

Amended by R.1985 d.697, effective January 21, 1986.
 See: 17 N.J.R. 2682(a), 18 N.J.R. 198(b).
 Substituted "investigator" for "representative".

Case Notes

Action held commenced within statutory 180 day period following discriminatory act due to continuing nature of the discrimination and the lack of prejudice to the respondent caused by the slightly out-of-time filing of the verified complaint. *Decker v. Bd. of Educ., City of Elizabeth*, 153 N.J.Super. 470, 380 A.2d 285 (App.Div.1977), certification denied 75 N.J. 612, 384 A.2d 842 (1978).

Limitations period for filing discrimination complaint was tolled by erroneous advice given complainant at time of filing. *Opatut v. Colts Neck Inn*, 95 N.J.A.R.2d (CRT) 93.

13:4-3.2 Preparing complaints

(a) The Division shall aid the complainant in the completion of the complaint except where aid is refused by the complainant or where the complainant appears at an office of the Division or before an officer of the Division with a completed complaint.

(b) Any person filing a complaint with the Division may file by submitting a single copy.

(c) If the complainant does not file at least two additional copies of the complaint and additional copies for each of the respondents, the Division shall duplicate enough copies of the complaint to insure the presence of the requisite number of copies.

Amended by R.1985 d.697, effective January 21, 1986.
 See: 17 N.J.R. 2682(a), 18 N.J.R. 198(b).
 Change heading.
 Amended by R.1996 d.42, effective January 16, 1996.
 See: 27 N.J.R. 4128(a), 28 N.J.R. 271(a).

13:4-3.3 Filing complaints and other pleadings; notices

(a) A complaint shall be deemed filed on the date it is received in any office of the Division, or on the date it is received by any official or field investigator of the Division.

(b) All pleadings may be filed in any office of the Division.

(c) The filing of a complaint or any other pleading shall be proven by the official stamp of the Division or by the signature of any official, employee or field investigator and his or her written notation indicating the date of receipt.

(d) Pleadings may be filed by submitting a single copy. The Division shall insure the distribution of the requisite number of copies of the pleadings.

(e) Upon receipt of the complaint, the Division shall provide the complainant with a form adopted by the Director, which notifies the complainant of his or her rights under the Law Against Discrimination, including the right to file a complaint in the Superior Court of New Jersey and be heard before a jury; the jurisdictional limitations of the Division; and any other provisions of the Law Against

Discrimination that may apply to the complaint. The jurisdictional limitations of the Division include the limitation of the Division on Civil Rights to only administer claims under the Law Against Discrimination, and the inability of the Division on Civil Rights to afford parties the opportunity of a jury trial in discrimination claims heard before the Office of Administrative Law.

Amended by R.1985 d.697, effective January 21, 1986.
 See: 17 N.J.R. 2682(a), 18 N.J.R. 198(b).

Changed heading.
 Amended by R.1995 d.243, effective May 15, 1995.
 See: 26 N.J.R. 1942(a), 27 N.J.R. 2005(a).
 Amended by R.1996 d.42, effective January 16, 1996.
 See: 27 N.J.R. 4128(a), 28 N.J.R. 271(a).

In (b) substituted "pleadings may" for "other pleadings shall" and in (d) deleted "other than the complaint" following "Pleadings".

Case Notes

Employment discrimination claim was time-barred. *Walden v. Hiram Walker, Inc.*, 92 N.J.A.R.2d (CRT) 95.

13:4-3.4 Form of complaints

(a) A complaint shall be filed upon a printed form approved by the Director.

(b) The complaint shall be entitled in the Department of Law and Public Safety, Division on Civil Rights, and shall set forth in the caption the names of the complainants and respondents.

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 See: 17 N.J.R. 2682(a), 18 N.J.R. 198(b).

Deleted text "or upon legal-size paper, and shall be typewritten or printed."

13:4-3.5 Contents of complaint

(a) The complaint shall set forth in separate numbered paragraphs the following:

1. The full name and address of all complainants;
2. The full name and address of all respondents, if known;
3. A statement of the specific prohibited basis or bases set forth in the LAD that gave rise to the alleged discrimination;
4. A brief statement setting forth the facts deemed to constitute the alleged discrimination;
5. The section of the Law Against Discrimination allegedly violated;
6. A statement giving all pertinent facts as to whether any other action, either criminal or civil, has been instituted in the matter. Complainant shall notify the Division if at any time during the pendency of the complaint, he or she files a complaint with any other agency or court concerning the matter which is the subject of the Verified Complaint;

7. Notarized signature and verification by the person or persons filing the complaint.

8. The county in which the alleged discrimination took place.

As amended, R.1970 d.94, eff. August 5, 1970.

See: N.J.R. 76(b).

As amended, R.1972 d.122, eff. June 26, 1972.

See: 4 N.J.R. 195(a).

