

purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

(a)

DIVISION OF VOCATIONAL REHABILITATION SERVICES

Notice of Readoption

Vocational Rehabilitation Services

Readoption: N.J.A.C. 12:51

Authority: N.J.S.A. 34:1-20, 34:16-20 et seq., and 34:16-27; 29 U.S.C. §§ 701 et seq.; and 34 CFR Part 361.

Authorized By: Harold J. Wirths, Commissioner, Department of Labor and Workforce Development.

Effective Date: June 18, 2014.

New Expiration Date: June 18, 2021.

Take notice that pursuant to the provisions of Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 12:51 will expire on August 1, 2014. Chapter 51 contains standards for the operation of programs which provide services to clients of the Division of Vocational Rehabilitation Services. The services provided by these programs include vocational evaluation, work adjustment training, time limited job coaching, employment skills training, and extended employment.

A summary of the subchapters of N.J.A.C. 12:51 follows:

Subchapter 1 sets forth the scope and purpose of the chapter.

Subchapter 2 delineates the standards and requirements adopted by reference and identifies where those standards and requirements may be reviewed or obtained.

Subchapter 3 describes different types of organizations that may vend rehabilitation services.

Subchapter 4 addresses the vocational evaluation procedure.

Subchapter 5 concerns the components of work adjustment training.

Subchapter 6 addresses time-limited job coaching.

Subchapter 7 provides guidelines for vending employment skills training programs.

Subchapter 8 addresses the requirements for extended employment (sheltered workshop) programs.

Subchapter 9 outlines the programs, recording, and reporting requirements for approved psycho-social programs.

Subchapter 10 sets forth the procedures to establish and change fees.

Subchapter 11 sets forth the requirements for existing and new programs and the procedures for obtaining program approval.

Subchapter 12 addresses staff requirements for organizations that provide vocational rehabilitation services.

Subchapter 13 contains physical plant requirements for organizations that provide vocational rehabilitation programs.

Subchapter 14 contains community relations requirements for organizations that provide vocational rehabilitation programs.

Subchapter 15 describes the composition and purpose of the Professional Advisory Committee.

Subchapter 16 explains the method by which organizations may apply to the Division of Vocational Rehabilitation Services for grant monies.

Subchapter 17 addresses payment and attendance policy requirements for organizations that provide vocational rehabilitation services.

Subchapter 18 addresses the standards for approval of vocationally oriented rehabilitation organizations to vend services to the Division of Vocational Rehabilitation Services.

Subchapter 19 addresses eligibility requirements for individuals who seek to obtain services from the Division of Vocational Rehabilitation Services.

Subchapter 20 contains standards for organizations that vend supported employment services to the Division of Vocational Rehabilitation Services.

The Department of Labor and Workforce Development has reviewed these rules and has determined that the rules should be readopted without

amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

LAW AND PUBLIC SAFETY

(b)

DIVISION ON CIVIL RIGHTS

Employment Advertising

Readoption with Amendments: N.J.A.C. 13:11

Proposed: February 3, 2014, at 46 N.J.R. 272(a).

Adopted: June 20, 2014, by Craig Sashihara, Director, Division on Civil Rights.

Filed: June 23, 2014, as R.2014 d.119, **without change**.

Authority: N.J.S.A. 10:5-6, 10:5-8.g, and 10:5-12.

Effective Dates: June 23, 2014, Readoption;

July 21, 2014, Amendments.

Expiration Date: June 23, 2021.

Summary of Public Comment and Agency Response:

The official comment period, as extended, ended May 5, 2014. The Division on Civil Rights (DCR) received a comment from Susan Ye Laird.

COMMENT: The commenter notes that unclassified State employees are currently not eligible to apply for certain promotional or lateral job opportunities in State government. The commenter suggests adding to the employment advertising regulations a provision prohibiting discrimination against employees who are not members of a particular labor union.

RESPONSE: In adopting or amending rules, the Division on Civil Rights is limited by the scope of the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to 49. The LAD prohibits employment discrimination based on 18 specific protected characteristics, but discrimination based on union membership or classified/unclassified status in State service is not included in the LAD. For this reason, DCR has no authority to expand the employment advertising rules to include these types of discrimination.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments are intended to clarify and interpret the New Jersey Law Against Discrimination, and do not exceed Federal standards. Federal law prohibits discriminatory employment advertising based on race, color, religion, sex, disability, age, or national origin. See 42 U.S.C. § 2000e-3(b); 29 U.S.C. § 623(e); 29 CFR 1630.4(a). The rules readopted with amendments are consistent with the prohibitions against discriminatory employment advertising contained in Federal law. To the extent that the prohibitions against discriminatory advertising based on marital status, domestic partnership status, civil union status, affectional or sexual orientation, gender identity or expression, and liability for service in the U.S. Armed Forces exceed applicable provisions in Federal law, the LAD mandates such provisions.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:11.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

13:11-1.1 Employment advertising generally

(a) It shall be a violation of the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., and more particularly, N.J.S.A. 10:5-12.a, .b, .c, and .e, for any employer, union, or employment agency, or any newspaper or other publication published or circulated within this State to print, publish, post, or circulate, or to cause to be printed, published, posted, or circulated, any print, electronic, or other advertisement relating to

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: