

CHAPTER 53

EQUAL EMPLOYMENT AND BUSINESS OPPORTUNITY

Authority

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

Source and Effective Date

R.2007 d.282, effective August 2, 2007.
See: 39 N.J.R. 1659(a), 39 N.J.R. 3784(a).

Chapter Expiration Date

Chapter 53, Equal Employment and Business Opportunity, expires on August 2, 2012.

Chapter Historical Note

Chapter 53, Equal Employment Opportunity, with Subchapter 1, General Provisions, adopted as R.1978 d.16, effective January 23, 1978. See: 9 N.J.R. 603(c), 10 N.J.R. 83(a).

Pursuant to Executive Order No. 66(1978), Chapter 53, Equal Employment Opportunity, 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, Equal Employment Opportunity, was readopted as R.1988 d.234, effective April 28, 1988. See: 20 N.J.R. 640(a), 20 N.J.R. 1214(a).

Pursuant to Executive Order No. 66(1978), Chapter 53, Equal Employment Opportunity, was repealed by R.1988 d.392, effective August 15, 1988.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).

Pursuant to Executive Order No. 66(1978), Chapter 53, Equal Employment Opportunity, was repealed by R.1989 d.168, effective March 20, 1989. See: 21 N.J.R. 18(b), 21 N.J.R. 781(a).

Pursuant to Executive Order No. 66(1978), Chapter 53, Equal Employment Opportunity, 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).

Pursuant to Executive Order No. 66(1978), Chapter 53, Equal Employment Opportunity, was repealed and Chapter 53, Equal Employment and Business Opportunity, was adopted as new rules by R.1993 d.406, effective August 16, 1993.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, Equal Employment and Business Opportunity, was readopted as R.1996 d.33, effective December 15, 1995. See: 27 N.J.R. 3924(b), 28 N.J.R. 284(a).

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).

Chapter 53, Equal Employment and Business Opportunity, was readopted as R.2002 d.186, effective May 24, 2002. As a part of R.2002 d.186, Subchapter 5, Equal Business Opportunity and Affirmative Action Obligations of Casino Licensees and Applicants, was repealed, effective June 17, 2002. See: 34 N.J.R. 381(a), 34 N.J.R. 2145(a).

Chapter 53, Equal Employment and Business Opportunity, was readopted as R.2007 d.282, effective August 2, 2007. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 19:53-1.1 Scope, policy and purpose
- 19:53-1.2 Definitions
- 19:53-1.3 (Reserved)
- 19:53-1.4 Designation of equal opportunity officer by casino licensee or applicant; responsibility of chief executive officer and equal opportunity officer
- 19:53-1.5 Advisory boards
- 19:53-1.6 Powers of the Commission; effect of rules
- 19:53-1.7 Enforcement and compliance; role of the Division
- 19:53-1.8 Severability

SUBCHAPTER 2. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS, SUBCONTRACTORS AND CASINO LICENSEES AND APPLICANTS CONCERNING CONSTRUCTION

- 19:53-2.1 Equal employment and business opportunity obligations of casino licensees and applicants concerning construction
- 19:53-2.2 Obligation of casino licensee or applicant to monitor all construction activity
- 19:53-2.3 through 19:53-2.4 (Reserved)
- 19:53-2.5 Special compliance obligations applicable to a casino license applicant building a casino hotel facility
- 19:53-2.6 (Reserved)
- 19:53-2.7 Construction contracts and subcontracts; mandatory contract language
- 19:53-2.8 through 19:53-2.10 (Reserved)

SUBCHAPTER 3. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION OBLIGATIONS OF CASINO SERVICE INDUSTRY ENTERPRISES

- 19:53-3.1 Designation of equal opportunity officer by casino service industry enterprise licensee; responsibility of chief executive officer and equal employment officer
- 19:53-3.2 Equal employment and business opportunity obligations of all casino service industry enterprise licensees and applicants
- 19:53-3.3 Affirmative action obligations of casino service industry enterprise licensees and applicants which have 50 or more employees in New Jersey
- 19:53-3.4 (Reserved)
- 19:53-3.5 Sanctions