Amended by R.1985 d.697, effective January 21, 1986.

See: 17 N.J.R. 2682(a), 18 N.J.R. 198(b).

Added text to (a)6 "Complainant shall notify ... the Verified Complaint" and added (a)8.

Amended by R.1995 d.243, effective May 15, 1995.

See: 26 N.J.R. 1942(a), 27 N.J.R. 2005(a).

Amended by R.2000 d.503, effective December 18, 2000.

See: 32 N.J.R. 3716(a), 32 N.J.R. 4452(a).

Rewrote (a)3.

13:4-3.6 Service of complaints

The Division shall serve a copy of the complaint upon each of the respondents by registered or certified mail, return receipt requested, or by any other means provided by Rule 4:4-4 governing the New Jersey courts.

Amended by R.1996 d.42, effective January 16, 1996.

See: 27 N.J.R. 4128(a), 28 N.J.R. 271(a).

SUBCHAPTER 4. PARTIES

13:4-4.1 Aggrieved persons

(a) Any individual, or group of individuals, partnership, educational institution, association, labor organization, corporation, legal representative, trustee, trustee in bankruptcy, receiver or fiduciary may file or through an attorney at law, file a verified complaint for any practice violative of the Law Against Discrimination which affects the complainant, the complainant's family or any person whom the complainant represents.

(b) The enumeration in (a) above of parties who may file a complaint includes, but is not limited to, groups and associations dedicated to the elimination of discrimination in the sale and rental of real property, in the hiring and promotional practices of employers and unions, and in the operation of public accommodations.

Amended by R.1985 d.697, effective January 21, 1986.

See: 17 N.J.R. 2862(a), 18 N.J.R. 198(a).

Added text "verified" in (a).

Amended by R.1996 d.42, effective January 16, 1996.

See: 27 N.J.R. 4128(a), 28 N.J.R. 271(a).

13:4-4.2 State officials who may file

(a) The Attorney General, the Director, the Commissioner of Labor, or the Commissioner of Education may also file a complaint alleging unlawful discrimination.

(b) The Director on his or her own behalf may file a complaint, intervene, or join as a complainant in any complaints filed by parties enumerated in N.J.A.C. 13:4-4.1 (Aggrieved persons) and by parties enumerated in this Section.

Amended by R.1985 d.697, effective January 21, 1986.

See: 17 N.J.R. 2862(a), 18 N.J.R. 198(b).

Added text "intervene" in (b).

Case Notes

Discrimination action properly brought by Director, rather than aggrieved complainant, as provided by rule. Director, Div. on Civil Rights v. Slumber, Inc., 166 N.J.Super. 95, 398 A.2d 1345 (App.Div. 1979), appeal dismissed in part 81 N.J. 334, 407 A.2d 1208, modified in part 82 N.J. 412, 413 A.2d 603 (1980).

13:4-4.3 Rights of parties; notification of settlement

(a) Any aggrieved person enumerated in N.J.A.C. 13:4-4.1 (Aggrieved persons) and N.J.A.C. 13:4-4.2 (State officials) who files a complaint shall be considered a party to any proceeding in the Division resulting from the filing of such complaint and shall have the rights of a party enumerated by these rules and by the Law Against Discrimination.

(b) If any complainant enumerated in N.J.A.C. 13:4-4.1 (Aggrieved persons) and N.J.A.C. 13:4-4.2 (State officials who may file) files a complaint with the Division, on behalf of any individual or individuals, the proceeding initiated by such complaint shall, if the Director finds the continuation of the proceeding is in the public interest, proceed to conclusion, including the issuance of any lawful order by the Director, even if the grievances of any individual person represented by the above aggrieved persons have been satisfactorily ameliorated.

(c) All complainants and individuals on whose behalf a complaint has been filed pursuant to (b) above and (d) below shall be notified of any settlement of individual grievances and of the right to file a motion urging the Director to continue the proceeding.

(d) Where the Director has filed a complaint which seeks relief for one or more unnamed members of a protected class, the Director shall have the discretion to settle such complaint on such terms as the Director deems appropriate.

Amended by R.1985 d.697, effective January 21, 1986.

See: 17 N.J.R. 2862(a), 18 N.J.R. 198(b).

Added text "who files a complaint" in (a); and "on behalf of any individual or individuals," in (b). Deleted old text and substituted new in (d).

Amended by R.1995 d.243, effective May 15, 1995.

See: 26 N.J.R. 1942(a), 27 N.J.R. 2005(a).

Case Notes

Discrimination complainant's only right in course of representation by Division on Civil Rights is to be notified if Director settles case on complainant's behalf. Wood v. Garden State Paper Co., Inc., 577 F.Supp. 632 (D.N.J.1983).

Attorney fees awarded to successful civil rights claimant when counsel's time records adequate to support award. *Lewis v. Jersey City Police Department*, 96 N.J.A.R.2d (CRT) 1.