

ASSEMBLY, No. 2041

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

SYNOPSIS

The "New Jersey Intern Protection Act"; provides legal protections and remedies for persons engaged in internships with employers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT providing protections and remedies for persons engaged in
2 internships with employers, designated the “New Jersey Intern
3 Protection Act,” and amending the titles and bodies of various
4 parts of the statutory law.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8

9 1. The title of P.L.2001, c.385 is amended to read as follows:

10 AN ACT imposing liability on employers who discharge or
11 discriminate against employees or interns for displaying the
12 American flag, and supplementing P.L.1945, c.169 (C.10:5-1 et
13 seq.).

14 (cf: P.L.2001, c.385, title)

15

16 2. The title of P.L.1986, c.105 is amended to read as follows:

17 AN ACT **[to protect employees from]** concerning retaliatory
18 **[action]** actions by employers and supplementing Title 34 of the
19 Revised Statutes.

20 (cf: P.L.1986, c.105, title)

21

22 3. The title of P.L.2006, c.53 is amended to read as follows:

23 AN ACT concerning employer communications **[to employees]**
24 about religious and political matters, and supplementing Title 34
25 of the Revised Statutes.

26 (cf: P.L.2006, c.53, title)

27

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

30 3. The Legislature finds and declares that practices of
31 discrimination against any of its inhabitants, because of race, creed,
32 color, national origin, ancestry, age, sex, gender identity or
33 expression, affectional or sexual orientation, marital status, familial
34 status, liability for service in the Armed Forces of the United States,
35 disability or nationality, are matters of concern to the government
36 of the State, and that such discrimination threatens not only the
37 rights and proper privileges of the inhabitants of the State but
38 menaces the institutions and foundation of a free democratic State;
39 provided, however, that nothing in this expression of policy
40 prevents the making of legitimate distinctions between citizens and
41 aliens when required by federal law or otherwise necessary to
42 promote the national interest.

43 The Legislature further declares its opposition to such practices
44 of discrimination when directed against any person by reason of the

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 race, creed, color, national origin, ancestry, age, sex, gender
2 identity or expression, affectional or sexual orientation, marital
3 status, liability for service in the Armed Forces of the United States,
4 disability or nationality of that person or that person's family
5 members, partners, members, stockholders, directors, officers,
6 managers, superintendents, agents, employees, interns, business
7 associates, suppliers, or customers, in order that the economic
8 prosperity and general welfare of the inhabitants of the State may
9 be protected and ensured.

10 The Legislature further finds that because of discrimination,
11 people suffer personal hardships, and the State suffers a grievous
12 harm. The personal hardships include: economic loss; time loss;
13 physical and emotional stress; and in some cases severe emotional
14 trauma, illness, homelessness or other irreparable harm resulting
15 from the strain of employment or employer internship
16 controversies; relocation, search and moving difficulties; anxiety
17 caused by lack of information, uncertainty, and resultant planning
18 difficulty; career, education, family and social disruption; and
19 adjustment problems, which particularly impact on those protected
20 by this act. Such harms have, under the common law, given rise to
21 legal remedies, including compensatory and punitive damages. The
22 Legislature intends that such damages be available to all persons
23 protected by this act and that this act shall be liberally construed in
24 combination with other protections available under the laws of this
25 State.

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

27

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

30 4. All persons shall have the opportunity to obtain employment
31 or internships with an employer, and to obtain all the
32 accommodations, advantages, facilities, and privileges of any place
33 of public accommodation, publicly assisted housing
34 accommodation, and other real property without discrimination
35 because of race, creed, color, national origin, ancestry, age, marital
36 status, affectional or sexual orientation, familial status, disability,
37 liability for service in the Armed Forces of the United States,
38 nationality, sex, gender identity or expression or source of lawful
39 income used for rental or mortgage payments, subject only to
40 conditions and limitations applicable alike to all persons. This
41 opportunity is recognized as and declared to be a civil right.

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

43

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

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

- 1 a. "Person" includes one or more individuals, partnerships,
2 associations, organizations, labor organizations, corporations, legal
3 representatives, trustees, trustees in bankruptcy, receivers, and
4 fiduciaries.
- 5 b. "Employment agency" includes any person undertaking to
6 procure employees or opportunities for others to work.
- 7 c. "Labor organization" includes any organization which exists
8 and is constituted for the purpose, in whole or in part, of collective
9 bargaining, or of dealing with employers concerning grievances,
10 terms or conditions of employment, or of other mutual aid or
11 protection in connection with employment.
- 12 d. "Unlawful employment practice" and "unlawful
13 discrimination" include only those unlawful practices and acts
14 specified in section 11 of P.L.1945, c.169 (C.10:5-12).
- 15 e. "Employer" includes all persons as defined in subsection a.
16 of this section unless otherwise specifically exempt under another
17 section of P.L.1945, c.169 (C.10:5-1 et seq.), and includes the State,
18 any political or civil subdivision thereof, and all public officers,
19 agencies, boards, or bodies.
- 20 f. (1) "Employee" does not include any individual employed
21 in the domestic service of any person.
- 22 (2) "Intern" means an individual who performs services for an
23 employer on a temporary basis whose work: (a) provides training or
24 supplements training given in an educational environment such that
25 the employability of the individual performing the work may be
26 enhanced; (b) provides experience for the benefit of the individual
27 performing the work; and (c) is performed under the supervision of
28 existing staff. The term "intern" shall include individuals without
29 regard to whether the employer pays them a salary or wage.
- 30 g. "Liability for service in the Armed Forces of the United
31 States" means subject to being ordered as an individual or member
32 of an organized unit into active service in the Armed Forces of the
33 United States by reason of membership in the National Guard, naval
34 militia or a reserve component of the Armed Forces of the United
35 States, or subject to being inducted into such armed forces through
36 a system of national selective service.
- 37 h. "Division" means the "Division on Civil Rights" created by
38 P.L.1945, c.169 (C.10:5-1 et seq.).
- 39 i. "Attorney General" means the Attorney General of the State
40 of New Jersey or the Attorney General's representative or designee.
- 41 j. "Commission" means the Commission on Civil Rights
42 created by P.L.1945, c.169 (C.10:5-1 et seq.).
- 43 k. "Director" means the Director of the Division on Civil
44 Rights.
- 45 l. "A place of public accommodation" shall include, but not be
46 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
47 summer camp, day camp, or resort camp, whether for entertainment
48 of transient guests or accommodation of those seeking health,

1 recreation, or rest; any producer, manufacturer, wholesaler,
2 distributor, retail shop, store, establishment, or concession dealing
3 with goods or services of any kind; any restaurant, eating house, or
4 place where food is sold for consumption on the premises; any
5 place maintained for the sale of ice cream, ice and fruit preparations
6 or their derivatives, soda water or confections, or where any
7 beverages of any kind are retailed for consumption on the premises;
8 any garage, any public conveyance operated on land or water or in
9 the air or any stations and terminals thereof; any bathhouse,
10 boardwalk, or seashore accommodation; any auditorium, meeting
11 place, or hall; any theatre, motion-picture house, music hall, roof
12 garden, skating rink, swimming pool, amusement and recreation
13 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
14 pool parlor, or other place of amusement; any comfort station; any
15 dispensary, clinic, or hospital; any public library; and any
16 kindergarten, primary and secondary school, trade or business
17 school, high school, academy, college and university, or any
18 educational institution under the supervision of the State Board of
19 Education or the Commissioner of Education of the State of New
20 Jersey. Nothing herein contained shall be construed to include or to
21 apply to any institution, bona fide club, or place of accommodation,
22 which is in its nature distinctly private; nor shall anything herein
23 contained apply to any educational facility operated or maintained
24 by a bona fide religious or sectarian institution, and the right of a
25 natural parent or one in loco parentis to direct the education and
26 upbringing of a child under his control is hereby affirmed; nor shall
27 anything herein contained be construed to bar any private secondary
28 or post-secondary school from using in good faith criteria other than
29 race, creed, color, national origin, ancestry, gender identity, or
30 expression or affectional or sexual orientation in the admission of
31 students.

32 m. "A publicly assisted housing accommodation" shall include
33 all housing built with public funds or public assistance pursuant to
34 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
35 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
36 c.184, and all housing financed in whole or in part by a loan,
37 whether or not secured by a mortgage, the repayment of which is
38 guaranteed or insured by the federal government or any agency
39 thereof.

40 n. The term "real property" includes real estate, lands,
41 tenements and hereditaments, corporeal and incorporeal, and
42 leaseholds, provided, however, that, except as to publicly assisted
43 housing accommodations, the provisions of this act shall not apply
44 to the rental: (1) of a single apartment or flat in a two-family
45 dwelling, the other occupancy unit of which is occupied by the
46 owner as a residence; or (2) of a room or rooms to another person or
47 persons by the owner or occupant of a one-family dwelling
48 occupied by the owner or occupant as a residence at the time of

1 such rental. Nothing herein contained shall be construed to bar any
2 religious or denominational institution or organization, or any
3 organization operated for charitable or educational purposes, which
4 is operated, supervised, or controlled by or in connection with a
5 religious organization, in the sale, lease, or rental of real property,
6 from limiting admission to or giving preference to persons of the
7 same religion or denomination or from making such selection as is
8 calculated by such organization to promote the religious principles
9 for which it is established or maintained. Nor does any provision
10 under **[this act]** P.L.1945, c.169 (C.10:5-1 et seq.) regarding
11 discrimination on the basis of familial status apply with respect to
12 housing for older persons.

13 o. "Real estate broker" includes a person, firm, or corporation
14 who, for a fee, commission, or other valuable consideration, or by
15 reason of promise or reasonable expectation thereof, lists for sale,
16 sells, exchanges, buys or rents, or offers or attempts to negotiate a
17 sale, exchange, purchase, or rental of real estate or an interest
18 therein, or collects or offers or attempts to collect rent for the use of
19 real estate, or solicits for prospective purchasers or assists or directs
20 in the procuring of prospects or the negotiation or closing of any
21 transaction which does or is contemplated to result in the sale,
22 exchange, leasing, renting, or auctioning of any real estate, or
23 negotiates, or offers or attempts or agrees to negotiate a loan
24 secured or to be secured by mortgage or other encumbrance upon or
25 transfer of any real estate for others; or any person who, for
26 pecuniary gain or expectation of pecuniary gain conducts a public
27 or private competitive sale of lands or any interest in lands. In the
28 sale of lots, the term "real estate broker" shall also include any
29 person, partnership, association, or corporation employed by or on
30 behalf of the owner or owners of lots or other parcels of real estate,
31 at a stated salary, or upon a commission, or upon a salary and
32 commission or otherwise, to sell such real estate, or any parts
33 thereof, in lots or other parcels, and who shall sell or exchange, or
34 offer or attempt or agree to negotiate the sale or exchange, of any
35 such lot or parcel of real estate.

36 p. "Real estate salesperson" includes any person who, for
37 compensation, valuable consideration or commission, or other thing
38 of value, or by reason of a promise or reasonable expectation
39 thereof, is employed by and operates under the supervision of a
40 licensed real estate broker to sell or offer to sell, buy or offer to buy
41 or negotiate the purchase, sale, or exchange of real estate, or offers
42 or attempts to negotiate a loan secured or to be secured by a
43 mortgage or other encumbrance upon or transfer of real estate, or to
44 lease or rent, or offer to lease or rent any real estate for others, or to
45 collect rents for the use of real estate, or to solicit for prospective
46 purchasers or lessees of real estate, or who is employed by a
47 licensed real estate broker to sell or offer to sell lots or other parcels
48 of real estate, at a stated salary, or upon a commission, or upon a

1 salary and commission, or otherwise to sell real estate, or any parts
2 thereof, in lots or other parcels.

3 q. "Disability" means physical or sensory disability, infirmity,
4 malformation, or disfigurement which is caused by bodily injury,
5 birth defect, or illness including epilepsy and other seizure
6 disorders, and which shall include, but not be limited to, any degree
7 of paralysis, amputation, lack of physical coordination, blindness or
8 visual impairment, deafness or hearing impairment, muteness or
9 speech impairment, or physical reliance on a service or guide dog,
10 wheelchair, or other remedial appliance or device, or any mental,
11 psychological, or developmental disability, including autism
12 spectrum disorders, resulting from anatomical, psychological,
13 physiological, or neurological conditions which prevents the typical
14 exercise of any bodily or mental functions or is demonstrable,
15 medically or psychologically, by accepted clinical or laboratory
16 diagnostic techniques. Disability shall also mean AIDS or HIV
17 infection.

18 r. "Blind person" or "person who is blind" means any
19 individual whose central visual acuity does not exceed 20/200 in the
20 better eye with correcting lens or whose visual acuity is better than
21 20/200 if accompanied by a limit to the field of vision in the better
22 eye to such a degree that its widest diameter subtends an angle of
23 no greater than 20 degrees.

24 s. "Guide dog" means a dog used to assist persons who are
25 deaf, or which is fitted with a special harness so as to be suitable as
26 an aid to the mobility of a person who is blind, and is used by a
27 person who is blind and has satisfactorily completed a specific
28 course of training in the use of such a dog, and has been trained by
29 an organization generally recognized by agencies involved in the
30 rehabilitation of persons with disabilities, including, but not limited
31 to, those persons who are blind or deaf, as reputable and competent
32 to provide dogs with training of this type.

33 t. "Guide or service dog trainer" means any person who is
34 employed by an organization generally recognized by agencies
35 involved in the rehabilitation of persons with disabilities, including,
36 but not limited to, those persons who are blind, have visual
37 impairments, or are deaf or have hearing impairments, as reputable
38 and competent to provide dogs with training, as defined in this
39 section, and who is actually involved in the training process.

40 u. "Housing accommodation" means any publicly assisted
41 housing accommodation or any real property, or portion thereof,
42 which is used or occupied, or is intended, arranged, or designed to
43 be used or occupied, as the home, residence, or sleeping place of
44 one or more persons, but shall not include any single family
45 residence the occupants of which rent, lease, or furnish for
46 compensation not more than one room therein.

47 v. "Public facility" means any place of public accommodation
48 and any street, highway, sidewalk, walkway, public building, and

- 1 any other place or structure to which the general public is regularly,
2 normally, or customarily permitted or invited.
- 3 w. "Deaf person" or "person who is deaf" means any person
4 whose hearing is so severely impaired that the person is unable to
5 hear and understand conversational speech through the unaided ear
6 alone, and who must depend primarily on an assistive listening
7 device or visual communication such as writing, lip reading, sign
8 language, and gestures.
- 9 x. "Atypical hereditary cellular or blood trait" means sickle cell
10 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
11 fibrosis trait.
- 12 y. "Sickle cell trait" means the condition wherein the major
13 natural hemoglobin components present in the blood of the
14 individual are hemoglobin A (normal) and hemoglobin S (sickle
15 hemoglobin) as defined by standard chemical and physical analytic
16 techniques, including electrophoresis; and the proportion of
17 hemoglobin A is greater than the proportion of hemoglobin S or one
18 natural parent of the individual is shown to have only normal
19 hemoglobin components (hemoglobin A, hemoglobin A2,
20 hemoglobin F) in the normal proportions by standard chemical and
21 physical analytic tests.
- 22 z. "Hemoglobin C trait" means the condition wherein the major
23 natural hemoglobin components present in the blood of the
24 individual are hemoglobin A (normal) and hemoglobin C as defined
25 by standard chemical and physical analytic techniques, including
26 electrophoresis; and the proportion of hemoglobin A is greater than
27 the proportion of hemoglobin C or one natural parent of the
28 individual is shown to have only normal hemoglobin components
29 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
30 proportions by standard chemical and physical analytic tests.
- 31 aa. "Thalassemia trait" means the presence of the thalassemia
32 gene which in combination with another similar gene results in the
33 chronic hereditary disease Cooley's anemia.
- 34 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
35 which in combination with another similar gene results in the
36 chronic hereditary disease Tay-Sachs.
- 37 cc. "Cystic fibrosis trait" means the presence of the cystic
38 fibrosis gene which in combination with another similar gene
39 results in the chronic hereditary disease cystic fibrosis.
- 40 dd. "Service dog" means any dog individually trained to the
41 requirements of a person with a disability including, but not limited
42 to minimal protection work, rescue work, pulling a wheelchair or
43 retrieving dropped items. This term shall include a "seizure dog"
44 trained to alert or otherwise assist persons with epilepsy or other
45 seizure disorders.
- 46 ee. "Qualified Medicaid applicant" means an individual who is a
47 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

- 1 ff. "AIDS" means acquired **[immune deficiency]**
2 immunodeficiency syndrome as defined by the Centers for Disease
3 Control and Prevention of the United States Public Health Service.
- 4 gg. "HIV infection" means infection with the human
5 immunodeficiency virus or any other related virus identified as a
6 probable causative agent of AIDS.
- 7 hh. "Affectional or sexual orientation" means male or female
8 heterosexuality, homosexuality, or bisexuality by inclination,
9 practice, identity, or expression, having a history thereof or being
10 perceived, presumed, or identified by others as having such an
11 orientation.
- 12 ii. "Heterosexuality" means affectional, emotional, or physical
13 attraction or behavior which is primarily directed towards persons
14 of the other gender.
- 15 jj. "Homosexuality" means affectional, emotional, or physical
16 attraction or behavior which is primarily directed towards persons
17 of the same gender.
- 18 kk. "Bisexuality" means affectional, emotional, or physical
19 attraction or behavior which is directed towards persons of either
20 gender.
- 21 ll. "Familial status" means being the natural parent of a child,
22 the adoptive parent of a child, the resource family parent of a child,
23 having a "parent and child relationship" with a child as defined by
24 State law, or having sole or joint legal or physical custody, care,
25 guardianship, or visitation with a child, or any person who is
26 pregnant or is in the process of securing legal custody of any
27 individual who has not attained the age of 18 years.
- 28 mm. "Housing for older persons" means housing:
- 29 (1) provided under any State program that the Attorney General
30 determines is specifically designed and operated to assist persons
31 who are elderly (as defined in the State program); or provided under
32 any federal program that the United States Department of Housing
33 and Urban Development determines is specifically designed and
34 operated to assist persons who are elderly (as defined in the federal
35 program); or
- 36 (2) intended for, and solely occupied by, persons 62 years of age
37 or older; or
- 38 (3) intended and operated for occupancy by at least one person
39 55 years of age or older per unit. In determining whether housing
40 qualifies as housing for older persons under this paragraph, the
41 Attorney General shall adopt regulations which require at least the
42 following factors:
- 43 (a) the existence of significant facilities and services
44 specifically designed to meet the physical or social needs of older
45 persons, or if the provision of such facilities and services is not
46 practicable, that such housing is necessary to provide important
47 housing opportunities for older persons; and

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

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

6 Housing shall not fail to meet the requirements for housing for
7 older persons by reason of: persons residing in such housing as of
8 September 13, 1988 not meeting the age requirements of this
9 subsection, provided that new occupants of such housing meet the
10 age requirements of this subsection; or unoccupied units, provided
11 that such units are reserved for occupancy by persons who meet the
12 age requirements of this subsection.

13 nn. "Genetic characteristic" means any inherited gene or
14 chromosome, or alteration thereof, that is scientifically or medically
15 believed to predispose an individual to a disease, disorder, or
16 syndrome, or to be associated with a statistically significant
17 increased risk of development of a disease, disorder, or syndrome.

18 oo. "Genetic information" means the information about genes,
19 gene products, or inherited characteristics that may derive from an
20 individual or family member.

21 pp. "Genetic test" means a test for determining the presence or
22 absence of an inherited genetic characteristic in an individual,
23 including tests of nucleic acids such as DNA, RNA, and
24 mitochondrial DNA, chromosomes, or proteins in order to identify a
25 predisposing genetic characteristic.

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

28 rr. "Gender identity or expression" means having or being
29 perceived as having a gender related identity or expression whether
30 or not stereotypically associated with a person's assigned sex at
31 birth.

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

35 tt. "Premium wages" means additional remuneration for night,
36 weekend, or holiday work, or for standby or irregular duty.

37 uu. "Premium benefit" means an employment benefit, such as
38 seniority, group life insurance, health insurance, disability
39 insurance, sick leave, annual leave, or an educational or pension
40 benefit that is greater than the employment benefit due the
41 employee for an equivalent period of work performed during the
42 regular work schedule of the employee.

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

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

1 xx. "Family member" means a child, parent, parent-in-law,
2 sibling, grandparent, grandchild, spouse, partner in a civil union
3 couple, domestic partner, or any other individual related by blood to
4 the person, and any other individual that the person shows to have a
5 close association with the person which is the equivalent of a family
6 relationship.

7 (cf: P.L.2019, c.436, s.2)

8

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

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

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

1 immediate non-forfeitable annual retirement benefit from a pension,
2 profit sharing, savings or deferred retirement plan, or any
3 combination of those plans, of the employer of that employee which
4 equals in the aggregate at least \$27,000.00; and provided further
5 that an employer may restrict employment or internship to citizens
6 of the United States where such restriction is required by federal
7 law or is otherwise necessary to protect the national interest.

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

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

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

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

35 Nothing in this subsection shall prohibit the application of the
36 doctrine of "continuing violation" or the "discovery rule" to any
37 appropriate claim as those doctrines currently exist in New Jersey
38 common law. It shall be an unlawful employment practice to
39 require employees or prospective employees to consent to a
40 shortened statute of limitations or to waive any of the protections
41 provided by the "Law Against Discrimination," P.L.1945, c.169
42 (C.10:5-1 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 liability
48 for service in the Armed Forces of the United States or nationality

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

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

25 d. For any person to take reprisals against any person because
26 that person has opposed any practices or acts forbidden under **【this**
27 **act】** P.L.1945, c.169 (C.10:5-1 et seq.) or because that person has
28 sought legal advice regarding rights under this act, shared relevant
29 information with legal counsel, shared information with a
30 governmental entity, or filed a complaint, testified or assisted in any
31 proceeding under **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.) or to
32 coerce, intimidate, threaten or interfere with any person in the
33 exercise or enjoyment of, or on account of that person having aided
34 or encouraged any other person in the exercise or enjoyment of, any
35 right granted or protected by **【this act】** P.L.1945, c.169 (C.10:5-1 et
36 seq.).

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】** P.L.1945, c.169 (C.10:5-1 et seq.), or to
40 attempt to do so.

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (5) To refuse to rent or lease any real property to another person
45 because that person's family includes children under 18 years of
46 age, or to make an agreement, rental or lease of any real property
47 which provides that the agreement, rental or lease shall be rendered
48 null and void upon the birth of a child. This paragraph shall not

1 apply to housing for older persons as defined in subsection mm. of
2 section 5 of P.L.1945, c.169 (C.10:5-5).

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

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

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

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

35 (4) To discriminate against any person or group of persons
36 because of the source of any lawful income received by the person
37 or the source of any lawful rent payment to be paid for the real
38 property; or

39 (5) To discriminate against any person or group of persons
40 because that person's family includes children under 18 years of
41 age, or to make an agreement or mortgage which provides that the
42 agreement or mortgage shall be rendered null and void upon the
43 birth of a child. This paragraph shall not apply to housing for older
44 persons as defined in subsection mm. of section 5 of P.L.1945,
45 c.169 (C.10:5-5).

46 j. For any person whose activities are included within the
47 scope of **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.) to refuse to
48 post or display such notices concerning the rights or responsibilities

1 of persons affected by **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.)
2 as the Attorney General may by regulation require.

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

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

39 m. For any person to:

40 (1) Grant or accept any letter of credit or other document which
41 evidences the transfer of funds or credit, or enter into any contract
42 for the exchange of goods or services, where the letter of credit,
43 contract, or other document contains any provisions requiring any
44 person to discriminate against or to certify that he, she or it has not
45 dealt with any other person on the basis of the race, creed, color,
46 national origin, ancestry, age, pregnancy or breastfeeding, sex,
47 gender identity or expression, affectional or sexual orientation,
48 marital status, civil union status, domestic partnership status,

1 disability, liability for service in the Armed Forces of the United
2 States, or nationality of such other person or of such other person's
3 family members, partners, members, stockholders, directors,
4 officers, managers, superintendents, agents, employees, interns,
5 business associates, suppliers, or customers.

