

SENATE, No. 3800

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 21, 2024

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Senator NILSA I. CRUZ-PEREZ

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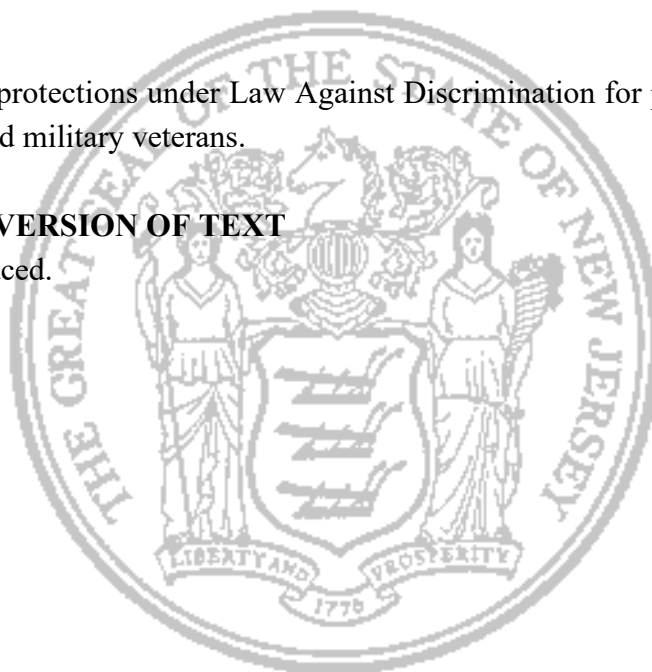
**Senators Singleton, O'Scanlon, Turner, Wimberly, Assemblyman Rumpf,
Assemblywomen Ramirez, Matsikoudis, Reynolds-Jackson, Murphy and
Speight**

SYNOPSIS

Enhances protections under Law Against Discrimination for persons serving in military and military veterans.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/12/2026)

1 AN ACT concerning unlawful discrimination and amending various
2 parts of the statutory law.

3

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

6

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

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

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

35 The Legislature further finds that because of discrimination,
36 people suffer personal hardships, and the State suffers a grievous
37 harm. The personal hardships include: economic loss; time loss;
38 physical and emotional stress; and in some cases severe emotional
39 trauma, illness, homelessness or other irreparable harm resulting
40 from the strain of employment controversies; relocation, search and
41 moving difficulties; anxiety caused by lack of information,
42 uncertainty, and resultant planning difficulty; career, education,
43 family and social disruption; and adjustment problems, which
44 particularly impact on those protected by this act. Such harms
45 have, under the common law, given rise to legal remedies, including

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 compensatory and punitive damages. The Legislature intends that
2 such damages be available to all persons protected by this act and
3 that this act shall be liberally construed in combination with other
4 protections available under the laws of this State.

5 (cf: P.L. 2019, c.436, s.1)

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

9 4. All persons shall have the opportunity to obtain
10 employment, and to obtain all the accommodations, advantages,
11 facilities, and privileges of any place of public accommodation,
12 publicly assisted housing accommodation, and other real property
13 without discrimination because of race, creed, color, national origin,
14 ancestry, age, marital status, affectional or sexual orientation,
15 familial status, disability, service in the Armed Forces of the United
16 States or liability for service in the Armed Forces of the United
17 States, nationality, sex, gender identity or expression or source of
18 lawful income used for rental or mortgage payments, subject only to
19 conditions and limitations applicable alike to all persons and subject
20 to the provisions of P.L.1945, c.169 (C.10:5-1 et seq.). This
21 opportunity is recognized as and declared to be a civil right.

22 (cf: P.L.2017, c.184, s.1)

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

26 5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a
27 different meaning clearly appears from the context:

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

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

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

39 d. "Unlawful employment practice" and "unlawful
40 discrimination" include only those unlawful practices and acts
41 specified in section 11 of P.L.1945, c.169 (C.10:5-12).

42 e. "Employer" includes all persons as defined in subsection a.
43 of this section and "hiring entities" as defined by section 2 of
44 P.L.2023, c.262 (C.34:11-70), unless otherwise specifically exempt
45 under another section of P.L.1945, c.169 (C.10:5-1 et seq.), and
46 includes the State, any political or civil subdivision thereof, and all
47 public officers, agencies, boards, or bodies.

48 f. (Deleted by amendment, P.L.2023, c.262)

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

8 h. "Division" means the "Division on Civil Rights" created by
9 P.L.1945, c.169 (C.10:5-1 et seq.).

10 i. "Attorney General" means the Attorney General of the State
11 of New Jersey or the Attorney General's representative or designee.

12 j. "Commission" means the Commission on Civil Rights
13 created by P.L.1945, c.169 (C.10:5-1 et seq.).

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

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

1 gender identity^[,] or expression, or affectional or sexual orientation
2 in the admission of students.

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

11 n. The term "real property" includes real estate, lands,
12 tenements and hereditaments, corporeal and incorporeal, and
13 leaseholds, provided, however, that, except as to publicly assisted
14 housing accommodations, the provisions of this act shall not apply
15 to the rental: (1) of a single apartment or flat in a two-family
16 dwelling, the other occupancy unit of which is occupied by the
17 owner as a residence; or (2) of a room or rooms to another person or
18 persons by the owner or occupant of a one-family dwelling
19 occupied by the owner or occupant as a residence at the time of
20 such rental. Nothing herein contained shall be construed to bar any
21 religious or denominational institution or organization, or any
22 organization operated for charitable or educational purposes, which
23 is operated, supervised, or controlled by or in connection with a
24 religious organization, in the sale, lease, or rental of real property,
25 from limiting admission to or giving preference to persons of the
26 same religion or denomination or from making such selection as is
27 calculated by such organization to promote the religious principles
28 for which it is established or maintained. Nor does any provision
29 under this act regarding discrimination on the basis of familial
30 status apply with respect to housing for older persons.

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

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

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

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

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

42 s. "Guide dog" means a dog used to assist persons who are
43 deaf, or which is fitted with a special harness so as to be suitable as
44 an aid to the mobility of a person who is blind, and is used by a
45 person who is blind and has satisfactorily completed a specific
46 course of training in the use of such a dog, and has been trained by
47 an organization generally recognized by agencies involved in the
48 rehabilitation of persons with disabilities, including, but not limited

1 to, those persons who are blind or deaf, as reputable and competent
2 to provide dogs with training of this type.

3 t. "Guide or service dog trainer" means any person who is
4 employed by an organization generally recognized by agencies
5 involved in the rehabilitation of persons with disabilities, including,
6 but not limited to, those persons who are blind, have visual
7 impairments, or are deaf or have hearing impairments, as reputable
8 and competent to provide dogs with training, as defined in this
9 section, and who is actually involved in the training process.

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

17 v. "Public facility" means any place of public accommodation
18 and any street, highway, sidewalk, walkway, public building, and
19 any other place or structure to which the general public is regularly,
20 normally, or customarily permitted or invited.

21 w. "Deaf person" or "person who is deaf" means any person
22 whose hearing is so severely impaired that the person is unable to
23 hear and understand conversational speech through the unaided ear
24 alone, and who must depend primarily on an assistive listening
25 device or visual communication such as writing, lip reading, sign
26 language, and gestures.

27 x. "Atypical hereditary cellular or blood trait" means sickle cell
28 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
29 fibrosis trait.

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

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

- 1 aa. "Thalassemia trait" means the presence of the thalassemia
2 gene which in combination with another similar gene results in the
3 chronic hereditary disease Cooley's anemia.
- 4 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
5 which in combination with another similar gene results in the
6 chronic hereditary disease Tay-Sachs.
- 7 cc. "Cystic fibrosis trait" means the presence of the cystic
8 fibrosis gene which in combination with another similar gene
9 results in the chronic hereditary disease cystic fibrosis.
- 10 dd. "Service dog" means any dog individually trained to the
11 requirements of a person with a disability including, but not limited
12 to minimal protection work, rescue work, pulling a wheelchair or
13 retrieving dropped items. This term shall include a "seizure dog"
14 trained to alert or otherwise assist persons with epilepsy or other
15 seizure disorders.
- 16 ee. "Qualified Medicaid applicant" means an individual who is a
17 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 18 ff. "AIDS" means acquired immune deficiency syndrome as
19 defined by the Centers for Disease Control and Prevention of the
20 United States Public Health Service.
- 21 gg. "HIV infection" means infection with the human
22 immunodeficiency virus or any other related virus identified as a
23 probable causative agent of AIDS.
- 24 hh. "Affectional or sexual orientation" means male or female
25 heterosexuality, homosexuality, or bisexuality by inclination,
26 practice, identity, or expression, having a history thereof or being
27 perceived, presumed, or identified by others as having such an
28 orientation.
- 29 ii. "Heterosexuality" means affectional, emotional, or physical
30 attraction or behavior which is primarily directed towards persons
31 of the other gender.
- 32 jj. "Homosexuality" means affectional, emotional, or physical
33 attraction or behavior which is primarily directed towards persons
34 of the same gender.
- 35 kk. "Bisexuality" means affectional, emotional, or physical
36 attraction or behavior which is directed towards persons of multiple
37 genders.
- 38 ll. "Familial status" means being the natural parent of a child,
39 the adoptive parent of a child, the resource family parent of a child,
40 having a "parent and child relationship" with a child as defined by
41 State law, or having sole or joint legal or physical custody, care,
42 guardianship, or visitation with a child, or any person who is
43 pregnant or is in the process of securing legal custody of any
44 individual who has not attained the age of 18 years.
- 45 mm. "Housing for older persons" means housing:
46 (1) provided under any State program that the Attorney General
47 determines is specifically designed and operated to assist persons
48 who are elderly (as defined in the State program); or provided under

1 any federal program that the United States Department of Housing
2 and Urban Development determines is specifically designed and
3 operated to assist persons who are elderly (as defined in the federal
4 program); or

5 (2) intended for, and solely occupied by, persons 62 years of age
6 or older; or

7 (3) intended and operated for occupancy by at least one person
8 55 years of age or older per unit. In determining whether housing
9 qualifies as housing for older persons under this paragraph, the
10 Attorney General shall adopt regulations which require at least the
11 following factors:

12 (a) the existence of significant facilities and services
13 specifically designed to meet the physical or social needs of older
14 persons, or if the provision of such facilities and services is not
15 practicable, that such housing is necessary to provide important
16 housing opportunities for older persons; and

17 (b) that at least 80 percent of the units are occupied by at least
18 one person 55 years of age or older per unit; and

19 (c) the publication of, and adherence to, policies and procedures
20 which demonstrate an intent by the owner or manager to provide
21 housing for persons 55 years of age or older.

22 Housing shall not fail to meet the requirements for housing for
23 older persons by reason of: persons residing in such housing as of
24 September 13, 1988 not meeting the age requirements of this
25 subsection, provided that new occupants of such housing meet the
26 age requirements of this subsection; or unoccupied units, provided
27 that such units are reserved for occupancy by persons who meet the
28 age requirements of this subsection.

29 nn. "Genetic characteristic" means any inherited gene or
30 chromosome, or alteration thereof, that is scientifically or medically
31 believed to predispose an individual to a disease, disorder, or
32 syndrome, or to be associated with a statistically significant
33 increased risk of development of a disease, disorder, or syndrome.

34 oo. "Genetic information" means the information about genes,
35 gene products, or inherited characteristics that may derive from an
36 individual or family member.

37 pp. "Genetic test" means a test for determining the presence or
38 absence of an inherited genetic characteristic in an individual,
39 including tests of nucleic acids such as DNA, RNA, and
40 mitochondrial DNA, chromosomes, or proteins in order to identify a
41 predisposing genetic characteristic.

42 qq. "Domestic partnership" means a domestic partnership
43 established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

44 rr. "Gender identity or expression" means having or being
45 perceived as having a gender related identity or expression whether
46 or not stereotypically associated with a person's assigned sex at
47 birth.

1 ss. "Civil Union" means a legally recognized union of two
2 eligible individuals established pursuant to R.S.37:1-1 et seq. and
3 P.L.2006, c.103 (C.37:1-28 et al.).

4 tt. "Premium pay" means additional remuneration for night,
5 weekend, or holiday work, or for standby or irregular duty.

6 uu. "Premium benefit" means an employment benefit, such as
7 seniority, group life insurance, health insurance, disability
8 insurance, sick leave, annual leave, or an educational or pension
9 benefit that is greater than the employment benefit due the
10 employee for an equivalent period of work performed during the
11 regular work schedule of the employee.

12 vv. "Race" is inclusive of traits historically associated with race,
13 including, but not limited to, hair texture, hair types, and protective
14 hairstyles.

15 ww. "Protective hairstyles" includes, but is not limited to, such
16 hairstyles as braids, locks, and twists.

17 xx. "Family member" means a child, parent, parent-in-law,
18 sibling, grandparent, grandchild, spouse, partner in a civil union
19 couple, domestic partner, or any other individual related by blood to
20 the person, and any other individual that the person shows to have a
21 close association with the person which is the equivalent of a family
22 relationship.

23 yy. "Service in the Armed Forces of the United States" means
24 being in active service in any branch of the Armed Forces of the
25 United States or National Guard, or having been discharged or
26 released from active service in any branch of the Armed Forces of
27 the United States or National Guard.

28 (cf: P.L.2023, c.262, s.3)

29
30 4. Section 6 of P.L.1945, c.169 (C.10:5-6) is amended to read as
31 follows:

32 6. There is created in the Department of Law and Public Safety
33 a division known as "The Division on Civil Rights" with power to
34 prevent and eliminate unlawful discrimination in the manner
35 prohibited by this act against persons because of race, creed, color,
36 national origin, ancestry, age, marital status, affectional or sexual
37 orientation, gender identity or expression, familial status,
38 nationality, disability, or sex or because of their service in the
39 Armed Forces of the United States or liability for service in the
40 Armed Forces of the United States, by employers, labor
41 organizations, employment agencies or other persons and to take
42 other actions against discrimination because of race, creed, color,
43 national origin, ancestry, marital status, sex, familial status,
44 nationality, disability, or age or because of their service in the
45 Armed Forces of the United States or liability for service in the
46 Armed Forces of the United States, as herein provided; and the

1 division created hereunder is given general jurisdiction and
2 authority for such purposes.

3 (cf: P.L.2006, c.100, s.5)

4

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

7 8. The Attorney General shall:

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

10 b. Administer the work of the division.

11 c. Organize the division into sections, which shall include but
12 not be limited to a section which shall receive, investigate, and act
13 upon complaints alleging unlawful discrimination against persons
14 because of race, creed, color, national origin, ancestry, age, marital
15 status, affectional or sexual orientation, gender identity or
16 expression, familial status, disability, nationality or sex or because
17 of their service in the Armed Forces of the United States or liability
18 for service in the Armed Forces of the United States; and another
19 which shall, in order to eliminate prejudice and to further good will
20 among the various racial and religious and nationality groups in this
21 State, study, recommend, prepare and implement, in cooperation
22 with such other departments of the State Government or any other
23 agencies, groups or entities both public and private, such
24 educational and human relations programs as are consonant with the
25 objectives of this act; and prescribe the organization of said sections
26 and the duties of **[his]** the Attorney General's subordinates and
27 assistants.

28 d. Appoint a Director of the Division on Civil Rights, who
29 shall act for the Attorney General, in the Attorney General's place
30 and with the Attorney General's powers, which appointment shall be
31 subject to the approval of the commission and the Governor, a
32 deputy director and such assistant directors, field representatives
33 and assistants as may be necessary for the proper administration of
34 the division and fix their compensation within the limits of
35 available appropriations. The director, deputy director, assistant
36 directors, field representatives and assistants shall not be subject to
37 the Civil Service Act and shall be removable by the Attorney
38 General at will.

39 e. Appoint such clerical force and employees as the Attorney
40 General may deem necessary and fix their duties, all of whom shall
41 be subject to the Civil Service Act.

