

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
OAL DOCKET NO. CRT 6754-01
DCR DOCKET NO. EL311HK-40837-E
DATE: October 20, 2003

ROBERT WARE,)
)
 Complainant,)
)
 v.)
)
 COUNTY OF MERCER,)
)
 Respondent.)
_____)

ADMINISTRATIVE ACTION
FINDINGS, DETERMINATION
AND ORDER

APPEARANCES:

James R. Michael, Deputy Attorney General, for complainant (Peter C. Harvey, Attorney General of New Jersey, attorney)

Richard C. Williams, Jr., Assistant County Counsel, for respondent (Alfred B. Vuocolo, Jr., County Counsel, attorney)

BY THE DIRECTOR:

I. INTRODUCTION

This matter is before the Director of the New Jersey Division on Civil Rights (Division) pursuant to a verified complaint filed by the complainant, Robert Ware (Complainant), alleging that the respondent, the County of Mercer (Respondent), violated the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when it refused to hire him as a County Correction Officer because of his physical disability (loss of an eye).

On December 4, 2002, the Honorable Joseph F. Fidler, Administrative Law Judge (ALJ), issued an order in which he granted Complainant's motion for partial summary decision and concluded that Respondent had discriminated against Complainant in violation of the LAD. On September 4, 2003, the ALJ issued an initial decision awarding Complainant damages and assessing a penalty against Respondent. Having conducted an independent review of the record,

including the pleadings, the legal arguments and exhibits, the Director adopts the ALJ's order of partial summary decision and his subsequent initial decision as detailed herein.

II. PROCEDURAL HISTORY

This matter arose on May 9, 1996, when Complainant filed a verified complaint with the Division alleging that Respondent refused to hire him as a County Correction Officer because of his physical disability (loss of an eye). Respondent filed an answer on July 1, 1996 denying it had engaged in any unlawful discrimination. After conducting its investigation, the Division issued a finding of probable cause on November 5, 1998. On March 28, 2000, the Director denied Respondent's motion for reconsideration, and after attempts to conciliate the dispute failed, the Division transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case on October 23, 2001.

On December 4, 2002, the ALJ issued an order granting Complainant's motion for partial summary decision¹ which concluded that Respondent had unlawfully discriminated against Complainant. On June 4, 2003, the ALJ held a hearing to determine Complainant's damages and to decide whether to issue a statutory penalty against Respondent. On September 4, 2003, the ALJ issued an initial decision awarding Complainant \$48,322.25 for lost wages and \$22,743.93 in interest, for a total of \$71,066.18. In addition, the ALJ awarded Complainant \$10,000 to compensate him for pain and humiliation, and assessed a statutory penalty against Respondent in the amount of \$7,500.

¹ Hereinafter, "SD" shall refer to the ALJ's order of partial summary decision granting Complainant's motion for partial summary decision, issued on December 4, 2002; and "ID" shall refer to the ALJ's initial decision awarding damages and assessing a penalty, issued on September 4, 2003.

III. THE ALJ'S FINDINGS OF FACT

In deciding Complainant's motion for partial summary decision, the ALJ set forth material facts which he found to exist "without genuine controversy" (SD at 2-4). The ALJ's findings of fact can be summarized as follows. Complainant passed a civil service examination for County Correction Officer and was certified to be hired by the Department of Personnel. Respondent's Personnel Chief Lewis Goldstein interviewed Complainant and informed him that he would be hired pending successful completion of a pre-employment physical examination. The physical examination, which was conducted in December 1995, revealed that Complainant was blind in his right eye. Complainant has a right eye prosthesis as a result of an injury he suffered when he was fifteen years old (SD at 2).

When Respondent received the results of Complainant's pre-employment medical examination, it reviewed the County Correction Officer job description and the New Jersey Department of Corrections Medical Standards For Correction Officer Recruits attending the Police Training Academy. The job description relied upon by Respondent provides in part that a correction officer appointee may be rejected if he or she has any medical or physical condition or defect which would prevent efficient performance of the duties of the position or which would cause the appointee to be a hazard to him/herself, or others. Ibid. The job description also states that appointees will be required to successfully complete a training program approved by the New Jersey Police Training Commission (SD at 2-3). The Department of Corrections Medical Standards relied upon by Respondent requires recruits attending the training academy to have a visual acuity of no less than 20/100 uncorrected to 20/30 corrected in both eyes (SD at 3).