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

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

19 n. For any person to aid, abet, incite, compel, coerce, or induce
20 the doing of any act forbidden by subsections l. and m. of section
21 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to
22 do so. Such prohibited conduct shall include, but not be limited to:

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

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

37 o. For any multiple listing service, real estate brokers'
38 organization or other service, organization or facility related to the
39 business of selling or renting dwellings to deny any person access
40 to or membership or participation in such organization, or to
41 discriminate against such person in the terms or conditions of such
42 access, membership, or participation, on account of race, creed,
43 color, national origin, ancestry, age, marital status, civil union
44 status, domestic partnership status, familial status, pregnancy or
45 breastfeeding, sex, gender identity or expression, affectional or
46 sexual orientation, disability, liability for service in the Armed
47 Forces of the United States or nationality.

1 p. Nothing in the provisions of this section shall affect the
2 ability of an employer to require employees or interns to adhere to
3 reasonable workplace appearance, grooming and dress standards not
4 precluded by other provisions of State or federal law, except that an
5 employer shall allow an employee or intern to appear, groom and
6 dress consistent with the employee's or intern's gender identity or
7 expression.

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

27 (a) The number of the hours worked by the employee which are
28 counted towards the accruing of seniority, pension or other benefits;
29 or

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

32 (2) For an employer to refuse to permit an employee or intern to
33 utilize leave, as provided for in this subsection q., which is solely
34 used to accommodate the employee's or intern's sincerely held
35 religious observance or practice. Except where it would cause an
36 employer to incur an undue hardship, no person shall be required to
37 remain at his place of employment or internship during any day or
38 days or portion thereof that, as a requirement of his religion, he
39 observes as his Sabbath or other holy day, including a reasonable
40 time prior and subsequent thereto for travel between his place of
41 employment or internship and his home; provided that any such
42 absence from work shall, wherever practicable in the reasonable
43 judgment of the employer, be made up by an equivalent amount of
44 time and work at some other mutually convenient time, or shall, if
45 applicable, be charged against any leave with pay ordinarily
46 granted, other than sick leave, and any such absence not so made up
47 or charged, may be treated by the employer of that person as leave
48 taken without pay.

1 (3) (a) For purposes of this subsection q., "undue hardship"
2 means an accommodation requiring unreasonable expense or
3 difficulty, unreasonable interference with the safe or efficient
4 operation of the workplace or a violation of a bona fide seniority
5 system or a violation of any provision of a bona fide collective
6 bargaining agreement.

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

9 (i) The identifiable cost of the accommodation, including the
10 costs of loss of productivity and of retaining or hiring employees or
11 transferring employees from one facility to another, in relation to
12 the size and operating cost of the employer.

13 (ii) The number of individuals who will need the particular
14 accommodation for a sincerely held religious observance or
15 practice.

16 (iii) For an employer with multiple facilities, the degree to
17 which the geographic separateness or administrative or fiscal
18 relationship of the facilities will make the accommodation more
19 difficult or expensive.

20 (c) An accommodation shall be considered to constitute an
21 undue hardship if it will result in the inability of an employee or
22 intern to perform the essential functions of the position in which he
23 or she is employed or engaged as an intern.

24 (d) (i) The provisions of this subsection q. shall be applicable
25 only to reasonable accommodations of religious observances and
26 shall not supersede any definition of undue hardship or standards
27 for reasonable accommodation of the disabilities of employees or
28 interns.

29 (ii) This subsection q. shall not apply where the uniform
30 application of terms and conditions of attendance to employees or
31 interns is essential to prevent undue hardship to the employer. The
32 burden of proof regarding the applicability of this subparagraph (d)
33 shall be upon the employer.

34 r. For any employer to take reprisals against any employee or
35 intern for requesting from, discussing with, or disclosing to, any
36 other employee or former employee, or any other intern or former
37 intern of the employer, a lawyer from whom the employee seeks
38 legal advice, or any government agency information regarding the
39 job title, occupational category, and rate of compensation, including
40 benefits, of the employee or any other employee or former
41 employee, or any intern or former intern, of the employer, or the
42 gender, race, ethnicity, military status, or national origin of the
43 employee or any other employee or former employee of the
44 employer, regardless of whether the request was responded to, or to
45 require, as a condition of employment, any employee or prospective
46 employee to sign a waiver, or to otherwise require an employee or
47 prospective employee to agree, not to make those requests or
48 disclosures. Nothing in this subsection shall be construed to require

1 an employee or intern to disclose such information about the
2 employee or intern herself to any other employee or former
3 employee, or intern or former intern, of the employer or to any
4 authorized representative [of the other employee or former
5 employee] thereof.

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

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

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

1 accommodation needed, taking into consideration the availability of
2 tax credits, tax deductions, and outside funding; and the extent to
3 which the accommodation would involve waiver of an essential
4 requirement of a job as opposed to a tangential or non-business
5 necessity requirement.

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

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

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

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

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

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

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

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

1 8. Section 1 of P.L.2001, c.385 (C.10:5-12.6) is amended to
2 read as follows:

3 1. No employer, public or private, shall discharge or
4 discriminate against an employee or intern in compensation or in
5 terms, conditions or privileges of employment or internship for
6 displaying the American flag on the employee's or intern's person
7 or work station, provided the display does not substantially and
8 materially interfere with the employee's or intern's job duties. An
9 employer who discharges or discriminates against an employee or
10 intern as described in this section shall be liable to the employee or
11 intern for damages caused by the discharge or discrimination,
12 including punitive damages, and for reasonable attorney's fees as
13 part of the costs of any action for damages. If the court determines
14 that the action for damages was brought without substantial
15 justification, the court may award costs and reasonable attorney's
16 fees to the employer.

17 (cf: P.L.2001, c.385, s.1)

18

19 9. Section 1 of P.L.1986, c.105 (C.34:19-1) is amended to read
20 as follows:

21 1. This act shall be known and may be cited as the
22 "Conscientious Employee and Intern Protection Act."

23 (cf: P.L.1986, c.105, s.1)

24

25 10. Section 2 of P.L.1986, c.105 (C.34:19-2) is amended to read
26 as follows:

27 2. As used in **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.):

28 a. "Employer" means any individual, partnership, association,
29 corporation or any person or group of persons acting directly or
30 indirectly on behalf of or in the interest of an employer with the
31 employer's consent and shall include all branches of State
32 Government, or the several counties and municipalities thereof, or
33 any other political subdivision of the State, or a school district, or
34 any special district, or any authority, commission, or board or any
35 other agency or instrumentality thereof.

36 b. (1) "Employee" means any individual who performs
37 services for and under the control and direction of an employer for
38 wages or other remuneration.

39 (2) "Intern" means an individual who performs services for an
40 employer on a temporary basis whose work: (a) provides training or
41 supplements training given in an educational environment such that
42 the employability of the individual performing the work may be
43 enhanced; (b) provides experience for the benefit of the individual
44 performing the work; and (c) is performed under the supervision of
45 existing staff. The term "intern" shall include individuals without
46 regard to whether the employer pays them a salary or wage.

47 c. "Public body" means:

1 (1) the United States Congress, and State legislature, or any
2 popularly-elected local governmental body, or any member or
3 employee thereof;

4 (2) any federal, State, or local judiciary, or any member or
5 employee thereof, or any grand or petit jury;

6 (3) any federal, State, or local regulatory, administrative, or
7 public agency or authority, or instrumentality thereof;

8 (4) any federal, State, or local law enforcement agency,
9 prosecutorial office, or police or peace officer;

10 (5) any federal, State or local department of an executive branch
11 of government; or

12 (6) any division, board, bureau, office, committee or
13 commission of any of the public bodies described in the above
14 paragraphs of this subsection.

15 d. "Supervisor" means any individual with an employer's
16 organization who has the authority to direct and control the work
17 performance of the affected employee or intern, who has authority
18 to take corrective action regarding the violation of the law, rule or
19 regulation of which the employee or intern complains, or who has
20 been designated by the employer on the notice required under
21 section 7 of **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.).

22 e. "Retaliatory action" means the discharge, suspension or
23 demotion of an employee or intern, or other adverse employment
24 action taken against an employee or intern in the terms and
25 conditions of the employment or internship.

26 f. "Improper quality of patient care" means, with respect to
27 patient care, any practice, procedure, action or failure to act of an
28 employer that is a health care provider which violates any law or
29 any rule, regulation or declaratory ruling adopted pursuant to law,
30 or any professional code of ethics.

31 (cf: P.L.1997, c.98, s.1)

32

33 11. Section 3 of P.L.1986, c.105 (C.34:19-3) is amended to read
34 as follows:

35 3. An employer shall not take any retaliatory action against an
36 employee or intern because the employee or intern does any of the
37 following:

38 a. Discloses, or threatens to disclose to a supervisor or to a
39 public body an activity, policy or practice of the employer, or
40 another employer, with whom there is a business relationship, that
41 the employee or intern reasonably believes:

42 (1) is in violation of a law, or a rule or regulation promulgated
43 pursuant to law, including any violation involving deception of, or
44 misrepresentation to, any shareholder, investor, client, patient,
45 customer, employee, former employee, intern, former intern, retiree
46 or pensioner of the employer or any governmental entity, or, in the
47 case of an employee or intern who is a licensed or certified health

1 care professional, reasonably believes constitutes improper quality
2 of patient care; or

3 (2) is fraudulent or criminal, including any activity, policy or
4 practice of deception or misrepresentation which the employee or
5 intern reasonably believes may defraud any shareholder, investor,
6 client, patient, customer, employee, former employee, intern,
7 former intern, retiree or pensioner of the employer or any
8 governmental entity;

9 b. Provides information to, or testifies before, any public body
10 conducting an investigation, hearing or inquiry into any violation of
11 law, or a rule or regulation promulgated pursuant to law by the
12 employer, or another employer, with whom there is a business
13 relationship, including any violation involving deception of, or
14 misrepresentation to, any shareholder, investor, client, patient,
15 customer, employee, former employee, intern, former intern, retiree
16 or pensioner of the employer or any governmental entity, or, in the
17 case of an employee or intern who is a licensed or certified health
18 care professional, provides information to, or testifies before, any
19 public body conducting an investigation, hearing or inquiry into the
20 quality of patient care; or

21 c. Objects to, or refuses to participate in any activity, policy or
22 practice which the employee or intern reasonably believes:

23 (1) is in violation of a law, or a rule or regulation promulgated
24 pursuant to law, including any violation involving deception of, or
25 misrepresentation to, any shareholder, investor, client, patient,
26 customer, employee, former employee, intern, former intern, retiree
27 or pensioner of the employer or any governmental entity, or, if the
28 employee or intern is a licensed or certified health care
29 professional, constitutes improper quality of patient care;

30 (2) is fraudulent or criminal, including any activity, policy or
31 practice of deception or misrepresentation which the employee or
32 intern reasonably believes may defraud any shareholder, investor,
33 client, patient, customer, employee, former employee, intern,
34 former intern, retiree or pensioner of the employer or any
35 governmental entity; or

36 (3) is incompatible with a clear mandate of public policy
37 concerning the public health, safety or welfare or protection of the
38 environment.

39 (cf: P.L.2005, c.329, s.1)

40

41 12. Section 4 of P.L.1986, c.105 (C.34:19-4) is amended to read
42 as follows:

43 4. The protection against retaliatory action provided by **【this**
44 **act】** P.L.1986, c.105 (C.34:19-1 et seq.) pertaining to disclosure to
45 a public body shall not apply to an employee or intern who makes a
46 disclosure to a public body unless the employee or intern has
47 brought the activity, policy or practice in violation of a law, or a
48 rule or regulation promulgated pursuant to law to the attention of a

1 supervisor of the employee or intern by written notice and has
2 afforded the employer a reasonable opportunity to correct the
3 activity, policy or practice. Disclosure shall not be required where
4 the employee or intern is reasonably certain that the activity, policy
5 or practice is known to one or more supervisors of the employer or
6 where the employee or intern reasonably fears physical harm as a
7 result of the disclosure provided, however, that the situation is
8 emergency in nature.

