

CHAPTER 347

AN ACT concerning complaints related to equal employment opportunity and amending N.J.S.11A:7-3.

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

1. N.J.S.11A:7-3 is amended to read as follows:

Equal employment opportunity and affirmative action program.

11A:7-3. The division shall develop, implement and administer an equal employment opportunity and affirmative action program for all State agencies. The program shall consider the particular personnel requirements that are reasonably related to job performance of each State agency. The director of the division shall ensure that the affirmative action and equal employment goals of each State agency for minorities, women, and persons with disabilities shall be reasonably related to their population in the relevant surrounding labor market areas. The director, in accordance with applicable federal and State guidelines, shall:

- a. Ensure each State agency's compliance with all laws and rules relating to equal employment opportunity and seek correction of discriminatory practices, policies and procedures;
- b. Recommend appropriate sanctions for noncompliance to the State Treasurer who, with the concurrence of the Governor, is authorized to implement sanctions;
- c. Review State personnel practices, policies, and procedures, inclusive of recruitment, selection, and promotion, in order to identify and eliminate artificial barriers to equal employment opportunity;
- d. Act as liaison with federal, State, and local enforcement agencies;
- e. Recommend appropriate legislation to the State Treasurer and perform other actions deemed necessary by the State Treasurer to implement this chapter; and
- f. Provide, under rules adopted by the Department of the Treasury, for review of equal employment complaints. Such rules shall, at minimum, (1) require that each State agency create a written record of each complaint received and provide a uniform format and procedure for creating and maintaining that record; (2) require that the State agency interview the person submitting the complaint to determine the nature and scope of the complaint; and (3) when the person submitting the complaint is the person against whom the discrimination is alleged to have occurred, require that the State agency notify that person as to whether an investigation into the complaint will be conducted and if not, the basis for such a determination.

2. The rules established pursuant to this act, P.L.2019, c.347, shall be effective immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

3. This act shall take effect on the 60th day following enactment.

Approved January 13, 2020.