

CHAPTER 8

DISPLAY OF OFFICIAL POSTERS OF THE DIVISION ON CIVIL RIGHTS

Authority

N.J.S.A. 10:5-6, 10:5-8(g), 10:5-12, and 34:11B-6 and 16.

Source and Effective Date

R.2006 d.140, effective March 17, 2006.
See: 37 N.J.R. 3908(a), 38 N.J.R. 1759(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 8, Display of Official Posters of the Division on Civil Rights, expires on September 13, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 8, Display of Official Posters of the Division on Civil Rights, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), the expiration date for Chapter 8, Display of Official Posters of the Division on Civil Rights, was established by R.2000 d.389, effective September 18, 2000. See: 32 N.J.R. 2579(a), 32 N.J.R. 3442(a).

Subchapter 2, Poster Forms, was repealed by R.2000 d.389, effective September 18, 2000. See: 32 N.J.R. 2579(a), 32 N.J.R. 3442(a).

Chapter 8, Display of Official Posters of the Division on Civil Rights, was readopted as R.2006 d.140, effective March 17, 2006. Subchapter 2, Family Leave Act Poster, was adopted as new rules by R.2006 d.140, effective April 17, 2006. Appendices A, B and C were repealed by R.2006 d.140, effective April 17, 2006. See: Source and Effective Date. See, also, section annotations.

Public Notice: Revised posters available from the New Jersey Division on Civil Rights. See: 43 N.J.R. 1061(b).

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 8, Display of Official Posters of the Division on Civil Rights, was scheduled to expire on September 13, 2011. See: 43 N.J.R. 952(a).

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SUBCHAPTER 1. LAW AGAINST DISCRIMINATION POSTERS

13:8-1.1 Definitions

The definitions set forth in N.J.S.A. 10:5-1 et seq. shall apply to this subchapter.

Amended by R.2000 d.389, effective September 18, 2000.
See: 32 N.J.R. 2579(a), 32 N.J.R. 3442(a).

Changed N.J.A.C. reference, and substituted “apply” for “obtain” following “shall”.

Amended by R.2006 d.140, effective April 17, 2006.

See: 37 N.J.R. 3908(a), 38 N.J.R. 1759(a).

Substituted “subchapter” for “chapter”.

13:8-1.2 Display of employment poster

All labor organizations, employment agencies and employers of employees covered by the Law Against Discrimination (N.J.S.A. 10:5-1 et seq.) shall display the official employment poster of the Division in places easily visible to all employees and applicants for employment. The official employment poster of the Division is available for downloading and printing on the Division’s website, www.njcivilrights.org, or at any of the Division’s offices. Any poster printed from the Division’s website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

Amended by R.2000, d.389, effective September 18, 2000.
See: 32 N.J.R. 2579(a), 32 N.J.R. 3442(a).

Inserted a reference to Appendix A.

Amended by R.2006 d.140, effective April 17, 2006.

See: 37 N.J.R. 3908(a), 38 N.J.R. 1759(a).

Rewrote the section.

13:8-1.3 Display of housing poster

(a) All real estate brokers and all persons who engage in the business of selling or renting their own real property shall display the official housing poster of the Division in places easily visible to all prospective tenants and purchasers. The official housing poster of the Division is available for downloading and printing on the Division’s website, www.njcivilrights.org, or at any of the Division’s offices. Any poster printed from the Division’s website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

(b) For the purpose of this Section, a person is not engaged in the business of selling real property solely because he sells or attempts to negotiate the sale of his own residence.

Amended by R.2000 d.389, effective September 18, 2000.
See: 32 N.J.R. 2579(a), 32 N.J.R. 3442(a).

Inserted a reference to Appendix B.

Amended by R.2006 d.140, effective April 17, 2006.

See: 37 N.J.R. 3908(a), 38 N.J.R. 1759(a).

Rewrote (a).

13:8-1.4 Display of public accommodation poster

All places of public accommodation shall display the official public accommodation poster of the Division in places easily visible to all persons seeking or using the accommodations. The official public accommodations poster of the Division is available for downloading and printing on the Division's website, www.njcivilrights.org, or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

Amended by R.2000 d.389, effective September 18, 2000.

See: 32 N.J.R. 2579(a), 32 N.J.R. 3442(a).

Inserted a reference to Appendix C.

Amended by R.2006 d.140, effective April 17, 2006.

See: 37 N.J.R. 3908(a), 38 N.J.R. 1759(a).

Rewrote the section.

Case Notes

Minister's First Amendment claims challenging constitutionality of provision authorizing promulgation of regulations requiring employers and providers of public accommodations to post public notices stating that discrimination based upon "affectational or sexual orientation" is illegal was not ripe for adjudication; state had not promulgated such regulation. *Presbytery of New Jersey of the Orthodox Presbyterian Church v. Florio*, D.N.J.1995, 902 F.Supp. 492.

Where a Division investigator's inspection found no poster displayed in a location easily visible to patrons or prospective patrons, and respondent provided no evidence to contradict the inspector's findings and conclusions, respondent failed to comply with the posting requirements of N.J.A.C. 13:8-1.4 and the failure to comply with the posting requirement constituted a violation of New Jersey's Law Against Discrimination (LAD), N.J.S.A. 10:5-1 et seq. Because the Division expended additional time and resources in attempting to secure respondent's compliance with the law, and never received confirmation that respondent agreed to comply with the law, the \$250 payment originally sought was insufficient to ensure compliance with the LAD and carry out the admonitory and deterrent purposes of the LAD's statutory penalties; a \$1,000 penalty was appropriate for respondent's LAD violation (modifying 2009 N.J. AGEN LEXIS 686). *Director, N.J. Div. on Civil*

Rights v. Pretzel Time, OAL Dkt. No. CRT 01787-09, 2009 N.J. AGEN LEXIS 1005, Final Decision (November 4, 2009).

13:8-1.5 Violation

Failure to comply with this subchapter shall constitute a violation of N.J.S.A. 10:5-12.j.

Amended by R.2006 d.140, effective April 17, 2006.

See: 37 N.J.R. 3908(a), 38 N.J.R. 1759(a).

Substituted "subchapter" for "Chapter"; corrected the N.J.S.A. reference.

SUBCHAPTER 2. FAMILY LEAVE ACT POSTER**13:8-2.1 Definitions**

The definitions set forth in N.J.S.A. 34:11B-1 et seq. shall apply to this subchapter.

13:8-2.2 Display of Family Leave Act poster

All employers covered by the Family Leave Act (N.J.S.A. 34:11B-1 et seq.), whether or not they have any eligible employees under the act, shall display the official Family Leave Act poster of the Division in places easily visible to all employees. The official Family Leave Act poster of the Division is available for downloading and printing on the Division's website, www.njcivilrights.org, or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered employers that a revised poster has been published and is available from the Division.

13:8-2.3 Violation

Failure to comply with this subchapter shall constitute a violation of N.J.S.A. 34:11B-6.