

CHAPTER 53

EQUAL EMPLOYMENT AND BUSINESS OPPORTUNITY

Authority

N.J.S.A. 5:12-63, 69, 134, 135 and 184 through 190.

Source and Effective Date

R.1996 d.33, effective December 15, 1995.
See: 27 N.J.R. 3924(b), 28 N.J.R. 284(a).

Executive Order No. 66(1978) Expiration Date

The expiration date for Chapter 53, Equal Employment and Business Opportunity, was extended by gubernatorial directive from December 15, 2000 to December 15, 2001. See: 33 N.J.R. 291(a).

Chapter Historical Note

Chapter 53, Equal Employment Opportunity, became effective January 23, 1978, with Subchapter 1, General Provisions, adopted as R.1978 d.16. See: 9 N.J.R. 603(c), 10 N.J.R. 83(a). Chapter 53 was amended by R.1978 d.172, effective May 25, 1978. See: 10 N.J.R. 211(a), 10 N.J.R. 305(d).

Pursuant to Executive Order No. 66(1978), Chapter 53 was readopted as R.1983 d.162, effective May 4, 1983. See: 15 N.J.R. 433(a), 15 N.J.R. 932(c). Pursuant to Executive Order No. 66(1978), Chapter 53 was readopted as R.1988 d.234, effective April 28, 1988. See: 20 N.J.R. 640(a), 20 N.J.R. 1214(a). Chapter 53 was amended by R.1988 d.392, effective August 15, 1988. See: 19 N.J.R. 1638(b), 20 N.J.R. 2095(a). Subchapter 2, Set-Aside Goals for Casino Business with Minority and Women's Business Enterprises, was adopted as R.1989 d.167, effective March 20, 1989. See: 20 N.J.R. 2446(a), 21 N.J.R. 781(b).

Chapter 53 was amended by R.1989 d.168, effective March 20, 1989. See: 21 N.J.R. 18(b), 21 N.J.R. 781(a). Further amendments were made by R.1989 d.414, effective August 7, 1989. See: 21 N.J.R. 1507(a), 21 N.J.R. 2301(a). Further amendments were made by R.1989 d.528, effective October 16, 1989. See: 21 N.J.R. 1823(a), 21 N.J.R. 3314(c). Further amendments were made by R.1990 d.213, effective April 16, 1990. See: 22 N.J.R. 332(a), 22 N.J.R. 1272(a). Further amendments were made by R.1993 d.37, effective January 19, 1993. See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b). Pursuant to Executive Order No. 66(1978), Chapter 53 was readopted as R.1993 d.221, effective April 26, 1993, with amendments effective May 17, 1993. See: 25 N.J.R. 684(b), 25 N.J.R. 2000(a).

Chapter 53, Equal Employment Opportunity, was repealed and Chapter 53, Equal Employment and Business Opportunity, was adopted as new rules by R.1993 d.406, effective August 16, 1993. See: 25 N.J.R. 1675(a), 25 N.J.R. 3843(b). Pursuant to Executive Order No. 66(1978), Chapter 53 was readopted as R.1996 d.33, effective December 15, 1995. See: Source and Effective Date. See, also, section annotations.

The Executive Order No. 66(1978) expiration date for Chapter 53, Equal Employment and Business Opportunity, was extended by gubernatorial directive from December 15, 2000 to December 15, 2001. See: 33 N.J.R. 291(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

19:53-1.1 Scope, policy and purpose

(a) It has long been the public policy of the State of New Jersey to promote equal employment and business opportunity by prohibiting discrimination and by encouraging businesses to achieve a balanced representation of employees at all levels of the work force and to contract with and purchase goods and services from all persons. Consistent with this public policy, the Act and the rules of the Commission empower the Commission to monitor and evaluate the good faith efforts of all licensees and applicants to achieve these goals.

(b) These rules are adopted in order to establish equal employment opportunity and equal business opportunity requirements for casino licensees and applicants, casino service industry enterprise licensees and applicants and construction contractors and subcontractors engaged in construction projects for casino licensees and applicants. These rules also establish affirmative action requirements for casino licensees and applicants, certain casino service industry enterprise licensees and applicants and construction contractors and subcontractors with regard to the employment of women, minorities and persons with disabilities. Finally, these rules establish affirmative action requirements for casino licensees with regard to the purchase of goods and services from certified minority and women business enterprises.

Amended by R.1995 d.310, effective June 19, 1995.

See: 27 N.J.R. 1373(a), 27 N.J.R. 2462(a).

In (b), following "certified" in the last sentence, deleted "and provisionally certified".

Amended by R.1996 d.33, effective January 16, 1996.

See: 27 N.J.R. 3924(b), 28 N.J.R. 284(a).

In (b) added persons with disabilities.

19:53-1.2 Definitions

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

"Adjusted gross disbursements" means gross disbursements minus allowable administrative costs and allowable direct labor costs as defined in N.J.A.C. 19:53-5.5.

"Affectional or sexual orientation" is defined in N.J.S.A. 10:5-5.

"Apprentice" means a worker who is classified by a union or other party acceptable to the Commission as having experience and skills used in a particular construction craft or occupation, but lacking the skills to be qualified as a journeyworker.

"A typical hereditary cellular or blood trait" is defined in N.J.S.A. 10:5-5.

"Bus" means any "autobus" as defined in N.J.S.A. 48:4-1; provided, however, that for purposes of this chapter such term shall include any autobus engaged in intrastate or interstate commerce.

"Certified MBE" or "certified WBE" means any business enterprise which has been certified by the Department of Commerce and Economic Development pursuant to N.J.A.C. 12A:11 as a minority business enterprise or a women business enterprise, respectively.

"Change in ownership or management" means any change in the ownership or management of a licensee or applicant which could enable an involuntary change in the existing policy of the licensee or applicant to occur, and shall include, without limitation, the sale of a controlling interest in the licensee or applicant or a holding company thereof, or the replacement of the chief executive officer of the licensee or applicant.