

CHAPTER 6

DISCRIMINATION IN EMPLOYMENT
ON PUBLIC CONTRACTS

Authority

Unless otherwise expressly noted, all provisions of this Chapter 6 were adopted by the Director, Division of Administrative Procedure pursuant to authority delegated at N.J.S.A. 10:2-3.

Chapter Expiration Date

Chapter 6, Discrimination in Employment on Public Contracts, expires on July 1, 2006.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:6-1.1 Definitions

The following words and terms when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Complainant” means any person who files a complaint with the Division alleging discrimination in violation of the Law.

“Contractor” means any contractor subject to the Law.

“Director” means the Director of the Division on Civil Rights.

“Discrimination” means all employment policies and practices which in fact operate, or are likely to operate, in a discriminatory manner, as well as all overt acts of discrimination.

“Division” means the Division on Civil Rights in the Department of Law and Public Safety.

“Government agency” means any agency of the State or any county or municipal or other political subdivisions of the State, or any agency of or authority created by any of the foregoing.

“Law” means N.J.S.A. 10:2-1 through 10:2-4, inclusive.

“Subcontractor” means any subcontractor subject to the Law.

13:6-1.2 Powers of Director

The Director is authorized to act as the representative of the Attorney General for the purpose of administering and enforcing the provisions of the Law and the Director shall make use of the staff, facilities and, wherever appropriate, the established procedures of the Division for this purpose.

13:6-1.3 Notice of clause contained in contracts

Every contract for or on behalf of any government agency for the construction, alteration or repair of any public building or public work for the acquisition of materials, equipment, supplies or services shall contain this clause:

“The parties of this contract do hereby agree that the provisions of N.J.S.A. 10:2-1 through 10:2-4, dealing with discrimination in employment on public contracts, and the rules and regulations promulgated pursuant thereto, are hereby made a part of this contract and are binding upon them.”

13:6-1.4 Display of employment poster

All contractors, subcontractors and government agencies shall display the official employment poster of the Division in places easily visible to employees and applicants for employment.

Cross References

See Section 2.1 (Employment poster) of Chapter 8 of this Title as to forms

13:6-1.5 Official complaint form

All government agencies shall have copies of the official complaint form of the Division available for any complainant upon request.

Cross References

See Sections 2.1 (Employment complaint), 2.2 (Housing complaint) of this Chapter as to forms

13:6-1.6 Requirement of information to Director and Attorney General

Government agencies contractors and subcontractors shall provide such data and information as the Director or the Attorney General may require to further the provisions of N.J.S.A. 10:2-1 through 10:2-4.

13:6-1.7 Information and deadlines for data on contracts submitted to Director**(a) Government agencies shall:**

1. Notify the Director or his agent of all construction projects for which bids are solicited by delivering a copy of the advertisement for bids to the Newark Office of the Division, either in person or by mail;
2. Notify the Director or his agent of the meeting date and place at which bids will be received, opened and reviewed. This notification shall be received in the Newark Office of the Division no later than three days prior to the scheduled date;
3. Notify the Director or his agent, either in person or by mail, of the successful bidders on all construction projects no later than ten days after contracts have been awarded.

13:6-1.8 Filing of complaint

A complainant may file his complaint with the director by delivering a completed copy of the complaint form to any office of the Division, either in person or by mail.

13:6-1.9 Investigation and public hearings

(a) Whenever a complaint is received, the Director shall make prompt investigation of its allegations.

(b) If the Director shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately cause a hearing to be held on the complaint.

(c) Due and reasonable notice of such hearing shall be given to the affected parties.

13:6-1.10 Procedures for hearings

Chapter 4 (The Rules of Practice and Procedure) shall apply to hearings pursuant to this Chapter.

13:6-1.11 Notification to parties of Director's orders

The decision of the Director, following a hearing, shall be expressed in an order which shall be sent by certified mail to the government agency and contractor or subcontractor involved in the complaint on which the hearing was held.

13:6-1.12 Compliance with order

The Director shall determine by appropriate investigation that his order is complied with.

13:6-1.13 Responsibility of government agencies

Government agencies shall have the primary responsibility for informing all contractors of the provisions of the Law and of these rules and for ensuring that there is no discrimination in employment on their public contracts.

13:6-1.14 Responsibility of contractors and subcontractors

Contractors and subcontractors shall ensure that all of their management and supervisory personnel are informed and carry out the provisions of the law and of these rules.

13:6-1.15 Notices to unions

In all their dealings with labor unions in connection with public contracts, contractors and subcontractors shall notify the representatives of the unions in writing of the responsibilities and potential liabilities which have or will be assumed in entering into public contracts.

13:6-1.16 Notification in solicitations and advertisements of compliance with Law Against Discrimination

(a) All solicitations or advertisements for employees, placed by or on behalf of any contractor or subcontractor, shall state that all qualified applicants will receive employment without regard to race, creed, color, national origin, ancestry, marital status, sex, or condition.

(b) The phrase "Equal Opportunity Employer" is acceptable in meeting this requirement.

As amended, R.1970. d.94, effective August 5, 1970.
See: 2 N.J.R. 76(b).

13:6-1.17 Examples of policies and practices covered by Law

The employment policies and practices covered by the Law include but are not limited to: recruitment, testing, hiring, upgrading, demotion, transfer, layoff or termination, reinstatement, rates of pay or other forms of compensation, and selections for and operation of apprenticeship or other training programs.

13:6-1.18 General obligations

In carrying out their obligations under the Law, contractors, subcontractors and government agencies shall construe their responsibilities for preventing and eliminating discrimination in employment in the broadest possible manner in

order to fully realize the objectives of N.J.S.A. 10:2-1 through 10:2-4.