SUBCHAPTER 4. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION OBLIGATIONS OF CASINO LICENSEES AND APPLICANTS CONCERNING THE OPERATIONS WORK FORCE

- 19:53-4.1 Equal employment opportunity obligations of casino licensees and applicants concerning the operations work force
- 19:53-4.2 Reasonable accommodation in employment for persons with disabilities
- 19:53-4.3 through 19:53-4.6 (Reserved)

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. COMPLIANCE BY CASINO LICENSEES AND APPLICANTS—PREPARATION, IMPLEMENTATION AND REVIEW OF EQUAL EMPLOYMENT AND BUSINESS OPPORTUNITY PLAN (EEBOP)

- 19:53-6.1 Equal Employment and Business Opportunity Plan (EEBOP); purpose and basic elements

- 19:53-6.2 General regulatory section of an EEBOP
- 19:53-6.3 Construction section of an EEBOP
- 19:53-6.4 Operations work force section of an EEBOP
- 19:53-6.5 through 19:53-6.6 (Reserved)
- 19:53-6.7 EEBOP filing requirements; review and approval; revisions
- 19:53-6.8 EEBOP assessment hearing; demonstration of compliance through documentation of EEBOP implementation
- 19:53-6.9 Special EEBOP reviews and hearings
- 19:53-6.10 On-site monitoring and inspections
- 19:53-6.11 Sanctions
- 19:53-6.12 (Reserved)

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.

(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 persons with disabilities.

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.
Amended by R.2002 d.186, effective June 17, 2002.
See: 34 N.J.R. 381(a), 34 N.J.R. 2145(a).

Rewrote (a); in (b), deleted "women, minorities and" in the second sentence and deleted the third sentence.

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.

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

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

"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.

"Construction" or "renovation" or "reconstruction" means any construction, renovation, reconstruction, rehabilitation, alteration, conversion, extension, demolition, repair or other changes or improvements of any kind whatsoever of any structure or facility to be used as an approved hotel, casino, casino simulcasting facility or related facility. These terms also include the maintenance, supervision, inspection, and other on-site functions incidental to the actual construction.

"Contract" means any written or unwritten agreement between two or more persons.

"Contractor" means any party performing or offering to perform pursuant to a contract.

"Disability" means a physical or mental impairment which is included in the definition of "handicapped" contained in the Law Against Discrimination, N.J.S.A. 10:5-5, or in the definition of "disability" contained in the Americans with Disabilities Act of 1990, 92 USC 12101, and attendant regulations.

"Equal business opportunity" means the opportunity of any person to buy from, sell to, lease from or to, license, contract with, trade with, provide goods, services or information to, or do business with any other person without regard to the race, creed, color, national origin, ancestry, affectional or sexual orientation, gender, age, marital status, nationality, atypical hereditary cellular or blood trait, liability for service in the armed forces of the United States, disability (where reasonable accommodation may be made to allow for such disability without causing an undue hardship on the person doing business) or rehabilitated offender status of such person or such person's partners, members, stockholders, directors, officers, managers or employees.

"Equal Employment and Business Opportunity Plan (EEBOP)" is defined in N.J.A.C. 19:53-6.

"Equal employment opportunity" means the opportunity of any person to apply for, obtain and retain employment, transfer, promotion, pay raises, benefits and training without regard to the race, creed, color, national origin, ancestry, affectional or sexual orientation, gender, age, marital status, nationality, atypical hereditary cellular or blood trait, liability for service in the armed forces of the United States, disability (where reasonable accommodation may be made to allow for such disability without causing an undue hardship on the employer) or rehabilitated offender status of such person.

"Equal opportunity officer" means a person appointed by a licensee or applicant, pursuant to the provisions of N.J.S.A. 5:12-135f and N.J.A.C. 19:53-1.4 or 3.1, to assure its compliance with this chapter and any Federal or State laws regarding equal employment and business opportunity.