

CHAPTER 27

**EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION RULES**

Authority

N.J.S.A. 10:5-31 et seq. (P.L. 1975, c.127), specifically 10:5-36K.

Source and Effective Date

R.2004 d.450, effective November 9, 2004.
See: 36 N.J.R. 2623(b), 36 N.J.R. 5443(b).

Chapter Expiration Date

Chapter 27, Equal Employment Opportunity and Affirmative Action Rules, expires on November 9, 2009.

Chapter Historical Note

Chapter 27, Affirmative Action Rules, was adopted as R.1977 d.364, effective November 27, 1977. See: 9 N.J.R. 191(a), 9 N.J.R. 543(c). Pursuant to Executive Order No. 66(1978), Chapter 27 expired on May 24, 1983.

Chapter 27, Affirmative Action Rules, was adopted as new rules by R.1983 d.506, effective November 7, 1983. Subchapter 13, Effective Date, was not adopted as a part of the new chapter. See: 15 N.J.R. 1459(a), 15 N.J.R. 1872(a).

Pursuant to Executive Order No. 66(1978), Chapter 27, Affirmative Action Rules, was readopted as R.1988 d.522, effective October 7, 1988. See: 20 N.J.R. 1780(a), 20 N.J.R. 2795(b), 20 N.J.R. 2934(a).

Pursuant to Executive Order No. 66(1978), Chapter 27, Affirmative Action Rules, was readopted as R.1993 d.531, effective October 6, 1993. See: 25 N.J.R. 3706(a), 25 N.J.R. 4927(a). Pursuant to Executive Order No. 66(1978), Chapter 27 expired on October 6, 1998.

Chapter 27, Affirmative Action Rules, was adopted as new rules by R.1999 d.256, effective August 2, 1999. See: 31 N.J.R. 939(a), 31 N.J.R. 1310(a), 31 N.J.R. 2238(a).

Chapter 27, Affirmative Action Rules, was readopted as R.2004 d.450, effective November 9, 2004. See: Source and Effective Date. See, also, section annotations.

Chapter 27, Affirmative Action Rules, was renamed Equal Employment Opportunity and Affirmative Action Rules; Subchapter 4, Affirmative Action Plan for Goods and Services Contractors and Subcontractors, was renamed Affirmative Action Plan for Vendors and Goods and Services Subcontractors; Subchapter 5, Minority and Women Employment Goal Obligations for Goods and Services Contractors and Subcontractors, was renamed Targeted Minority and Women Employment Goals for Determining Good Faith Equal Employment Opportunity Efforts by Vendors and Goods and Services Subcontractors; and Subchapter 7, Minority and Women Employment Goal Obligations for Construction Contractors and Subcontractors, was renamed Targeted Minority and Women Employment Goals for Determining Good Faith Equal Employment Opportunity Efforts by Construction Contractors and Subcontractors by R.2008 d.307, effective October 20, 2008. See: 40 N.J.R. 3601(a), 40 N.J.R. 6222(a).

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SUBCHAPTER 1. INTRODUCTION AND POLICY

17:27-1.1 Policy

(a) It has long been the policy of the State of New Jersey to promote equal employment opportunity by prohibiting discrimination in employment and requiring affirmative action in the performance of contracts funded by the State. That policy was reinforced and expanded by an act of the Legislature, signed into law by the Governor, June 23, 1975. The statute, N.J.S.A. 10:5-31 et seq., (P.L. 1975, c.127) provides that no public works contracts can be awarded nor any moneys paid until the prospective contractor has agreed to contract performance which complies with an approved affirmative action program. The law applies to each political subdivision and agency of the State and encompasses con-

tracts for goods and services, including professional services and construction contracts.

(b) These rules establish the affirmative action employment practices necessary for public agencies, contractors, subcontractors, and business firms to comply with the equal employment opportunity standards of N.J.S.A. 10:5-31 et seq. To assure effective implementation of the equal employment opportunity and affirmative action requirements of N.J.S.A. 10:5-31 et seq., these rules prescribe procedures designed to minimize administrative paperwork, delays and unproductive red-tape.

As amended, R.1983 d.506, effective November 7, 1983.
See: 15 N.J.R. 1459(a), 15 N.J.R. 1872(a).

Original text deleted, text at 1.2 recodified to 1.1.
Amended by R.2004 d.450, effective December 6, 2004.
See: 36 N.J.R. 2623(b), 36 N.J.R. 5443(b).

Rewrote the section.
Amended by R.2008 d.307, effective October 20, 2008.
See: 40 N.J.R. 3601(a), 40 N.J.R. 6222(a).

In the last sentence of (b), inserted "equal employment opportunity and".

SUBCHAPTER 2. DEFINITIONS

17:27-2.1 Definitions

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

"Advanced trainee" means a minority worker or woman worker who is classified by the public agency compliance officer designated by a public agency who has received delegated authority from the Division, a contractor, subcontractor, union, the State training and employment service, apprentice program, referral agency or other party acceptable to the Division as having experience and skills used in a particular craft or occupation, but lacking the skills to be qualified as a journey worker.

"Affirmative action," whether used separately or in combination with other words or phrases (including, but not limited to, "program," "equal employment opportunity" and "EEO/AA"), means good faith steps taken to ensure equal opportunity employment for women and minority workers but does not include employment quotas, except where otherwise permitted and appropriate under applicable law.

"Affirmative action plan" means a plan that complies with the provisions of N.J.A.C. 17:27-4 or 6.

"Certificate of employee information report" means the certificate issued by the Division upon the initial receipt of a properly completed employee information report, Form AA302, from a vendor, including professional services contractors.

"Construction contract" means any contract entered into by a public agency for the construction, alteration, repair or demolition of any building or other public work.