13:6-1.19 Penalty for noncompliance

Failure to comply with this Chapter shall constitute a violation of N.J.S.A. 10:2-1 through 10:2-4.

SUBCHAPTER 2. FORMS

13:6-2.1 Form—preliminary complaint—employment and public accommodations

EMPLOYMENT and PUBLIC ACCOMMODATIONS PRELIMINARY COMPLAINT FORM

1411.1 RECEIVED AND FILED Date: By: Docket #:

1. Complainant Address Phone 2. Party Charged Address Phone 3. Party Charged Is: (employment only): Employer Union Government employment agency other 4. Names and addresses of persons who witnessed incident of known details: 5. Have you ever filed a complaint with this agency? 6. Work experience of complainant (employment only): Name and address of firm Type work Dates of employment Reason of leaving 7. Referral Agency: Name Address 8. Kind of case: Employment: Public Accom: Special: 9. Reason charged for discrimination: race creed nat'l origin armed forces liability age color Other (explain) 10. Type of discrimination: hiring upgrading dismissal layoff training refusal to show refusal to rent refusal to sell refusal to finance denial of application denied accommodation refused service denied membership differential treatment 11. Brief statement of incident: 12. Date of incident 13. Signature of complainant 14. Date of interview Interviewer

13:6-2.2 Form—preliminary complaint—housing

13:6-2.2
Case Assigned to FR _____

DCR Form: 1411: 1A
September 1, 1967

RECEIVED AND FILED

Date: _____
By: _____
Docket #: _____
(Area Code)
Phone: _____
Home () _____
Work () _____
Other () _____

PRELIMINARY COMPLAINT FORM - HOUSING

1. Complainant: Mr. _____
Mrs. _____
Miss First Middle Last
Address: _____
City: _____

2. a. Respondent: _____ Phone: () _____
Address: _____
City: _____ County: _____ State: _____

b. Location of respondent facility of OTHER than above:
Name: _____ Phone: () _____
Address: _____
City: _____ County: _____ State: _____

3. What type of accommodation are you seeking?
_____ a) Private Home _____ Purchase? _____ Rental?
_____ b) Apartment in apartment house _____ Approximate number of
apartments in apartment house
_____ c) Apartment in Garden apartment complex _____ Approximate number of
apartments in the complex
_____ d) Other

4. What size accommodation are you seeking? _____

5. What is the rental per month? \$ _____ Including Utilities? _____ Yes
_____ No

6. Marital Status: _____ Single _____ Separated _____ Widow
_____ Married _____ Divorced

7. How many people will occupy the facilities?
_____ Adults (ages) _____
_____ Children (ages) _____

8. By whom are you presently employed? _____ Not employed _____
Name: _____
Address: _____
City: _____

How long employed? _____ Years Income: \$ _____ Weekly \$ _____ Annually

a. By whom is your spouse employed?
Name: _____
Address: _____
City: _____

How long employed? _____ Years Income: \$ _____ Weekly \$ _____ Annually

b. Supplemental Income if any: \$ _____

9. Were you referred to the Division by:

_____ An Attorney _____ Civil Rights Group _____ Fair Housing Group

_____ Municipal Commission _____ D.C.R. Housing Poster _____ Other

Name of Individual _____

Address _____ City _____

Name of Organization _____

Address _____ City _____

10. Have you begun legal or other action? _____ If so, with whom? _____

11. Who showed you the facilities?

_____ Owner _____ Real Estate Salesman _____ Superintendent

_____ Other _____ Resident Manager

Name or description _____

Address _____

12. Identify NUMBER or LOCATION of the apartment that you were shown?

13. a. Did you fill out an application? _____ Yes _____ No

IF YES: Obtain a copy of application and a copy of credit report if any.

IF NO: Did you request an application? _____ Yes _____ No

Were you refused an application? _____ Yes _____ No

b. Was a good faith deposit required with the application? _____ Yes _____ No

IF YES, was it: One month in advance _____

One month plus security _____

Deposit or Security Only _____

14. Did you leave a deposit? _____ Yes _____ No

IF YES: How much \$ _____ (Obtain a copy of receipt)

IF NO: Did you offer a deposit? _____ Yes _____ No

15. Were you shown available apartments? _____ Yes _____ No

IF YES: How many? _____ What were the #s _____

16. Was a tester used? _____ Yes _____ No

IF YES: Name: _____ Phone: _____ Area _____

Home () _____

Address: _____ Work () _____

City: _____ Other () _____

Brief Statement of Test:

17. Does the Owner require a lease? _____ Yes _____ No How many years? _____

18. What was the date of the alleged act of discrimination? _____
19. How did you discover the accomodation?
- _____ Newspaper Advertisement: Name _____ Date: _____
(Obtain copy of advertisement for file.)
- _____ Sign outside premises (take picture of sign).
- _____ Real Estate Office listing - Multiple or exclusive _____
Name of Broker: _____
Name of Salesman _____
Address: _____ City _____
20. Do you know if the owner(s) maintain a waiting list? ___ Yes ___ No ___ DK
- IF YES: How much notice must a tenant give to terminate a lease? _____
How much notice of not to renew a lease? _____
21. Reason charged for discrimination:
- _____ Race _____ Creed _____ National Origin
_____ Color _____ Other (explain): _____
22. Type of discrimination:
- _____ Refusal to show _____ Refusal to finance
_____ Refusal to rent _____ Denial of Application
_____ Refusal to sell _____ Differential Treatment
23. Have you ever filed a complaint with this agency? _____
- a. If yes, what was the docket number and/or the respondent's name?

- b. How was the case closed? _____
24. Brief Statement of incident: