

actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of Alcoholic Beverage Control, or for a bona fide hotel or restaurant, in accordance with the provisions of section 33:1-26 of the Revised Statutes.

2. This act shall take effect immediately.

Approved April 25, 1962.

CHAPTER 37

AN ACT to amend the title of "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry, or because of their liability for service in the Armed Forces of the United States; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April 16, 1945 (P. L. 1945, c. 169), as said title was amended by chapter 64 of the laws of 1951, so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against certain persons and to create a division on civil rights," and to amend and supplement the body of said act.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Title amended.
New title.

1. The title of "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry, or

because of their liability for service in the Armed Forces of the United States; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April 16, 1945 (P. L. 1945, c. 169), as said title was amended by chapter 64 of the laws of 1951, is amended to read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against certain persons and to create a division on civil rights."

2. Section 3 of the act of which this act is amendatory is amended to read as follows:

Section amended.

3. The Legislature finds and declares that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age or because of their liability for service in the Armed Forces of the United States, are a matter of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State.

C. 18:25-3. Finding and declaration of Legislature.

3. Section 4 of the act of which this act is amendatory is amended to read as follows:

Section amended.

4. All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry or age, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right.

C. 18:25-4. Employment and accommodations without discrimination; civil right.

4. Section 6 of the act of which this act is amendatory is amended to read as follows:

Section amended.

6. There is created in the Department of Education a division to be known as "The Division on Civil Rights" with power to prevent and eliminate discrimination in employment against persons because of race, creed, color, national origin,

C. 18:25-6. Division on civil rights created; powers.

ancestry, or age or because of their liability for service in the Armed Forces of the United States, by employers, labor organizations, employment agencies or other persons and to take other actions against discrimination because of race, creed, color, national origin or ancestry or because of their liability for service in the Armed Forces of the United States, as herein provided; and the division created hereunder is given general jurisdiction and authority for such purposes.

Section
amended.

5. Section 8 of the act of which this act is amendatory is amended to read as follows:

C. 18:25-8.
Powers and
duties of
commissioners
of education.

8. The commissioner shall

a. Exercise all powers of the division not vested in the commission.

b. Administer the work of the division.

c. Organize the division into 2 sections, one of which shall receive, investigate, and act upon complaints alleging discrimination in employment against persons because of race, creed, color, national origin, ancestry, or age or because of their liability for service in the Armed Forces of the United States, and the other of which shall receive, investigate, and act upon complaints alleging other unlawful acts of discrimination against persons because of race, creed, color, national origin or ancestry; prescribe the organization of said sections and the duties of his subordinates and assistants.

d. Subject to the approval of the commission and the Governor, appoint an assistant Commissioner of Education, who shall act for the commissioner, in his place and with his powers, and such other directors, field representatives and assistants as may be necessary for the proper administration of the division and fix their compensation within the limits of available appropriations. The assistant commissioner, directors, field representatives, and assistants shall not be subject to the civil service act and shall be removable by the commissioner at will.

e. Appoint such clerical force and employees as he may deem necessary and fix their duties, all of whom shall be subject to the civil service act.

f. Maintain liaison with local and State officials and agencies concerned with matters related to the work of the division.

g. Subject to the approval of the commission adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this act.

h. Receive, investigate, and pass upon complaints alleging acts in violation of the provisions of this act.

i. Hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person, under oath, and, in connection therewith, require the production for examination of any books or papers relating to any subject matter under investigation or in question before the commissioner. The commissioner may make rules as to the issuance of subpoenas by the assistant commissioner.

j. Issue such publications and such results of investigations and research tending to promote good will and to minimize or eliminate discrimination because of race, creed, color, national origin, ancestry, or age as the commission shall direct.

k. Render each year to the Governor and Legislature a full written report of all the activities of the division.

l. Appoint, subject to the approval of the commission, a panel of not more than 5 hearing examiners, each to serve for a term of one year and until his successor is appointed, any one of whom the commissioner may designate in his place to conduct any hearing and recommend findings of fact and conclusions of law. The hearing examiners shall receive such compensation as may be determined by the commissioner, subject to available appropriations.

6. Section 9 of the act of which this act is amendatory is amended to read as follows :

Section
amended.

C. 18:25-10.
Commission's
powers and
duties.

9. The commission shall

a. Consult with and advise the commissioner with respect to the work of the division.

b. Approve or disapprove the appointment of officers, employees and agents, and the fixing of their compensation by the commissioner.

c. Survey and study the operations of the division.

d. Report to the Governor and the Legislature with respect to such matters relating to the work of the division and at such times as it may deem in the public interest.

The mayors or chief executive officers of the municipalities in the State may appoint local commissions on civil rights to aid in effectuating the purposes of this act. Such local commissions shall be composed of representative citizens serving without compensation. Such commissions shall attempt to foster through community effort or otherwise good will, co-operation and conciliation among the groups and elements of the inhabitants of the community, and they may be empowered by the local governing bodies to make recommendations to them for the development of policies and procedures in general and for programs of formal and informal education that will aid in eliminating all types of discrimination based on race, creed, color, national origin, ancestry or age. The State commission may make provision for technical and clerical assistance to municipal officials to aid in organizing such commissions in all of the municipalities in this State.

Section
amended.

7. Section 11 of the act of which this act is amendatory is amended to read as follows:

C. 18:25-12.
Unlawful
employment
practice or
unlawful dis-
crimination.

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, or age of any individual, or because of the liability for service in the Armed Forces of the United States, of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensa-

tion or in terms, conditions or privileges of employment, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, or age of any individual, or because of the liability for service in the Armed Forces of the United States, of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, or age or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices or acts forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any

of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, or ancestry of such person, or that the patronage or custom thereof of any person of any particular race, creed, color, national origin or ancestry is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent, or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person.

g. For the owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the race, creed, color, national origin or ancestry of such person or group of persons;

(2) To discriminate against any person or group of persons because of the race, creed, color or national origin of such person or group of persons in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, cir-

culated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin or ancestry, or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person.

h. For any real estate broker, real estate salesman or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of the race, creed, color, national origin or ancestry of such person or group of persons, or to represent that any real property or part or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion or facilities thereof to or from any person or group of persons because of the race, creed, color, national origin or ancestry of such person or group of persons.

(2) To discriminate against any person because of his race, creed, color, national origin or ancestry in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any

real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed, any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin or ancestry or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person.

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution or lender to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of the race, creed, color, national origin or ancestry of such person or group of persons or of the prospective occupants or tenants of such real property or part or portion thereof, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions or provisions of any such financial assistance or in the extension of services in connection therewith; or

(2) To use any form of application for such financial assistance or to make any record or in-

quiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin or ancestry, or any intent to make any such limitation, specification or discrimination.

8. Nothing contained in this act or in the act to which this is a supplement shall be construed to require or authorize any act prohibited by law, nor to conflict with the provisions of chapter 2 (child and female labor) of Title 34 (Labor) of the Revised Statutes, nor to require the employment of any person under the age of 21, nor to prohibit the establishment and maintenance of bona fide occupational qualifications or the establishment and maintenance of apprenticeship requirements based upon a reasonable minimum age nor to prevent the termination or change of the employment of any person who in the opinion of his employer, reasonably arrived at, is unable to perform adequately his duties, nor to preclude discrimination among individuals on the basis of competence, performance, conduct or any other reasonable standard, nor to interfere with the operation of the terms or conditions and administration of any bona fide retirement, pension, employee benefit or insurance plan or program.

9. This act shall take effect on the thirty-first day following the date of enactment.

Approved May 7, 1962.

C. 18:25-2.1.
Application
of act.

NOTE:
Act effective.