9 (cf: P.L.1986, c.105, s.4)

10
11 13. Section 5 of P.L.1986, c.105 (C.34:19-5) is amended to read
12 as follows:

13 5. Upon a violation of any of the provisions of **[this act]**
14 P.L.1986, c.105 (C.34:19-1 et seq.), an aggrieved employee or
15 former employee, or intern or former intern may, within one year,
16 institute a civil action in a court of competent jurisdiction. Upon
17 the application of any party, a jury trial shall be directed to try the
18 validity of any claim under **[this act]** P.L.1986, c.105 (C.34:19-1 et
19 seq.) specified in the suit. All remedies available in common law
20 tort actions shall be available to prevailing plaintiffs. These
21 remedies are in addition to any legal or equitable relief provided by
22 **[this act]** P.L.1986, c.105 (C.34:19-1 et seq.) or any other statute.
23 The court shall also order, where appropriate and to the fullest
24 extent possible:

25 a. An injunction to restrain any violation of **[this act]**
26 P.L.1986, c.105 (C.34:19-1 et seq.) which is continuing at the time
27 that the court issues its order;

28 b. The reinstatement of the employee or intern to the same
29 position held before the retaliatory action, or to an equivalent
30 position;

31 c. The reinstatement of full fringe benefits and seniority rights;

32 d. The compensation for all lost wages, benefits and other
33 remuneration; and

34 e. The payment by the employer of reasonable costs, and
35 attorney's fees.

36 In addition, the court or jury may order: the assessment of a civil
37 fine of not more than \$10,000 for the first violation of **[this act]**
38 P.L.1986, c.105 (C.34:19-1 et seq.) and not more than \$20,000 for
39 each subsequent violation, which shall be paid to the State
40 Treasurer for deposit in the General Fund; punitive damages; or
41 both a civil fine and punitive damages. In determining the amount
42 of punitive damages, the court or jury shall consider not only the
43 amount of compensatory damages awarded to the employee or
44 intern, but also the amount of all damages caused to shareholders,
45 investors, clients, patients, customers, employees, former
46 employees, interns, former interns, retirees or pensioners of the
47 employer, or to the public or any governmental entity, by the

1 activities, policies or practices of the employer which the employee
2 or intern disclosed, threatened to disclose, provided testimony
3 regarding, objected to, or refused to participate in.

4 (cf: P.L.2005, c.329, s.2)

5
6 14. Section 6 of P.L.1986, c.105 (C.34:19-6) is amended to read
7 as follows:

8 6. A court, upon notice of motion in accordance with the Rules
9 Governing the Courts of the State of New Jersey, may also order
10 that reasonable attorneys' fees and court costs be awarded to an
11 employer if the court determines that an action brought by an
12 employee or intern under **[this act]** P.L.1986, c.105 (C.34:19-1 et
13 seq.) was without basis in law or in fact. However, an employee or
14 intern shall not be assessed attorneys' fees under this section if, after
15 exercising reasonable and diligent efforts after filing a suit, the
16 employee or intern files a voluntary dismissal concerning the
17 employer, within a reasonable time after determining that the
18 employer would not be found to be liable for damages.

19 (cf: P.L.1986, c.105, s.6)

20
21 15. Section 7 of P.L.1986, c.105 (C.34:19-7) is amended to read
22 as follows:

23 7. An employer shall conspicuously display, **[and]** annually
24 distribute to all employees, and distribute to all interns at the time
25 of their initial engagement in an internship, written or electronic
26 notices of its employees' and interns' protections, obligations, rights
27 and procedures under **[this act]** P.L.1986, c.105 (C.34:19-1 et seq.),
28 and use other appropriate means to keep its employees and interns
29 so informed. Each notice posted or distributed pursuant to this
30 section shall be in English, Spanish and at the employer's
31 discretion, any other language spoken by the majority of the
32 employer's employees and interns. The notice shall include the
33 name of the person or persons the employer has designated to
34 receive written notifications pursuant to section 4 of **[this act]**
35 P.L.1986, c.105 (C.34:19-1-4). The Commissioner of Labor and
36 Workforce Development shall make available to employers a text of
37 a notice fulfilling the requirements of this section and provide
38 copies of the notice suitable for display and distribution to any
39 employers who request the copies, charging them as much as is
40 needed to pay the costs of the department. The commissioner shall
41 also provide notices printed in a language other than English and
42 Spanish, at the request of the employer.

43 The requirement that an employer **[annually]** distribute to all
44 employees and interns written notices of the protections,
45 obligations, rights and procedures provided to the employees and
46 interns by the provisions of P.L.1986, c.105 (C.34:19-1 et seq.)

1 shall not apply to any employer who has less than 10 employees and
2 interns.

3 (cf: P.L.2004, c.148, s.1)

4

5 16. Section 8 of P.L.1986, c.105 (C.34:19-8) is amended to read
6 as follows:

7 8. Nothing in **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.)
8 shall be deemed to diminish the rights, privileges, or remedies of
9 any employee or intern under any other federal or State law or
10 regulation or under any collective bargaining agreement or
11 employment contract; except that the institution of an action in
12 accordance with **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.) shall
13 be deemed a waiver of the rights and remedies available under any
14 other contract, collective bargaining agreement, State law, rule or
15 regulation or under the common law.

16 (cf: P.L.1986, c.105, s.8)

17

18 17. Section 1 of P.L.2006, c.53 (C.34:19-9) is amended to read
19 as follows:

20 1. For the purposes of **【this act】** P.L.2006, c.53 (C.34:19-9 et
21 seq.):

22 "Employer" means a person engaged in business who has
23 employees or interns, including the State and any political
24 subdivision or other instrumentality of the State.

25 "Employee" means any person engaged in service to an employer
26 for wages, salary or other compensation.

27 "Intern" means an intern as defined in paragraph (2) of
28 subsection b. of section 2 of P.L.1986, c.105 (C.34:19-2).