Following a review of the medical standards, Respondent's personnel chief informed Complainant that he would not be hired as County Correction Officer because the loss of his right eye would prevent him from meeting the physical qualifications for the job as mandated by the Police Training Commission. Ibid. In addition, Respondent requested that the Department of

Personnel remove Complainant's name from the eligibility list for County Correction Officer on the basis of his medical unfitness to perform effectively the duties of the position (SD at 3). Complainant appealed his removal from the list to the Merit System Board, which referred the matter to the Medical Examiners Panel for consideration. Ibid.

On February 18, 1998, the Medical Examiners Panel found that there was insufficient information to reach a determination regarding Complainant's physical status since no physical findings or data were provided regarding his left eye visual function, including visual acuity, color acuity, or field of vision. Accordingly, the panel recommended that Complainant undergo a complete ophthalmologic examination, including tests of visual field and acuity. After reviewing the results of Complainant's eye examination, which found that Complainant's left eye had normal field of vision and visual acuity without correction of 20/20, the Medical Examiners Panel concluded with a reasonable degree of medical certainty that Complainant has sufficient visual function so that he would not pose a direct threat to himself or others in the job of Correction Officer Recruit (SD at 3). The panel recommended that Complainant be considered physically capable to undergo the physical training and perform the essential functions of the job of a Correction Officer Recruit of Mercer County (SD at 3- 4).

At a meeting held on August 4, 1998, the Merit System Board adopted the panel's findings and conclusions that Respondent had not met its burden of proof that Complainant is medically unfit to perform effectively the duties of a County Correction Officer. Accordingly, the Board restored Complainant's name to the County Correction Officer eligibility list and directed Respondent to effect his appointment, pending an updated background check (SD at 4).

Complainant had also sought employment with the City of Trenton as a firefighter, and was rejected by the City of Trenton because of his loss of vision in his right eye (ID at 4). Pursuant to an agreement between Complainant and the City of Trenton, Complainant's name was restored to the eligibility list for the firefighter position, but Complainant received no back pay. This settlement

was approved on September 30, 1998. Ibid.

IV. THE ALJ's CONCLUSIONS OF LAW

LIABILITY

In considering Complainant's motion for summary decision, the ALJ reviewed the legal standards for summary decision set forth under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-12.5(b), the New Jersey Court Rules, R. 4:46-2(c), and the New Jersey Supreme Court's holding in Brill v. Guardian Life Insurance Company of America, 142 N.J. 520 (1995), all of which provide that summary decision is appropriate where there is no genuine issue of material fact in dispute and the moving party is entitled to prevail as a matter of law (SD at 4-5). The ALJ noted that the determination as to whether disputes of material fact exist must be made after a discriminating review of the entire record and by drawing all reasonable inferences arising from the record in favor of the party opposing the motion for summary decision (SD at 5, citing Brill v. Guardian Life Insurance Company of America, supra).

The ALJ next reviewed the legal standards for proving a claim of unlawful disability discrimination under the LAD and, applying these standards to his findings of undisputed fact, concluded that Complainant established a prima facie case of unlawful discrimination based on his disability (SD at 5-7, 11). In support of this conclusion, the ALJ found that Complainant was qualified for the position sought because he passed a civil service examination for the position of Correction Officer and was certified by the New Jersey Department of Personnel as eligible for hire. Furthermore, Respondent's personnel officer informed Complainant that he would be hired pending successful completion of a pre-employment physical examination (ID at 11). The ALJ also found that Complainant satisfied the remaining elements of a prima facie case in that he has a disability, applied for the Correction Officer position, was rejected despite his qualifications, and the position remained open and Respondent continued to seek applications from candidates with Complainant's qualifications (SD at 6,11).

The ALJ then found that since Respondent acknowledged that it rejected Complainant because Complainant's disability precluded him from meeting the physical qualifications of the position, Respondent had the burden of persuasion to show that "the nature and extent of the handicap reasonably precludes the performance of the particular employment, thereby justifying discrimination" (SD at 6, quoting Jansen v. Food Service Supermarkets, Inc., 110 N.J. 363,381 (1988); SD at 11). The ALJ concluded that Respondent failed to meet its burden. More specifically, Respondent failed to perform an individualized assessment of Complainant's visual limitation to determine whether there was substantial evidence that Complainant's limitation either prevented him from adequately performing the job, or created a substantial risk of serious injury to Complainant or others (SD at 11). The ALJ noted that the Medical Examiners Panel properly conducted such an assessment and determined with a reasonable degree of medical certainty that Complainant has sufficient visual function so that he would not be a direct threat to himself or others. Moreover, the panel recommended that Complainant be considered physically capable to undergo the physical training and perform the essential functions of the Correction Officer position (SD at 12).

The ALJ rejected Respondent's argument that it reasonably relied upon the Department of Correction's visual acuity standards in disqualifying Complainant, noting that this argument has been considered and rejected by the New Jersey Supreme Court in Greenwood v. State Police Training Center, 127 N.J. 500 (1992) (SD at 8-11). In Greenwood, the Court held that the State Police Training Commission does not have good cause to dismiss an employee based on his poor vision in one eye unless there is substantial evidence that the physical limitation either prevents the employee from adequately performing the job or creates a substantial risk of serious injury to the employee or others (SD at 10, citing Greenwood v. State Police Training Center, supra, 127 N.J. at 512). The Court concluded that the Commission lacked good cause in this instance, further held that the appointing authority's dismissal of the employee based on his removal from the training

program was also invalid (SD at 10-11, citing Greenwood v. State Police Training Center, *supra*, 127 N.J. at 514-515).

Based on the foregoing analysis, the ALJ concluded that Respondent failed to establish that it reasonably arrived at the conclusion that Complainant's disability reasonably precluded his performance of the position of Correction Officer. Thus, he concluded that Respondent discriminated against Complainant based on his disability in violation of the LAD (SD at 12). Applying the standards governing motions for summary decision, the ALJ found that there were no genuine issues of material fact in dispute and, accordingly, granted Complainant's motion for partial summary decision. *Ibid*.

DAMAGES

On September 4, 2003, the ALJ issued an initial decision concerning Complainant's damages and the appropriate statutory penalty to be assessed against Respondent. Considering the issue of Complainant's back pay, the ALJ found that the difference between Complainant's anticipated earnings as a county correction officer for the period 1996 through September 30, 1998 and his actual earnings for the same period totaled \$48,322.25, and that this calculation was undisputed by the parties (ID at 5). The ALJ also found that Complainant is entitled to interest on this amount accruing to June 4, 2003, the date of the hearing on remedies (ID at 6). Respondent argued, however, that the period for which interest should be awarded ended on May 19, 2000, the date the Director of Merit Systems Practices and Labor Relations of the State Department of Personnel informed the Mercer County Office of Personnel's Chief of Employee Relations that Complainant had accepted an appointment to the title of firefighter with the City of Trenton, and was no longer interested in the Mercer County Correction Officer position. Respondent contended that any delay after that date should not be attributed to Mercer County (ID at 5). The ALJ rejected this argument noting that it is Respondent, and not Complainant, that has had the benefit of money owed to Complainant for lost wages during any delay in these proceedings (ID at 6). Accordingly,

the ALJ ordered that Respondent pay Complainant \$48,322.25 in back pay and \$22,743.93 in interest through June 4, 2003, for a total award of lost wages and interest in the amount of \$71,066.18 (ID at 6,7).

During the June 4, 2003 hearing, the ALJ heard Complainant's testimony concerning the significant humiliation and emotional distress he suffered as a result of Respondent's discrimination. The ALJ noted that Complainant wanted to become a Correction Officer for a long time and when he was rejected he became withdrawn, postponed his wedding, and sought guidance from his spiritual advisor (ID at 4). The ALJ found Complainant to be a sincere and candid witness, and his testimony to be entirely worthy of belief (ID at 5). Accordingly, the ALJ awarded Complainant \$10,000 for pain and humiliation, noting that there is no requirement that Complainant seek the aid of a psychologist to support an award for pain and humiliation. Ibid.

