employment, training, promotion, and retention of
9 minority and physically handicapped persons and women.

10 The head of each State agency shall explore innovative personnel
11 policies in order to enhance these efforts and where appropriate
12 shall implement them to the full extent of his authority. Where
13 the implementation of innovative personnel policies is not within
14 the authority of an agency head he shall recommend implementation
15 to the appropriate State agency.

1 3. The Division of Equal Employment Opportunity and Affirma-
2 tive Action ***[shall develop, implement, and administer a State-**
2A **wide]*** **created by Executive Order No. 61 of 1977 is constituted**
3 the Division of Equal Employment Opportunity and Affirmative

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

4 Action in the Department of Civil Service. The division shall have
5 all of the powers and shall exercise all of the functions and duties
6 set forth in this act, subject to the supervision and control of the
7 President of the Civil Service Commission. The person in office
8 as director of the division on the effective date of this act shall
9 hold the office of director of the division established hereunder at
10 the pleasure of the Governor and until any successor is appointed
11 and shall qualify. The constitution of the division shall be deemed
12 a transfer in accordance with the provisions of the "State Agency
13 Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

1 4. The Division of Equal Employment Opportunity and Affirma-
2 tive Action shall develop, implement, and administer a statewide
3 equal employment opportunity and affirmative action program for
4 all State agencies. The program shall consider the particular
5 personnel requirements, reasonably related to job performance,
6 of each State agency. The director of the division shall ensure
7 that the affirmative action and equal employment goals of each
8 State agency for protected classes shall be reasonably related to
9 their population in the relevant surrounding labor market area.
10 The director, in accordance with applicable Federal and State
11 guidelines, shall:

12 a. Ensure each State agency's compliance with all laws and
13 regulations in areas relating to equal employment opportunity,
14 and seek correction of discriminatory practices and procedures;

15 b. Recommend appropriate sanctions for noncompliance to the
16 President of the Civil Service Commission who, with the concur-
17 rence of the Governor, is authorized to implement those sanctions
18 recommended by the director;

19 c. Review State personnel policies and procedures, inclusive of
20 recruitment, selection, and promotion in order to identify and
21 facilitate the elimination of artificial barriers to equal employment
22 opportunity;

23 d. Act as liaison with Federal, State, and local enforcement
24 agencies; and

25 e. Recommend any necessary legislation and perform other
26 actions deemed necessary by the President of the Civil Service
27 Commission to implement this act.

1 5. The Department of Civil Service shall establish reasonable
2 equal employment and affirmative action goals for State agencies
3 in the form of Civil Service regulations.

1 6. The Department of Civil Service, through the Division of
2 Equal Employment Opportunity and Affirmative Action, shall:

- 3 a. Ensure that the pool of applicants for all vacant provisional,
4 temporary, and permanent classified and unclassified positions in
5 all State agencies includes both minorities, the handicapped, and
6 women to the end that affirmative action goals are attainable
7 through agency selection decisions on those applicants;
- 8 b. Undertake a comprehensive review of its regulations and
9 testing procedures in order to amend or eliminate those which
10 serve to discriminate against minorities, the physically handi-
11 capped, and women;
- 12 c. Ensure that selection devices are validated as significant
13 predictors of successful job performance;
- 14 d. Analyze job specifications to isolate and eliminate prerequi-
15 sites that are not legitimate occupational qualifications;
- 16 e. Review all discrimination complaints under Title VII of the
17 Civil Rights Act of 1964, P. L. 88-352, evaluate trends, and
18 recommend appropriate policy changes;
- 19 f. Receive, analyze, and transmit to the Governor at least
20 semiannually progress reports on affirmative action in all State
21 agencies; and
- 22 g. Make available to the public statistics relating to affirmative
23 action progress.
- 1 7. The head of each State agency shall appoint at least one
2 person with the full-time responsibility of equal employment
3 opportunity, as the affirmative action officer who shall be respon-
4 sible to the division.
- 1 8. The head of each State agency shall be accountable to the
2 Governor for achieving and maintaining agency compliance in the
3 affirmative action program.
- 1 9. a. Each State agency shall submit an affirmative action plan,
2 with goals and timetables, plus quarterly and annual affirmative
3 action reports to the director. Each affirmative action plan shall
4 identify existing inequities in hiring, promotion, and all other
5 conditions of employment and provide specific remedies for these
6 inequities and establish the time periods for the accomplishment
7 of remedial action. Each State agency shall make good faith
8 efforts to meet its goals and timetables.
- 9 b. If there is a failure by a State agency to achieve its goals,
10 or to demonstrate good faith efforts, appropriate sanctions and
11 penalties may be imposed by the Department of Civil Service in
12 accordance with Federal and State regulations, subject to the
13 concurrence of the Governor and the President of the Civil Service
14 Commission. These sanctions may include, but are not limited to

15 placing a moratorium on departmental personnel actions in both
16 the unclassified and classified services, and such other sanctions
17 as may be allowed by law.

18 . c. State agencies which achieve outstanding affirmative action
19 results shall be cited by the Governor for their efforts.

1 10. There is created an Equal Employment Opportunity
2 Advisory Commission which shall advise the Division of Equal
3 Employment Opportunity and Affirmative Action and recommend
4 improvements in the State's affirmative action efforts.

5 The commission shall consist of 11 members appointed by the
6 Governor at least six of whom shall be blacks, Hispanics, physically
7 handicapped, women and other minority persons. Consideration
8 shall be given to appropriate representation of each group. The
9 remaining members of the commission may be comprised of State
10 agency heads or their designated representatives. All members of
11 the commission shall be residents of the State. Members shall be
12 appointed for terms of 4 years, except that of the members first
13 appointed, two shall be appointed for a term of 1 year, three for
13A a term of 2 years, three for a term of 3 years, and three for
14 a term of 4 years, commencing as of the date of their appointment
15 by the Governor. The term of each of the members first appointed
16 shall be designated by the Governor. Each member shall hold
17 office for the term of the appointment and until a successor shall
18 have been appointed. Members may not serve more than two
19 consecutive terms. A vacancy in the membership of the commission
20 shall be filled by appointment by the Governor for the remainder
21 of the term.

22 The Director of the Division of Equal Employment Opportunity
23 and Affirmative Action shall serve as executive secretary.

24 The commission shall meet at least quarterly to review imple-
25 mentation of this act.

1 11. This act shall take effect immediately.

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STATEMENT

Executive Order No. 61 of 1977 was issued by the Governor on October 12, 1977 to reestablish the State's goal of eliminating discrimination in State employment, facilities and services.

It is well recognized that the employment of minorities, physically handicapped persons and women serves to increase the effectiveness of State Government and that fair and nondiscriminatory treatment for its employees promotes the merit principle, encourages career employment and results in greater efficiency in the operation of State Government.

This bill statutorily creates a Division of Equal Employment Opportunity and Affirmative Action in the Department of Civil Service and charges the division to develop, implement and administer a Statewide equal employment opportunity and affirmative action program for each State agency.

S 3013 (1981)

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

APRIL 24, 1981

DONALD SWEENEY

Acting Governor Joseph P. Merlino has signed, in a public ceremony, today, two Senate bills:

S-3013, sponsored by Senators Wynona Lipman, (D-Essex), and Joseph P. Merlino, (D-Mercer), codifies the Division of Equal Employment Opportunity and Affirmative Action within the State Department of Civil Service. This legislation supercedes former Executive Order 61, which mandated the promulgation of affirmative action goals and programs throughout all state agencies and departments.

Under this legislation, each department of government is directed to appoint a full-time affirmative action officer, promulgate affirmative action programs and goals and submit those plans to the Division for approval and monitoring.

Division Director Barbara Anderson will remain in her post.

S-1390, sponsored by Senator Joseph Merlino, (D-Mercer), updates the Charter of the Medical Society of New Jersey. The legislation revokes the Society's ability to grant medical degrees and, further, provides for societies and associations representing other medical specialities to be represented in the Medical Society's House of Delegates.

These bills were signed in the Governor's Outer Office today.

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