29 "Political matters" include political party affiliation and
30 decisions to join or not join or participate in any lawful political,
31 social, or community organization or activity.

32 (cf: P.L.2006, c.53, s.1)

33

34 18. Section 2 of P.L.2006, c.53 (C.34:19-10) is amended to read
35 as follows:

36 2. No employer or employer's agent, representative or designee
37 may, except as provided in section 3 of **【this act】** P.L.2006,
38 c.53 (C.34:19-11), require its employees or interns to attend an
39 employer-sponsored meeting or participate in any communications
40 with the employer or its agents or representatives, the purpose of
41 which is to communicate the employer's opinion about religious or
42 political matters.

43 **【This act】** P.L.2006, c.53 (C.34:19-9 et seq.) shall not be
44 construed as prohibiting an employer from permitting its employees
45 or interns to voluntarily attend employer-sponsored meetings or
46 providing other communications to the employees or interns, if the

1 employer notifies the employees or interns that they may refuse to
2 attend the meetings or accept the communications without penalty.
3 (cf: P.L.2006, c.53, s.2)
4

5 19. Section 3 of P.L.2006, c.53 (C.34:19-11) is amended to read
6 as follows:

7 3. a. An employer or its agent, representative or designee may
8 communicate to employees and interns information about religious
9 or political matters that the employer is required by law to
10 communicate, but only to the extent required by law.

11 b. Nothing in **【this act】** P.L.2006, c.53 (C.34:19-9 et seq.) shall
12 prohibit:

13 (1) A religious organization from requiring its employees or
14 interns to attend an employer-sponsored meeting or to participate in
15 any communications with the employer or its agents or
16 representatives, the purpose of which is to communicate the
17 employer's religious beliefs, practices or tenets;

18 (2) A political organization or party from requiring its
19 employees or interns to attend an employer-sponsored meeting or to
20 participate in any communications with the employer or its agents
21 or representatives, the purpose of which is to communicate the
22 employer's political tenets or purposes; or

23 (3) An educational institution from requiring a student or
24 instructor to attend lectures on political or religious matters that are
25 part of the regular course work at the institution.

26 (cf: P.L.2006, c.53, s.3)
27

28 20. Section 4 of P.L.2006, c.53 (C.34:19-12) is amended to read
29 as follows:

30 4. No employer or employer's agent, representative or designee
31 shall discharge, discipline or otherwise penalize or threaten to
32 discharge, discipline or otherwise penalize any employee or intern
33 because the employee or intern, or a person acting on behalf of the
34 employee or intern, makes a good faith report, verbally or in
35 writing, of a violation or suspected violation of **【this act】** P.L.2006,
36 c.53 (C.34:19-9 et seq.).

37 (cf: P.L.2006, c.53, s.4)
38

39 21. Section 5 of P.L.2006, c.53 (C.34:19-13) is amended to read
40 as follows:

41 5. Any aggrieved employee or intern may enforce the
42 provisions of **【this act】** P.L.2006, c.53 (C.34:19-9 et seq.) by means
43 of a civil action brought no later than ninety days after the date of
44 the alleged violation in a court of competent jurisdiction. The court
45 shall award a prevailing employee or intern all appropriate relief,
46 including any of the following which are applicable to the violation:

47 a. A restraining order against any continuing violation;

1 b. The reinstatement of the employee or intern to the
2 employee's or intern's former position or an equivalent position and
3 the reestablishment of any employee benefits and seniority rights;

4 c. The payment of any lost wages, benefits or other
5 remuneration; and

6 d. The payment of reasonable attorneys' fees and costs of the
7 action.

8 In addition, the court may award the prevailing employee or
9 intern punitive damages not greater than treble damages, or an
10 assessment of a civil fine of not more than \$1,000 for a first
11 violation of **【the act】** P.L.2006, c.53 (C.34:19-9 et seq.) and not
12 more than \$5,000 for each subsequent violation, which shall be paid
13 to the State Treasurer for deposit in the General Fund.

14 (cf: P.L.2006, c.53, s.5)

15
16 22. Section 6 of P.L.2006, c.53 (C.34:19-14) is amended to read
17 as follows:

18 6. Nothing in **【this act】** P.L.2006, c.53 (C.34:19-9 et seq.) shall
19 be construed to limit an employee's or intern's right to bring a
20 common law tort cause of action against an employer, including an
21 action for wrongful termination, or to diminish or impair the rights
22 of a person under any collective bargaining agreement.

23 (cf: P.L.2006, c.53, s.6)

24
25 23. This act shall take effect on the first day of the third month
26 next following enactment, and apply to any violation against an
27 intern occurring on or after the effective date.

30 STATEMENT

31
32 The bill designated the "New Jersey Intern Protection Act,"
33 provides legal protections and remedies for persons engaged in
34 internships with employers. It does so by adding interns to the
35 provisions of the "Law Against Discrimination," P.L.1945,
36 c.169 (C.10:5-1 et seq.), the "Conscientious Employee Protection
37 Act," P.L.1986, c.105 (C.34:19-1 et seq.), and P.L.2006,
38 c.53 (C.34:19-9 et seq.), sometimes referred to as the Worker Freedom
39 From Employer Intimidation Act.

40 Under all three enactments, an intern would be defined as an
41 individual who performs services for an employer on a temporary
42 basis whose work:

43 (1) Provides training or supplements training given in an
44 educational environment such that the employability of the individual
45 performing the work may be enhanced;

46 (2) Provides experience for the benefit of the individual
47 performing the work; and

1 (3) Is performed under the supervision of existing staff. The term
2 “intern” includes individuals without regard to whether the employer
3 pays them a salary or wage.
4 An intern would not only have recognized and enforceable legal
5 protections from various forms of employer discrimination, retaliatory
6 acts, and intimidation relative to religious and political matters in the
7 workplace, the State would also have the authority, under the “Law
8 Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.), to bring
9 actions against employers. In addition, nothing within the provisions
10 of this bill or the various past legislative acts amended by this bill
11 would prevent an intern from seeking protections or receiving
12 remedies pursuant to any applicable federal law, other State law, or the
13 common law.