



**Level I  
Internal Management Procedure  
Equal Employment Division**

**Internal Management  
Procedure  
ADM.EEE.001**

**Page 1 of 8**

**Internal Management Procedure Title:**

**Procedures for Internal Complaints Alleging Discrimination in the Workplace**

**Effective Date:**

November 1, 2005

**Revised:**

October 15, 2007

**Authority :**

N.J.A.C. 4A:7-3.1  
NJDOC PS ADM.005.001

**Promulgating Office:**

**Equal Employment Division  
Office of the Commissioner**

**Professional Association Standard cited:**

N.A.

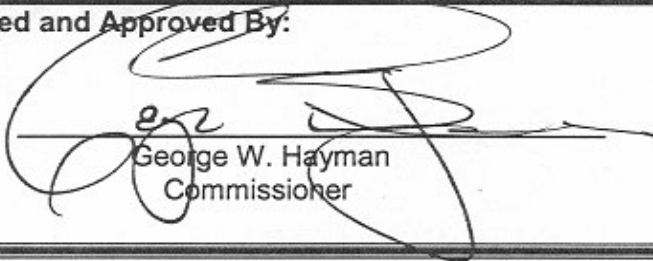
**Applicability:** This Internal Management Procedure applies to all employees of the New Jersey Department of Corrections.

**Supersedes:** ADM.EEE.001 *Procedures for Processing Internal Complaints Alleging Discrimination, Harassment or Hostile Environments in the Workplace* dated November 1, 2005

**Review Schedule:**

This document is scheduled for annual review on or about October 15, 2008

**Reviewed and Approved By:**



George W. Hayman  
Commissioner

Date 10-15-07

**I. PURPOSE**

To establish and set forth procedures for the reporting of alleged complaints of discrimination in the workplace

**II. DEFINITIONS**

The following terms, when used in this policy, shall have the following meanings, unless the context clearly indicates otherwise:

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Commissioner means the Commissioner of the New Jersey Department of Corrections, who is the Chief Executive Officer of the NJDOC

New Jersey Department of Corrections or NJDOC means that agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to the state correctional facilities.

### III. POLICY

#### A. Protected Categories

The State of New Jersey is committed to providing every State employee and prospective employee with a work environment free from discrimination or harassment. Under this policy, forms of employment discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated; race, creed, , color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, disability.,

To achieve the goal of maintaining a work environment free from discrimination and harassment, the State of New Jersey strictly prohibits the conduct that is described in this policy. This is a zero tolerance policy. This means that the state and its agencies reserve the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.

#### B. Applicability

Prohibited discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. Thus, this policy applies to all employees and applicants for employment in State departments, commissions, State colleges or universities, agencies, and authorities (hereafter referred to in this section as "State agencies" or "State agency".. The State of New Jersey will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers, or persons doing business with the State. This policy also applies to both conduct that occurs in the workplace, and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace (i.e., any field location, any off-site business-related social function, or any facility where State business is being conducted and discussed).

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This policy also applies to third party harassment. Third party harassment is unwelcome behavior involving any of the protected categories referred to in (a) above that is not directed at an individual but exists in the workplace and interferes with an individual's ability to do his or her job. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

#### **IV. PROCEDURES**

1. All employees and applicants for employment have the right and are encouraged to immediately report suspected violations of the State Policy Prohibiting Discrimination in the Workplace, N.J.A.C. 4A:7-3.1.
2. Complaints of prohibited discrimination/harassment can be reported to the designated Assistant Superintendent Liaison for your institution (list attached). Incidents of discrimination or harassment can be reported to either the EED/AA Officer (phone (609) 292-5623) or any supervisory employee in the NJDOC.
3. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.
4. Supervisory employees shall immediately report all alleged violations of the State of New Jersey Policy Prohibiting Discrimination in the Workplace to the Director of the Equal Employment Division. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.
5. If reporting a complaint to any of the persons set forth in paragraphs 2 through 4 above presents a conflict of interest, the complaint may be filed directly with the Department of Personnel, Division of EEO/AA, P.O. Box 315, Trenton, NJ 08625. An example of such a conflict would be where the individual against whom the complaint is made is involved in the intake, investigative or decision making process.
6. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a New Jersey Department of Personnel Discrimination Complaint Processing Form (DPF-481). An investigation may be conducted whether or not the form is completed.
7. Each State agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate. A copy of all complaints (regardless of the format in which submitted) must be submitted to the Department of Personnel, Division of EEO/AA, by the NJDOC's EEO/AA Officer, along with a copy of the acknowledgement letter(s) sent to

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the person(s) who filed the complaint and, if applicable, the complaint notification letter sent to the person(s) against whom the complaint has been filed. If a written complaint has not been filed, the EEO/AA Officer must submit to the Division of EEO/AA a brief summary of the allegations that have been made. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court also must be submitted to the Division of EEO/AA.

8. During the initial intake of a complaint, the EEO/AA Officer or authorized designee will obtain information regarding the complaint, and determine if interim corrective measures are necessary to prevent continued violations of the State's Policy Prohibiting Discrimination in the Workplace.
9. At the EEO/AA Officer's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.
10. An investigatory report will be prepared by the EEO/AA Officer or his or her designee when the investigation is completed. The report will include, at a minimum:
  - a. A summary of the complaint;
  - b. A summary of the parties' positions;
  - c. A summary of the facts developed through the investigation; and
  - d. An analysis of the allegations and the facts.

The investigatory report will be submitted to the Commissioner of the NJDOC, or designee who will issue a final letter of determination to the parties.

11. The Commissioner of the NJDOC, or designee will review the investigatory report issued by the EEO/AA Officer or authorized designee, and make a determination as to whether the allegation of a violation of the State's Policy Prohibiting Discrimination in the Workplace has been substantiated. If a violation has occurred, the Commissioner of the NJDOC, or designee will determine the appropriate corrective measures necessary to immediately remedy the violation.
12. The Commissioner of the NJDOC, or designee will issue a final letter of determination to both the complainant(s) and the person, against whom the complaint was filed, setting forth the results of the investigation and the right of appeal to the Merit System Board as set forth in Paragraphs 13 and 14, below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Division of EEO/AA, Department of Personnel shall be furnished with a copy of the final letter of determination.
  - a. The letter shall include, at a minimum:
    1. A brief summary of the parties' positions;
    2. A brief summary of the facts developed during the investigation; and

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3. An explanation of the determination, which shall include whether:
    - i. The allegations were either substantiated or not substantiated; and
    - ii. A violation of the State's Policy Prohibiting Discrimination in the Workplace did or did not occur.
  - b. The investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint referred to in Paragraph 8, above, is completed.
  - c. The time for completion of the investigation and issuance of the final letter of determination may be extended by the Commissioner of the NJDOC for up to 60 additional days in cases involving exceptional circumstances. The Commissioner of the NJDOC shall provide the Division of EEO/AA and all parties with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension.
13. A complainant who is in the career, unclassified or senior executive service, or who is an applicant for employment, who disagrees with the determination of the Commissioner of the NJDOC, or designee, may submit a written appeal, within twenty days of the receipt of the final letter of determination from the Commissioner of the NJDOC, or designee, to the Merit System Board, PO Box 312, Trenton, NJ 08625. The appeal shall be in writing and include all materials presented by the complainant at the State agency level, the final letter of determination, the reason for the appeal and the specific relief requested.
- a. Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The Commissioner may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in this section or a combination of procedures as the Commissioner deems appropriate. See N.J.A.C. 4A:2-1.7.
  - b. The Merit System Board shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate. See N.J.A.C. 4A:2-1.1(d).
  - c. The appellant shall have the burden of proof in all discrimination appeals brought before the Merit System Board.
14. In a case where a violation has been substantiated, and no disciplinary action recommended, the party(ies) against whom the complaint was filed may appeal the determination to the Merit System Board at the address indicated in Paragraph 13 above, within 20 days of receipt of the final letter of determination by the State agency head or designee.
- a. The burden of proof shall be on the appellant.

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- b. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.
  - c. If disciplinary action has been recommended in the final letter of determination, the party(ies) charged may appeal using the procedures set forth in N.J.A.C. 4A:2-2 and 3.
15. The Director of the Division of EEO/AA shall be placed on notice of, and given the opportunity to submit comment on, appeals filed with the Merit System Board of decisions on discrimination complaints, regardless of whether or not the complaint was initially filed directly with the Director of EEO/AA.
16. Any employee or applicant for employment can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with external agencies indicated below are provided for informational purposes only. An individual should contact the specific agency to obtain exact time frames for filing a complaint. The deadlines run from the date of the last incident of alleged discrimination/harassment, not from the date that the final letter of determination is issued by the State agency head or designee.

Complaints may be filed with the following external agencies:

**Division on Civil Rights  
N. J. Department of Law & Public Safety  
(Within 180 days for violation of the discriminatory act)**

Trenton Regional Office  
140 East Front Street  
6th Floor, P.O. Box 090  
Trenton NJ 08625-0090  
(609) 292-4605

Newark Regional Office  
31 Clinton Street, 3rd floor  
P.O. Box 46001  
Newark, NJ 07102  
(973) 648-2700

Atlantic City Office  
26 Pennsylvania Avenue  
3<sup>rd</sup> Floor  
Atlantic City, NJ 08401  
(609) 441-3100

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Camden Regional Office  
One Port Center, 4<sup>th</sup> Floor  
2 Riverside Drive, Suite 402  
Camden, NJ 08103  
(856) 614-2550

Paterson Regional Office  
100 Hamilton Plaza, Suite 800  
Paterson, NJ 07505-2109  
(973) 977-4500

**United States Equal Employment Opportunity  
Commission (EEOC)  
(Within 300 days of the discriminatory act)  
National Call Center – 1 800-669-4000**

\*Newark Area Office  
One Newark Center, 21<sup>st</sup> Floor  
Raymond Blvd at McCarter Highway (Rt.21)  
Newark, New Jersey 07102-5233  
(973) 645-6383

\*\*Philadelphia District Office  
801 Market Street, Suite 1300  
Philadelphia, PA 19107-3127  
(215) 440-2600

\* Newark Area Office has jurisdiction over the State of New Jersey Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren.

\*\* The Philadelphia District Office has jurisdiction over the State of New Jersey, Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

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**V. Cross Reference Documents and DOCPS/IMP**

| <b>DOCPS/IMP/<br/>Document Number</b> | <b>Title</b>                                       | <b>Effective/<br/>Revision Date</b> |
|---------------------------------------|--|-------------------------------------|
| ADM.005.001                           | <i>Prohibiting Discrimination in the Workplace</i> | October 15, 2007                    |
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**VI. Applicable Forms**

| <b>Form Number</b> | <b>Form Title</b> | <b>Effective/Revision<br/>Date</b> |
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