

**13:4-15.2 Protection of witnesses; preventing reprisals**

(a) No person shall discharge, evict, expel or otherwise discriminate or take reprisals against any person because he or she has opposed any practices or acts forbidden under the Law Against Discrimination or because he or she has filed a complaint, testified or assisted in any proceeding under the Law Against Discrimination.

(b) For the purposes of this section, all persons who have been, are or will be respondents in proceedings before said Division shall be considered to be within the continuing jurisdiction of the Division and shall be subject to appropriate order of the Director of the Division as in the case of an unlawful reprisal, including such interim orders as may be deemed necessary to preserve the status quo and to protect the best interests of the parties.

Amended by R.1985 d.697, effective January 21, 1986.  
See: 17 N.J.R. 2862(a), 18 N.J.R. 198(b).

Substituted "reprisal" for "discrimination" and "interim orders" for "preliminary relief".

Amended by R.1996 d.42, effective January 16, 1996.  
See: 27 N.J.R. 4128(a), 28 N.J.R. 271(a).

In (a) following "No person" deleted "who has been, is or will be a respondent in a proceeding before the Division on Civil Rights".

**13:4-15.3 No probable cause as final order**

A finding of no probable cause pursuant to N.J.A.C. 13:4-6.1, Findings of probable cause, shall be considered a final order.

Amended by R.1985 d.697, effective January 21, 1986.  
See: 17 N.J.R. 2682(a), 18 N.J.R. 198(b).

Deleted "Section 6.1 of this Chapter".

Amended by R.1996 d.42, effective January 16, 1996.

See: 27 N.J.R. 4128(a), 28 N.J.R. 271(a).  
Rewrote section.

**Case Notes**

It was not violation of due process accord administrative determination, which had been affirmed by appellate division, full faith and credit. *Pittman v. La Fontaine*, D.N.J.1991, 756 F.Supp. 834.

Election to litigate her sexual harassment complaint through administrative procedure precluded employee from pursuing Title VII action in federal court. *Pittman v. La Fontaine*, D.N.J.1991, 756 F.Supp. 834.

Proceedings before state administrative agency prohibited employee from asserting related state law claims in federal ADEA suit. *Harter v. GAF Corp.*, D.N.J.1993, 150 F.R.D. 502.

Discharged employee's election to file national origin discrimination charge with the Equal Employment Opportunity Commission pursuant to federal law precluded employee from bringing state court national origin discrimination claim after the EEOC determined that employee failed to demonstrate probable cause for administrative determination of discrimination. *Hernandez v. Region Nine Housing Corp.*, 286 N.J.Super. 676, 670 A.2d 95 (A.D.1996).

Plaintiff barred from court trial of discrimination grievance after voluntary abandonment of appeal of Director's finding of no probable cause; no probable cause finding by Director is a final order appealable to the Appellate Division of the Superior Court. *Hermann v. Fairleigh Dickinson University*, 183 N.J.Super. 500, 444 A.2d 614 (App.Div.1982), certification denied 91 N.J. 573, 453 A.2d 884 (1982).

**13:4-15.4 Validity of rules if any portion declared invalid**

If any rule, sentence, paragraph or section of these rules, or the application thereof to any persons or circumstances, shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any rule shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of these rules.