Finally, the ALJ assessed a statutory penalty in the amount of \$7,500. Respondent had urged that no statutory penalty be assessed since standards for visual acuity established by the New Jersey Department of Corrections and relevant caselaw supported its decision not to hire Complainant (ID at 6). The ALJ rejected this argument and found that Respondent did not act reasonably in light of the New Jersey Supreme Court's decision in Greenwood v. State Police Training Center, 127 N.J. 500 (1992) when it rejected Complainant's application to the correction officer position in December 1995, three years after the Court's decision (ID at 7). However, because Respondent is a government entity, the ALJ assessed a penalty in the amount of \$7,500, less than the maximum of \$10,000 available under the LAD. Ibid.

.V. THE DIRECTOR'S FINDINGS AND CONCLUSIONS

Neither party filed exceptions to the ALJ's order granting Complainant's motion for partial summary decision or the ALJ's initial decision awarding Complainant damages and assessing a statutory penalty against Respondent. Nevertheless, the Director has reviewed the ALJ's determination pursuant to N.J.A.C. 1:1-18.6.

FINDINGS OF FACT

After reviewing the entire record, including the ALJ's order of partial summary decision and initial decision, the Director finds substantial evidence to support the ALJ's findings of undisputed fact as summarized on pages three through five of this order, and the Director adopts these findings as his own.

STANDARDS FOR GRANTING SUMMARY DECISION

Under the Uniform Administrative Procedure Rules, summary decision may be granted if the papers and discovery which have been filed, together with any affidavits, show that there is no genuine issue as to any material fact and that the moving party is entitled to prevail as a matter of law. N.J.A.C. 1:1-12.5(b) To defeat a motion for summary decision, the opposing party must submit affidavits or other evidence that establish the existence of a genuine dispute regarding material facts that can only be resolved by an evidentiary hearing. Ibid. The standard for summary decision in an administrative hearing is substantially the same as that applied to a motion for summary decision in the Superior Court of New Jersey pursuant to R. 4:46-2. Frank v. Ivy Club, 228 N.J. Super. 40, 62 (App. Div. 1988), rev'd on other grounds, 120 N.J. 73 (1990), cert. denied, 498 U.S. 1073 (1991). Thus, a court must consider "whether competent evidential material presented, when viewed in the light most favorable to the non-moving party, is sufficient to permit a rational fact-finder to resolve the alleged dispute in favor of the non-moving party." Brill v. Guardian Life Insurance Company of America, 142 N.J. 520, at 523 (1995). Ibid.

STANDARDS FOR DETERMINING DISABILITY DISCRIMINATION

The LAD prohibits employers from denying employment opportunities to people with disabilities unless it can be clearly shown that the nature and extent of a person's disability reasonably precludes his or her performance of the particular employment. N.J.S.A. 10:5-4.1; 10:5-12(a); 10:5-29.1. Generally, a complainant may establish a prima facie case of discriminatory failure to hire based on disability by showing that (1) the complainant is a person with a disability

covered by the LAD; (2) the complainant applied and was qualified for a position for which the employer was seeking applicants; (3) the complainant was rejected despite adequate qualifications; and (4) the respondent continued to seek applicants for persons of the complainant's qualifications. Jansen v. Food Circus Supermarkets, 110 N.J. 363, 382-83 (1988) (citation omitted); see also Anderson v. Exxon Co., 89 N.J. 483, 492 (1982). In this instance, the ALJ properly found that Complainant's visual impediment is a disability covered by the LAD; Complainant applied and was qualified for the Correction Officer position because he passed the civil service test and Respondent offered him the position subject to the completion of a pre-employment physical examination; Respondent rejected Complainant's application despite his qualifications; and the position remained open and Respondent continued to seek candidates of Complainant's qualifications. For these reasons, the Director concurs with the ALJ's conclusion that Complainant established a prima facie case of disability discrimination.

Once a complainant establishes a prima facie case of discrimination based on disability and the employer concedes, as it did here, that it rejected the complainant for a position because of his disability, the burden shifts to the employer to prove that it reasonably determined that the complainant's disability precluded his or her performance of the job. Jansen v. Food Circus Supermarkets, supra, 110 N.J. at 381, citing Andersen v. Exxon Co., supra, 89 N.J. at 500. In establishing that a complainant's disability precludes employment, an employer may establish that the disability poses a serious threat of injury to the health and safety of the complainant or others. Jansen v. Food Circus Supermarkets, supra, 110 N.J. at 374. To be successful, an employer must establish that it concluded, with a reasonable degree of certainty, that the complainant's condition presents a reasonable probability of substantial harm in the workplace that cannot be resolved by reasonable accommodation. Jansen v. Food Circus Supermarkets, supra, 110 N.J. at 374-375. Moreover, the employer may make this determination only after making an individualized assessment of the safety risk presented by the complainant's condition. Id. at 379. Therefore,

adverse employment decisions based on disability must be based on an objective standard, supported by factual or scientifically validated evidence, which demonstrates a reasonable probability that employment of the person in that particular position would cause substantial harm to the safety or health of such individual or other employees, clients or customers. Id. at 374-376 (citations omitted); see also N.J.A.C. 13:13-2.8(2).

Applying these standards to the undisputed facts in this case, the Director concludes that Respondent failed to meet its burden to prove that it acted reasonably when it determined that Complainant's disability precluded performance of the correction officer position. Respondent failed to conduct an individualized assessment of Complainant's disability in order to determine whether his limitation either prevented him from adequately performing the correction officer duties or created a reasonable probability of substantial harm to himself or others. Moreover, the record shows that, without a proper factual basis, Respondent wrongly concluded that Complainant's disability precluded him from safely performing the essential functions of the position. This is supported by the determination of the Medical Examiners Panel that there was insufficient information to reach a determination regarding Complainant's physical status since no physical findings or data were provided regarding the visual function of Complainant's left eye. After a complete ophthalmological exam, the Medical Examiners Panel subsequently found, with a reasonable degree of medical certainty, that Complainant would not be a direct threat to himself or others, and should be considered physically capable of undergoing training and performing the correction officer duties. The Merit System Board adopted these findings and concluded that Respondent had not met its burden to prove Complainant is medically unfit to effectively perform the duties of County Correction Officer. The Director agrees with the ALJ's determination that Respondent's mechanized and generalized application of the visual acuity standards to bar Complainant's employment was a violation of the LAD.

Further, the ALJ properly rejected Respondent's assertion that its decision was lawful because it was based on the Department of Corrections Medical Standards for hiring Correction

Officer Recruits attending the Police Training Academy, which comported with the standards adopted by the Police Training Commission. The New Jersey Supreme Court has definitively disposed of this argument by holding that the Police Training Commission does not have good cause to dismiss a trainee who has limited vision in his right eye where there is no substantial evidence that the trainee would not be able to complete the training program or that his impairment creates a substantial risk of serious injury. Greenwood v. State Police Training Center, supra, 127 N.J. at 512, 514. In so holding, the Court found that the appointing authority's dismissal of the trainee based on his removal from the training program by the Commission was also invalid. Id. at 515. In this matter it is clear that Respondent was solely responsible for the decision to remove Complainant from consideration for employment, and the record demonstrates that Respondent's decision was contrary to the legal standards for determining whether an applicant's disability precludes performance of the job established under Greenwood and the LAD.

The Director finds that there is no genuine issue of material fact in this matter that precludes disposition by way of summary decision. Further, after reviewing the record and giving all reasonable inferences to Respondent, the Director finds that Respondent has not established that it acted reasonably in reaching the conclusion that Complainant could not undergo the physical training and perform the essential functions of the position of Correction Officer for the County of Mercer. Therefore, having given careful consideration to the record and the appropriate legal standards, the Director adopts the ALJ's order granting partial summary decision.

REMEDIES

A. Back Pay

The LAD provides that upon a finding that a respondent has engaged in an unlawful employment practice, the Director may provide appropriate affirmative relief, including an award of back pay. N.J.S.A. 10:5-17. The measure of a complainant's lost wages is usually the amount that he/she would have earned if not for the unlawful discrimination, less any wages the individual

actually earned, or would have earned with appropriate mitigation efforts. Goodman v. London Metals Exchange, Inc., 86 N.J. 19, 34 (1981). In the instant case, the ALJ found Respondent owed Complainant wages in the amount of \$48,322.25 for the years 1996 through September 30, 1998, and this amount was not disputed by Respondent. The Director finds that this award is supported by the record and, accordingly, the Director adopts the ALJ's back pay award.

