

employment, employment opportunities, job openings, union membership, apprentice programs, job training programs, or any of the terms, conditions, or privileges thereof, which expresses, overtly or subtly, directly or indirectly, any limitation, specification, preference, or discrimination based on race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, sex, nationality, affectional or sexual orientation, gender identity or expression, disability, atypical hereditary cellular or blood trait, genetic information, refusal to submit to a genetic test or to make available the results of a genetic test, or liability for service in the Armed Forces of the United States, or any intent to make such limitation, unless based on a bona fide occupational qualification.

(b) The use of any word, term, phrase, or expression that tends to influence, persuade or dissuade, encourage or discourage, attract, or repel any person or persons because of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, nationality, affectional or sexual orientation, gender identity or expression, disability, atypical hereditary cellular or blood trait, genetic information, refusal to submit to a genetic test or to make available the results of a genetic test, or liability for service in the Armed Forces of the United States, or sex shall be considered discriminatory advertising in violation of the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

(c) (No change.)

13:11-1.3 Preferences expressed in category heading, label, or job title

(a) No language in a category heading, label, or job title associated with any advertisement related to employment or employment-related opportunities shall express any limitation, specification, discrimination, or preference based on age, sex, affectional or sexual orientation, gender identity or expression, marital status, civil union status, domestic partnership status, race, creed, color, national origin, ancestry, nationality, disability, or liability for service in the Armed Forces of the United States, except for category headings, labels, or job titles for advertisements for jobs or employment-related opportunities that meet the bona fide occupational qualification standards set forth in N.J.A.C. 13:11-1.4.

(b) Whenever a "help wanted" advertisement is to contain any job title or job description for a position that is not one for which sex is a "bona fide occupational qualification" as defined in N.J.A.C. 13:11-1.4, the job title shall be stated in terms that are neutral in terms of sex, unless use of a gender-neutral job title is not practicable.

(c)-(d) (No change.)

13:11-1.4 Bona fide occupational qualification exception; application

(a) For the purposes of this chapter, the "bona fide occupational qualification" (BFOQ) exception shall include only those vocational qualifications that are reasonably necessary to the normal operation of the particular business, enterprise, or apprentice or other training program.

(b) (No change.)

(c) The employer, employment agency, or union has the burden of establishing that race, creed, color, national origin, ancestry, nationality, age, marital status, civil union status, affectional or sexual orientation, gender identity or expression, domestic partnership status, disability, liability for service in the Armed Forces of the United States, or sex is a bona fide occupational qualification.

(d) The application of the exception is not warranted where based on, for example:

1. Assumptions of the comparative general employment characteristics of persons of a particular race, creed, color, national origin, ancestry, nationality, age, sex, affectional or sexual orientation, gender identity or expression, civil union status, domestic partnership status, disability, liability for service in the Armed Forces of the United States, or marital status, such as their turnover rate;

2. (No change.)

3. Customer, client, co-worker or employer preference, or historical usage, tradition, or custom; or

4. (No change.)

(e) In regard to sex, the application of the exception may be warranted where it is necessary for authenticity or genuineness, such as for an actor or actress, or where the job in question necessarily involves intimate personal contact with persons of the opposite sex, and the employer

demonstrates that such contact is an essential function of the job and a central purpose of the employer's enterprise, that clients, patients, or others served would not consent to service by members of the opposite sex, that the legitimate privacy interests of clients, patients, or others served by the employee outweigh the public interest in equal employment opportunity, and that no reasonable alternatives to a gender-based BFOQ are feasible.

13:11-1.5 Ruling by Division on bona fide occupational qualifications for particular jobs

(a) Any employer, union, employment agency, newspaper, or other publication may make an inquiry of the Division on Civil Rights (at (609) 984-3138, 140 East Front Street, PO Box 89, Trenton, New Jersey 08625-0089) as to whether race, creed, color, national origin, ancestry, nationality, age, sex, affectional or sexual orientation, gender identity or expression, disability, liability for service in the Armed Forces of the United States, domestic partnership status, civil union status, or marital status is a bona fide occupational qualification for a particular job which they intend to publish, print, or circulate or cause to be published, printed, or circulated. If an inquiry is made with respect to a specific advertisement, the entity making the inquiry shall supply a copy of the advertisement the entity seeks to publish.

(b)-(c) (No change.)

(d) The Division shall maintain records as to each inquiry made pursuant to this section, to include the name, title and address of the caller, a summary of the job and job duties, the basis for the exception claimed and the time, date, identification number and disposition of the inquiry.

(e) A newspaper or other publication shall not be in violation of this chapter where it has accepted any specific advertisement in good faith and in reasonable reliance upon the representations of the person placing the advertisement that he or she has obtained from the Division an opinion that there is a bona fide occupational qualification for the specific job advertised together with the identification number of that opinion.

13:11-1.6 Violations

Failure to comply with this chapter will constitute a violation of N.J.S.A. 10:5-12.

(a)

DIVISION OF STATE POLICE

Regulation of Bounty Hunters

Redoption with Amendments: N.J.A.C. 13:55B

Adopted Repeals: N.J.A.C. 13:55B-2.5 and 3

Proposed: April 7, 2014, at 46 N.J.R. 585(a).

Adopted: June 16, 2014, by Colonel Joseph R. Fuentes,
Superintendent, New Jersey State Police.

Filed: June 25, 2014, as R.2014 d.120, **without change**.

Authority: N.J.S.A. 45:19-40.

Effective Dates: June 25, 2014, Redoption;
July 21, 2014, Amendments.

Expiration Date: June 25, 2021.

Summary of Public Comment and Agency Response:

No public comments were received.

Federal Standards Statement

The rules readopted with amendments and repeals are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:55B.

Full text of the adopted amendments follows:

SUBCHAPTER 2. LICENSING OF BOUNTY HUNTERS

13:55B-2.1 Minimum qualifications to be a licensed bounty hunter
(a) (No change.)

13:55B-2.2 Licensure required to be a licensed bounty hunter
No person shall engage in the business of, or perform, or offer to perform, the functions, activities or services of a bounty hunter, unless that person is licensed by the Superintendent as set forth in this chapter. Any person who engages in the business of, or performs, or offers to perform, the functions, activities or services of a bounty hunter, or advertises or holds a business out to be that of a bounty hunter, without first having received a license to do so, shall be guilty of a crime of the fourth degree.

13:55B-2.4 Issuance of a bounty hunter license and a bounty hunter identification card

(a) (No change.)
(b) If an application for a bounty hunter license is approved, the Superintendent shall issue a bounty hunter license and a bounty hunter identification card to the applicant, which shall be valid for two years.

(a)

DIVISION OF GAMING ENFORCEMENT

**Gaming Equipment
Rules of the Games**

Temporary Adoption of New Rules: N.J.A.C. 13:69E-1.10A; and 13:69F-20.1, 20.6, 20.10, 20.11, and 20.12A

Authority: N.J.S.A. 5:12-5, 63.c, 69.e, 70.f, 99.a, and 100.

Take notice that the Division of Gaming Enforcement shall, pursuant to N.J.S.A. 5:12-69.e, conduct an experiment for the purpose of determining whether the game of “Three Card Poker” with the optional “Six Card Bonus Wager” is suitable for casino use as amended.

The experiment will be conducted in accordance with temporary rules, which shall be available in each casino participating in the experiment, and shall also be available from the Division upon request.

The test would allow a casino licensee which wishes to participate in the experiment, and which meets all the terms and conditions established by the Division, to implement the new game in its casino.

This experiment could begin on or after July 28, 2014, and continue for a maximum of 270 days from that date, unless otherwise terminated by the Division or any of the participating casino licensees prior to that time, pursuant to the terms and conditions of the experiment.

Should the temporary amendments prove successful, in the judgment of the Division, the Division will propose them for final adoption, in accordance with the public notice and comment requirements of the Administrative Procedure Act and N.J.A.C. 1:30.

(b)

DIVISION OF GAMING ENFORCEMENT

**Gaming Equipment
Rules of the Games**

Temporary Adoption of New Rules: N.J.A.C. 13:69E-1.13H, 13:69F-18.6C, 18.9 and 27.6

Authority: N.J.S.A. 5:12-5, 63.c, 69.e, 70.f, 99.a, and 100.

Take notice that the Division of Gaming Enforcement shall, pursuant to N.J.S.A. 5:12-69.e, conduct an experiment for the purpose of determining whether the games of “Four Card Poker” and “Let it Ride Poker” are suitable for casino use as amended.

The experiment will be conducted in accordance with temporary rules, which shall be available in each casino participating in the experiment, and shall also be available from the Division upon request.

The test would allow a casino licensee which wishes to participate in the experiment, and which meets all the terms and conditions established by the Division, to implement the new game in its casino.

This experiment could begin on or after July 28, 2014, and continue for a maximum of 270 days from that date, unless otherwise terminated by the Division or any of the participating casino licensees prior to that time, pursuant to the terms and conditions of the experiment.

Should the temporary amendments prove successful, in the judgment of the Division, the Division will propose them for final adoption, in accordance with the public notice and comment requirements of the Administrative Procedure Act and N.J.A.C. 1:30.

(c)

DIVISION OF GAMING ENFORCEMENT

**Gaming Equipment
Rules of the Games
Criss Cross Poker**

Temporary Adoption of New Rules: N.J.A.C. 13:69E-1.13Z; and 13:69F-40.1, 40.2, 40.3, 40.4, 40.5, 40.6, 40.7, 40.8, 40.9, 40.10, 40.11, and 40.12

Authority: N.J.S.A. 5:12-5, 63.c, 69.e, 70.f, 99.a, and 100.

Take notice that the Division of Gaming Enforcement shall, pursuant to N.J.S.A. 5:12-69.e, conduct an experiment for the purpose of determining whether the authorized game of “Criss Cross Poker” is suitable for casino use.

The experiment will be conducted in accordance with temporary rules, which shall be available in each casino participating in the experiment, and shall also be available from the Division upon request.

The test would allow a casino licensee which wishes to participate in the experiment, and which meets all the terms and conditions established by the Division, to implement the new game in its casino.

This experiment could begin on or after July 28, 2014, and continue for a maximum of 270 days from that date, unless otherwise terminated by the Division or any of the participating casino licensees prior to that time, pursuant to the terms and conditions of the experiment.

Should the temporary amendments prove successful, in the judgment of the Division, the Division will propose them for final adoption, in accordance with the public notice and comment requirements of the Administrative Procedure Act and N.J.A.C. 1:30.

PUBLIC UTILITIES

(d)

BOARD OF PUBLIC UTILITIES

Gas Service

Readoption with Amendments: N.J.A.C. 14:6

Proposed: January 21, 2014, at 46 N.J.R. 173(a).
Adopted: June 18, 2014, by the New Jersey Board of Public Utilities, Dianne Solomon, President, Jeanne M. Fox, Joseph L. Fiordaliso, and Mary-Anna Holden, Commissioners.

Filed: June 18, 2014, as R.2014 d.115, with technical changes not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 48:2-13 and 48:10-5.

BPU Docket Number: GX13101010.

Effective Dates: June 18, 2014, Readoption

July 21, 2014, Amendments.

Expiration Date: June 18, 2021.