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

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

46 h. Conduct investigations, receive complaints and conduct
47 hearings thereon other than those complaints received and hearings
48 held pursuant to the provisions of this act.

1 i. In connection with any investigation or hearing held
2 pursuant to the provisions of this act, subpoena witnesses, compel
3 their attendance, administer oaths, take the testimony of any person,
4 under oath, and, in connection therewith, require the production for
5 examination of any books or papers relating to any subject matter
6 under investigation or in question by the division and conduct such
7 discovery procedures which may include the taking of
8 interrogatories and oral depositions as shall be deemed necessary by
9 the Attorney General in any investigation. The Attorney General
10 may make rules as to the issuance of subpoenas by the director.
11 The failure of any witness when duly subpoenaed to attend, give
12 testimony, or produce evidence shall be punishable by the Superior
13 Court of New Jersey in the same manner as such failure is
14 punishable by such court in a case therein pending.

15 j. Issue such publications and such results of investigations
16 and research tending to promote good will and to minimize or
17 eliminate discrimination because of race, creed, color, national
18 origin, ancestry, age, marital status, affectional or sexual
19 orientation, gender identity or expression, familial status, disability,
20 nationality or sex, as the commission shall direct, subject to
21 available appropriations.

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

24 l. Appoint, subject to the approval of the commission, a panel
25 of not more than five hearing examiners, each of whom shall be
26 duly licensed to practice law in this State for a period of at least five
27 years, and each to serve for a term of one year and until **[his]** such
28 examiner's successor is appointed, any one of whom the director
29 may designate in **[his]** the director's place to conduct any hearing
30 and recommend findings of fact and conclusions of law. The
31 hearing examiners shall receive such compensation as may be
32 determined by the Attorney General, subject to available
33 appropriations.

34 (cf: P.L.2006, c.100, s.6)

35

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

38 1. The Division on Civil Rights in the Department of Law and
39 Public Safety shall enforce the laws of this State against unlawful
40 discrimination in housing built with, or leased with the assistance
41 of, public funds or public assistance, pursuant to any law, and in
42 real property, as defined in the law hereby supplemented, because
43 of race, religious principles, color, national origin, ancestry, marital
44 status, affectional or sexual orientation, familial status, disability,
45 service in the Armed Forces of the United States or liability for
46 service in the Armed Forces of the United States, nationality, sex,
47 gender identity or expression or source of lawful income used for
48 rental or mortgage payments. **[The said]** These laws shall be **[so]**

1 enforced in the manner prescribed in **【the act to which this act is a**
2 **supplement】** P.L.1945, c.169 (C.10:5-1 et seq.).
3 (cf: P.L.2017, c.184, s.2)

4
5 7. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read
6 as follows:-

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

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

1 States where such restriction is required by federal law or is
2 otherwise necessary to protect the national interest.

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

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

13 For the purposes of this subsection, an unlawful employment
14 practice occurs, with respect to discrimination in compensation or
15 in the financial terms or conditions of employment, each occasion
16 that an individual is affected by application of a discriminatory
17 compensation decision or other practice, including, but not limited
18 to, each occasion that wages, benefits, or other compensation are
19 paid, resulting in whole or in part from the decision or other
20 practice.

21 In addition to any other relief authorized by the "Law Against
22 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) for
23 discrimination in compensation or in the financial terms or
24 conditions of employment, liability shall accrue and an aggrieved
25 person may obtain relief for back pay for the entire period of time,
26 except not more than six years, in which the violation with regard to
27 discrimination in compensation or in the financial terms or
28 conditions of employment has been continuous, if the violation
29 continues to occur within the statute of limitations.

30 Nothing in this subsection shall prohibit the application of the
31 doctrine of "continuing violation" or the "discovery rule" to any
32 appropriate claim as those doctrines currently exist in New Jersey
33 common law. It shall be an unlawful employment practice to
34 require employees or prospective employees to consent to a
35 shortened statute of limitations or to waive any of the protections
36 provided by the "Law Against Discrimination," P.L.1945, c.169
37 (C.10:5-1 et seq.).

38 For the purposes of this subsection, an unlawful employment
39 practice occurs when an employer denies reemployment to an
40 employee who takes leave for military service consistent with the
41 requirements of the Uniformed Services Employment and
42 Reemployment Rights Act of 1994, 38 U.S.C. s. 4301 et seq.

43 b. For a labor organization, because of the race, creed, color,
44 national origin, ancestry, age, marital status, civil union status,
45 domestic partnership status, affectional or sexual orientation,
46 gender identity or expression, disability, pregnancy or
47 breastfeeding, or sex of any individual, or because of the
48 individual's service in the Armed Forces of the United States or

1 liability for service in the Armed Forces of the United States or
2 nationality of any individual, to exclude or to expel from its
3 membership such individual or to discriminate in any way against
4 any of its members, against any applicant for, or individual included
5 in, any apprentice or other training program or against any
6 employer or any individual employed by an employer; provided,
7 however, that nothing herein contained shall be construed to bar a
8 labor organization from excluding from its apprentice or other
9 training programs any person on the basis of sex in those certain
10 circumstances where sex is a bona fide occupational qualification
11 reasonably necessary to the normal operation of the particular
12 apprentice or other training program.

13 c. For any employer or employment agency to print or circulate
14 or cause to be printed or circulated any statement, advertisement or
15 publication, or to use any form of application for employment, or to
16 make an inquiry in connection with prospective employment, which
17 expresses, directly or indirectly, any limitation, specification or
18 discrimination as to race, creed, color, national origin, ancestry,
19 age, marital status, civil union status, domestic partnership status,
20 affectional or sexual orientation, gender identity or expression,
21 disability, nationality, pregnancy or breastfeeding, **[or]** sex, or
22 service in the Armed Forces of the United States or liability of any
23 applicant for employment for service in the Armed Forces of the
24 United States, or any intent to make any such limitation,
25 specification or discrimination, unless based upon a bona fide
26 occupational qualification.

27 d. For any person to take reprisals against any person because
28 that person has opposed any practices or acts forbidden under this
29 act or because that person has sought legal advice regarding rights
30 under this act, shared relevant information with legal counsel,
31 shared information with a governmental entity, or filed a complaint,
32 testified or assisted in any proceeding under this act or to coerce,
33 intimidate, threaten or interfere with any person in the exercise or
34 enjoyment of, or on account of that person having aided or
35 encouraged any other person in the exercise or enjoyment of, any
36 right granted or protected by this act.

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

40 f. (1) For any owner, lessee, proprietor, manager,
41 superintendent, agent, or employee of any place of public
42 accommodation directly or indirectly to refuse, withhold from or
43 deny to any person any of the accommodations, advantages,
44 facilities or privileges thereof, or to discriminate against any person
45 in the furnishing thereof, or directly or indirectly to publish,
46 circulate, issue, display, post or mail any written or printed
47 communication, notice, or advertisement to the effect that any of
48 the accommodations, advantages, facilities, or privileges of any

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

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

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

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

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

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

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

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

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

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

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

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

1 disability, liability for service in the Armed Forces of the United
2 States, or nationality;

3 (2) To discriminate against any person because of race, creed,
4 color, national origin, ancestry, marital status, civil union status,
5 domestic partnership status, familial status, pregnancy or
6 breastfeeding, sex, gender identity or expression, affectional or
7 sexual orientation, disability, service in the Armed Forces of the
8 United States or liability for service in the Armed Forces of the
9 United States, nationality, or source of lawful income used for
10 rental or mortgage payments in the terms, conditions or privileges
11 of the sale, rental, lease, assignment or sublease of any real property
12 or part or portion thereof or in the furnishing of facilities or services
13 in connection therewith;

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

43 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise
44 to deny to or withhold from any person or group of persons any real
45 property or part or portion thereof because of the source of any
46 lawful income received by the person or the source of any lawful
47 rent payment to be paid for the real property; or

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

8 i. For any person, bank, banking organization, mortgage
9 company, insurance company or other financial institution, lender
10 or credit institution involved in the making or purchasing of any
11 loan or extension of credit, for whatever purpose, whether secured
12 by residential real estate or not, including but not limited to
13 financial assistance for the purchase, acquisition, construction,
14 rehabilitation, repair or maintenance of any real property or part or
15 portion thereof or any agent or employee thereof:

16 (1) To discriminate against any person or group of persons
17 because of race, creed, color, national origin, ancestry, marital
18 status, civil union status, domestic partnership status, pregnancy or
19 breastfeeding, sex, gender identity or expression, affectional or
20 sexual orientation, disability, service in the Armed Forces of the
21 United States or liability for service in the Armed Forces of the
22 United States, familial status or nationality, in the granting,
23 withholding, extending, modifying, renewing, or purchasing, or in
24 the fixing of the rates, terms, conditions or provisions of any such
25 loan, extension of credit or financial assistance or purchase thereof
26 or in the extension of services in connection therewith;

27 (2) To use any form of application for such loan, extension of
28 credit or financial assistance or to make record or inquiry in
29 connection with applications for any such loan, extension of credit
30 or financial assistance which expresses, directly or indirectly, any
31 limitation, specification or discrimination as to race, creed, color,
32 national origin, ancestry, marital status, civil union status, domestic
33 partnership status, pregnancy or breastfeeding, sex, gender identity
34 or expression, affectional or sexual orientation, disability, service in
35 the Armed Forces of the United States or liability for service in the
36 Armed Forces of the United States, familial status or nationality or
37 any intent to make any such limitation, specification or
38 discrimination; unless otherwise required by law or regulation to
39 retain or use such information;

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

41 (4) To discriminate against any person or group of persons
42 because of the source of any lawful income received by the person
43 or the source of any lawful rent payment to be paid for the real
44 property; or

45 (5) To discriminate against any person or group of persons
46 because that person's family includes children under 18 years of
47 age, or to make an agreement or mortgage which provides that the
48 agreement or mortgage shall be rendered null and void upon the

1 birth of a child. This paragraph shall not apply to housing for older
2 persons as defined in subsection mm. of section 5 of P.L.1945,
3 c.169 (C.10:5-5).

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

8 k. For any real estate broker, real estate salesperson or
9 employee or agent thereof or any other individual, corporation,
10 partnership, or organization, for the purpose of inducing a
11 transaction for the sale or rental of real property from which
12 transaction such person or any of its members may benefit
13 financially, to represent that a change has occurred or will or may
14 occur in the composition with respect to race, creed, color, national
15 origin, ancestry, marital status, civil union status, domestic
16 partnership status, familial status, pregnancy or breastfeeding, sex,
17 gender identity or expression, affectional or sexual orientation,
18 disability, service in the Armed Forces of the United States or
19 liability for service in the Armed Forces of the United States,
20 nationality, or source of lawful income used for rental or mortgage
21 payments of the owners or occupants in the block, neighborhood or
22 area in which the real property is located, and to represent, directly
23 or indirectly, that this change will or may result in undesirable
24 consequences in the block, neighborhood or area in which the real
25 property is located, including, but not limited to the lowering of
26 property values, an increase in criminal or anti-social behavior, or a
27 decline in the quality of schools or other facilities.

28 l. For any person to refuse to buy from, sell to, lease from or
29 to, license, contract with, or trade with, provide goods, services or
30 information to, or otherwise do business with any other person on
31 the basis of the race, creed, color, national origin, ancestry, age,
32 pregnancy or breastfeeding, sex, gender identity or expression,
33 affectional or sexual orientation, marital status, civil union status,
34 domestic partnership status, service in the Armed Forces of the
35 United States or liability for service in the Armed Forces of the
36 United States, disability, nationality, or source of lawful income
37 used for rental or mortgage payments of such other person or of
38 such other person's family members, partners, members,
39 stockholders, directors, officers, managers, superintendents, agents,
40 employees, business associates, suppliers, or customers. This
41 subsection shall not prohibit refusals or other actions (1) pertaining
42 to employee-employer collective bargaining, labor disputes, or
43 unfair labor practices, or (2) made or taken in connection with a
44 protest of unlawful discrimination or unlawful employment
45 practices.

46 m. For any person to:

47 (1) Grant or accept any letter of credit or other document which
48 evidences the transfer of funds or credit, or enter into any contract

1 for the exchange of goods or services, where the letter of credit,
2 contract, or other document contains any provisions requiring any
3 person to discriminate against or to certify that **[he, she or it]** such
4 person has not dealt with any other person on the basis of the race,
5 creed, color, national origin, ancestry, age, pregnancy or
6 breastfeeding, sex, gender identity or expression, affectional or
7 sexual orientation, marital status, civil union status, domestic
8 partnership status, disability, service in the Armed Forces of the
9 United States or liability for service in the Armed Forces of the
10 United States, or nationality of such other person or of such other
11 person's family members, partners, members, stockholders,
12 directors, officers, managers, superintendents, agents, employees,
13 business associates, suppliers, or customers.

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

19 The provisions of this subsection shall not apply to any letter of
20 credit, contract, or other document which contains any provision
21 pertaining to employee-employer collective bargaining, a labor
22 dispute or an unfair labor practice, or made in connection with the
23 protest of legitimi or an unlawful employment practice, if the other
24 provisions of such letter of credit, contract, or other document do
25 not otherwise violate the provisions of this subsection.

26 n. For any person to aid, abet, incite, compel, coerce, or induce
27 the doing of any act forbidden by subsections l. and m. of section
28 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to
29 do so. Such prohibited conduct shall include, but not be limited to:

30 (1) Buying from, selling to, leasing from or to, licensing,
31 contracting with, trading with, providing goods, services, or
32 information to, or otherwise doing business with any person
33 because that person does, or agrees or attempts to do, any such act
34 or any act prohibited by this subsection; or

35 (2) Boycotting, commercially blacklisting or refusing to buy
36 from, sell to, lease from or to, license, contract with, provide goods,
37 services or information to, or otherwise do business with any person
38 because that person has not done or refuses to do any such act or
39 any act prohibited by this subsection; provided that this subsection
40 shall not prohibit refusals or other actions either pertaining to
41 employee-employer collective bargaining, labor disputes, or unfair
42 labor practices, or made or taken in connection with a protest of
43 unlawful discrimination or unlawful employment practices.

44 o. For any multiple listing service, real estate brokers'
45 organization or other service, organization or facility related to the
46 business of selling or renting dwellings to deny any person access
47 to or membership or participation in such organization, or to
48 discriminate against such person in the terms or conditions of such

1 access, membership, or participation, on account of race, creed,
2 color, national origin, ancestry, age, marital status, civil union
3 status, domestic partnership status, familial status, pregnancy or
4 breastfeeding, sex, gender identity or expression, affectional or
5 sexual orientation, disability, service in the Armed Forces of the
6 United States or liability for service in the Armed Forces of the
7 United States or nationality.

8 p. Nothing in the provisions of this section shall affect the
9 ability of an employer to require employees to adhere to reasonable
10 workplace appearance, grooming and dress standards not precluded
11 by other provisions of State or federal law, except that an employer
12 shall allow an employee to appear, groom and dress consistent with
13 the employee's gender identity or expression.

14 q. (1) For any employer to impose upon a person as a condition
15 of obtaining or retaining employment, including opportunities for
16 promotion, advancement or transfers, any terms or conditions that
17 would require a person to violate or forego a sincerely held
18 religious practice or religious observance, including but not limited
19 to the observance of any particular day or days or any portion
20 thereof as a Sabbath or other holy day in accordance with the
21 requirements of the religion or religious belief, unless, after
22 engaging in a bona fide effort, the employer demonstrates that it is
23 unable to reasonably accommodate the employee's religious
24 observance or practice without undue hardship on the conduct of the
25 employer's business. Notwithstanding any other provision of law to
26 the contrary, an employee shall not be entitled to premium wages or
27 premium benefits for work performed during hours to which those
28 premium wages or premium benefits would ordinarily be
29 applicable, if the employee is working during those hours only as an
30 accommodation to **【his】** the employee's religious requirements.
31 Nothing in this subsection q. shall be construed as reducing:

32 (a) The number of the hours worked by the employee which are
33 counted towards the accruing of seniority, pension or other benefits;
34 or

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

37 (2) For an employer to refuse to permit an employee to utilize
38 leave, as provided for in this subsection q., which is solely used to
39 accommodate the employee's sincerely held religious observance or
40 practice. Except where it would cause an employer to incur an
41 undue hardship, no person shall be required to remain at **【his】** the
42 person's place of employment during any day or days or portion
43 thereof that, as a requirement of **【his】** the person's religion, **【his】**
44 the person observes as **【his】** the person's Sabbath or other holy day,
45 including a reasonable time prior and subsequent thereto for travel
46 between **【his】** the person's place of employment and **【his】** the
47 person's home; provided that any such absence from work shall,

1 wherever practicable in the reasonable judgment of the employer,
2 be made up by an equivalent amount of time and work at some
3 other mutually convenient time, or shall be charged against any
4 leave with pay ordinarily granted, other than sick leave, and any
5 such absence not so made up or charged, may be treated by the
6 employer of that person as leave taken without pay.

7 (3) (a) For purposes of this subsection q., "undue hardship"
8 means an accommodation requiring unreasonable expense or
9 difficulty, unreasonable interference with the safe or efficient
10 operation of the workplace or a violation of a bona fide seniority
11 system or a violation of any provision of a bona fide collective
12 bargaining agreement.

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

15 (i) The identifiable cost of the accommodation, including the
16 costs of loss of productivity and of retaining or hiring employees or
17 transferring employees from one facility to another, in relation to
18 the size and operating cost of the employer.

19 (ii) The number of individuals who will need the particular
20 accommodation for a sincerely held religious observance or
21 practice.

22 (iii) For an employer with multiple facilities, the degree to
23 which the geographic separateness or administrative or fiscal
24 relationship of the facilities will make the accommodation more
25 difficult or expensive.

26 (c) An accommodation shall be considered to constitute an
27 undue hardship if it will result in the inability of an employee to
28 perform the essential functions of the position in which **[he or she]**
29 the employee is employed.

30 (d) (i) The provisions of this subsection q. shall be applicable
31 only to reasonable accommodations of religious observances and
32 shall not supersede any definition of undue hardship or standards
33 for reasonable accommodation of the disabilities of employees.

34 (ii) This subsection q. shall not apply where the uniform
35 application of terms and conditions of attendance to employees is
36 essential to prevent undue hardship to the employer. The burden of
37 proof regarding the applicability of this subparagraph (d) shall be
38 upon the employer.

39 r. For any employer to take reprisals against any employee for
40 requesting from, discussing with, or disclosing to, any other
41 employee or former employee of the employer, a lawyer from
42 whom the employee seeks legal advice, or any government agency
43 information regarding the job title, occupational category, and rate
44 of compensation, including benefits, of the employee or any other
45 employee or former employee of the employer, or the gender, race,
46 ethnicity, military status, or national origin of the employee or any
47 other employee or former employee of the employer, regardless of
48 whether the request was responded to, or to require, as a condition

1 of employment, any employee or prospective employee to sign a
2 waiver, or to otherwise require an employee or prospective
3 employee to agree, not to make those requests or disclosures.
4 Nothing in this subsection shall be construed to require an
5 employee to disclose such information about the employee herself
6 to any other employee or former employee of the employer or to
7 any authorized representative of the other employee or former
8 employee.

9 s. For an employer to treat, for employment-related purposes,
10 **[a woman]** an employee that the employer knows, or should know,
11 is affected by pregnancy or breastfeeding in a manner less favorable
12 than the treatment of other persons not affected by pregnancy or
13 breastfeeding but similar in their ability or inability to work. In
14 addition, an employer of an employee who is **[a woman]** affected
15 by pregnancy shall make available to the employee reasonable
16 accommodation in the workplace, such as bathroom breaks, breaks
17 for increased water intake, periodic rest, assistance with manual
18 labor, job restructuring or modified work schedules, and temporary
19 transfers to less strenuous or hazardous work, for needs related to
20 the pregnancy when the employee, based on the advice of **[her]** the
21 employee's physician, requests the accommodation, and, in the case
22 of **[a]** an employee breast feeding **[her]** the employee's infant
23 child, the accommodation shall include reasonable break time each
24 day to the employee and a suitable room or other location with
25 privacy, other than a toilet stall, in close proximity to the work area
26 for the employee to express breast milk for the child, unless the
27 employer can demonstrate that providing the accommodation would
28 be an undue hardship on the business operations of the employer.
29 The employer shall not in any way penalize the employee in terms,
30 conditions or privileges of employment for requesting or using the
31 accommodation. Workplace accommodation provided pursuant to
32 this subsection and paid or unpaid leave provided to an employee
33 affected by pregnancy or breastfeeding shall not be provided in a
34 manner less favorable than accommodations or leave provided to
35 other employees not affected by pregnancy or breastfeeding but
36 similar in their ability or inability to work. This subsection shall
37 not be construed as otherwise increasing or decreasing any
38 employee's rights under law to paid or unpaid leave in connection
39 with pregnancy or breastfeeding.

40 For the purposes of this section "pregnancy or breastfeeding"
41 means pregnancy, childbirth, and breast feeding or expressing milk
42 for breastfeeding, or medical conditions related to pregnancy,
43 childbirth, or breastfeeding, including recovery from childbirth.

44 For the purposes of this subsection, in determining whether an
45 accommodation would impose undue hardship on the operation of
46 an employer's business, the factors to be considered include: the
47 overall size of the employer's business with respect to the number
48 of employees, number and type of facilities, and size of budget; the

1 type of the employer's operations, including the composition and
2 structure of the employer's workforce; the nature and cost of the
3 accommodation needed, taking into consideration the availability of
4 tax credits, tax deductions, and outside funding; and the extent to
5 which the accommodation would involve waiver of an essential
6 requirement of a job as opposed to a tangential or non-business
7 necessity requirement.

8 t. For an employer to pay any of its employees who is a
9 member of a protected class at a rate of compensation, including
10 benefits, which is less than the rate paid by the employer to
11 employees who are not members of the protected class for
12 substantially similar work, when viewed as a composite of skill,
13 effort and responsibility. An employer who is paying a rate of
14 compensation in violation of this subsection shall not reduce the
15 rate of compensation of any employee in order to comply with this
16 subsection. An employer may pay a different rate of compensation
17 only if the employer demonstrates that the differential is made
18 pursuant to a seniority system, a merit system, or the employer
19 demonstrates:

20 (1) That the differential is based on one or more legitimate, bona
21 fide factors other than the characteristics of members of the
22 protected class, such as training, education or experience, or the
23 quantity or quality of production;

24 (2) That the factor or factors are not based on, and do not
25 perpetuate, a differential in compensation based on sex or any other
26 characteristic of members of a protected class;

27 (3) That each of the factors is applied reasonably;

28 (4) That one or more of the factors account for the entire wage
29 differential; and

30 (5) That the factors are job-related with respect to the position
31 in question and based on a legitimate business necessity. A factor
32 based on business necessity shall not apply if it is demonstrated that
33 there are alternative business practices that would serve the same
34 business purpose without producing the wage differential.

35 Comparisons of wage rates shall be based on wage rates in all of
36 an employer's operations or facilities. For the purposes of this
37 subsection, "member of a protected class" means an employee who
38 has one or more characteristics, including race, creed, color,
39 national origin, nationality, ancestry, age, marital status, civil union
40 status, domestic partnership status, affectional or sexual orientation,
41 genetic information, pregnancy, sex, gender identity or expression,
42 disability or atypical hereditary cellular or blood trait of any
43 individual, or service in the Armed Forces of the United States or
44 liability for service in the **[armed forces]** Armed Forces of the
45 United States, for which subsection a. of this section prohibits an
46 employer from refusing to hire or employ or barring or discharging
47 or requiring to retire from employment or discriminating against the

1 individual in compensation or in terms, conditions or privileges of
2 employment.

3 (cf: P.L.2021, c.248, s.2)

4

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

7 1. As used in this act:

8 a. "Affirmative action program for veterans" means a plan
9 guaranteeing to veterans an equal employment opportunity, which
10 includes but is not limited to the following areas: recruitment,
11 selection, hiring, training, promotion, transfer, layoff, return from
12 layoff, compensation, and fringe benefits.

13 b. "Public works contract" means any contract exceeding
14 ~~[\$250,000.00]~~ \$250,000 in price to be performed for or on behalf
15 of the State for the construction, alteration, or repair of any building
16 or public work.

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

39 (cf: P.L.2017, c.184, s.5)

40

41 9. This act shall take effect immediately.

42

43

44

STATEMENT

45

46 This bill enhances certain protections under the Law Against
47 Discrimination ("LAD").

1 MILITARY SERVICE. Currently, the LAD bars discrimination
2 based on “liability for service in the Armed Forces of the United
3 States.” The bill broadens this provision to specifically bar
4 discrimination against persons currently serving in the military and
5 military veterans. The bill defines this additional protected class of
6 persons as those in active service in any branch of the Armed
7 Forces of the United States or National Guard, and those who have
8 been discharged or released from active service in any branch of the
9 Armed Forces of the United States or National Guard.

10 JOB PROTECTION FOR MILITARY SERVICE. The bill makes it an
11 unlawful employment practice under the LAD for employers to
12 deny reemployment to employees who take leave for military
13 service. This provision is in compliance with the federal Uniformed
14 Services Employment and Reemployment Rights Act of 1994, 18
15 U.S.C. s.4301 et seq.

16 GENDER-NEUTRAL LANGUAGE. Under the bill, gendered language
17 in the LAD is changed to gender-neutral language. For example, in
18 N.J.S.A.10:5-39, the provision in the LAD that sets out an
19 affirmative action program for veterans, the bill replaces the phrase
20 “soldier, sailor, marine, airman, nurse or army field clerk” with
21 “enlisted person or officer.”

22 UNLAWFUL DISCRIMINATION. The bill adds the term “unlawful”
23 before “discrimination” throughout the LAD to clarify that the LAD
24 prohibits only unlawful discrimination. The LAD does not apply to
25 discrimination that may be lawful. For example, practices that
26 result in a disproportionately negative impact on members of a
27 protected class constitute unlawful discrimination only if the entity
28 engaging in the practices cannot show that it is using the practices
29 for a substantial, legitimate, nondiscriminatory interest or cannot
30 show that there is a less discriminatory alternative that meets that
31 interest.