Prejudgment interest may be awarded to make a complainant whole by reimbursing him/her for losses incurred because the employer retained use of wages which rightfully belonged to the individual, and to avoid unjustly enriching the employer who was able to make profitable use of those funds until judgment is entered. Decker v. Bd. of Ed. of City of Elizabeth, 153 N.J. Super. 470, 475 (App. Div. 1977), certif. denied, 75 N.J. 612 (1978). The Director rejects Respondent's argument that the period for which interest should be awarded ended on May 19, 2000 because Respondent reasonably concluded that this matter was resolved when it learned of Complainant's acceptance of a firefighter position with the City of Trenton. The record demonstrates that Respondent was on notice that Complainant's LAD action was still pending subsequent to the Department of Personnel's May 19, 2000 correspondence. For example, on or about October 23, 2001, the Division advised Respondent that after attempts to conciliate the dispute failed, the matter was being transmitted to OAL for hearing as a contested case. There is simply no basis in the record to conclude that Respondent reasonably believed that this matter was resolved and that this belief warrants a reduced award to Complainant. Moreover, as the ALJ aptly pointed out, Respondent has had the financial benefit of the use of Complainant's lost wages during the pendency of these proceedings. Thus, the Director finds that Complainant is entitled to prejudgment interest for a period that extends to the date of this order, October 20, 2003. Accordingly, applying the computation method set forth in New Jersey Court Rule 4:42-11, the Director awards Complainant \$23,669.38 in prejudgment interest on the back pay award.

B. Emotional Distress Damages

It is well established that a victim of unlawful discrimination under the LAD is entitled to recover non-economic losses such as mental anguish or emotional distress proximately related to unlawful discrimination. Anderson v. Exxon Co., 89 N.J. 483, 502-503 (1982); Director, Div. on Civil Rights v. Slumber, Inc., 166 N.J. Super. 95 (App. Div. 1979), mod. on other grounds, 82 N.J. 412 (1980); Zahorian v. Russell Fitt Real Estate Agency, 62 N.J. 399 (1973). Such awards are within the Director's discretion because they further the LAD's objective to make the complainant whole. Andersen, *supra*, 89 N.J. at 502; Goodman, *supra*, 86 N.J. at 35.

A victim of discrimination is entitled, at a minimum, to a threshold pain and humiliation award for enduring the "indignity" which may be presumed to be the "natural and proximate" result of discrimination. Gray v. Serruto Builders, Inc., 110 N.J. Super. 297, 312-313, 317 (Ch. Div. 1970). Thus, pain and humiliation awards are not limited to instances where the complainant sought medical treatment or exhibited severe manifestations. Id. at 318. Here, the Director finds that the record supports the ALJ's award for pain and humiliation in the amount of \$10,000. Specifically, the ALJ found that Complainant's was a credible witness with regard to the significant humiliation and emotional distress he suffered.

C. Penalties

In addition to any other remedies, the LAD provides that the Director shall impose a penalty of not more than \$10,000 for a respondent's first violation of the LAD, payable to the State Treasury. N.J.S.A. 10:5-14.1a. After a careful review of the record and mindful of the particular circumstances of this case, the Director agrees with the ALJ that a penalty of \$7,500 is appropriate.

VI. ORDER

Based on the foregoing, the Director finds that Respondent unlawfully discriminated against Complainant because of his disability in violation of the LAD. **THEREFORE, IT IS** on this day of October, 2003 **ORDERED and DIRECTED** that:

- A. Respondent, its agents, employees and assigns shall cease and desist from doing any act prohibited by the Law Against Discrimination, N.J.S.A. 10:5-1 to -49.
- B. Within forty-five (45) days from the date of the within final order, Respondent shall forward to the Division a certified check payable to Complainant in the amount of \$81,991.63, as compensation for his pain and humiliation, and for his lost wages and interest on the lost wage award.
- C. Within forty-five (45) days of the date of the within final order, Respondent shall forward to the Division a certified check payable to "Treasurer, State of New Jersey," in the amount of \$7,500.00 as a statutory penalty.
- D. Respondent's penalty and damage payments shall be forwarded to Gary LoCassio, Assistant Director, Division on Civil Right, Bureau of Policy, CN 089, 140 East Front Street, 6th Floor, Trenton, NJ 08625.
- E. Any late payments shall be subject to post-judgment interest in the amounts prescribed by the Rules Governing the Courts of the State of New Jersey, from the due date until such time as received by the Division.

DATE: _____

J. FRANK VESPA-PAPALEO, ESQ.
DIRECTOR
NEW JERSEY DIVISION ON CIVIL RIGHTS