

Subchapter 4 details the purpose and scope of informed choice and includes the consumer choice principles, as well as a description of how informed choice is implemented in the agency.

Subchapter 5 explains the purpose and scope of the Individualized Plan for Employment (IPE), the development of the IPE, the need to annually review the IPE, and describes how amendments can be made to the IPE.

Subchapter 6 provides a description of the physical and mental restoration services provided by the Commission, including low vision services, as well as the provision of prosthetic, orthotic, and other assistive devices.

Subchapter 7 describes the general purpose and scope of training services and the services that are available to eligible individuals.

Subchapter 8 describes the Commission operated vocational rehabilitation services available to individuals. This includes orientation and mobility services, rehabilitation teaching, college services, on the job training services, deaf-blind services, transition summer services, services provided at the Commission operated Joseph Kohn Rehabilitation Center, and reader/amanuensis and book/supplies services.

Subchapter 9 describes the provision of training and adaptive equipment and the replacement of equipment in the client's last year of high school.

Subchapter 10 describes the general purpose and scope of guidance and counseling services, transition services, and career development services.

Subchapter 11 describes the general purpose and scope of maintenance services.

Subchapter 12 describes the general purpose and scope of placement services and describes the business enterprise and small business programs. Competitive, non-competitive, and extended (sheltered) employment are also explained in this subchapter.

Subchapter 13 describes the purpose and scope of post-employment services.

Subchapter 14 describes the general purpose and scope of services available to clients' families.

Subchapter 15 describes the general purpose and scope of transportation services.

Subchapter 16 describes other training and placement related services that are available.

Subchapter 17 describes the criteria for case closure in referral and applicant status, competitive and non-competitive case closure, homemaker closure, and closure as not rehabilitated after the initiation of services.

Subchapter 18 describes the follow-up for ineligibility decisions and reviews of individuals in extended employment.

Subchapter 19 is a description of the client appeals rights and procedure, including the right to an administrative review, mediation, and/or fair hearing.

The Appendix is a sample form for loaning tools, equipment, initial stock, and other material items to clients for educational and training purposes.

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION ON CIVIL RIGHTS

#### Display of Official Posters of the Division on Civil Rights

#### Redoption with Amendments: N.J.A.C. 13:8

Proposed: May 20, 2019, at 51 N.J.R. 707(a).

Adopted: August 28, 2019, by the New Jersey Division on Civil Rights, Rachel Wainer Apter, Director.

Filed: September 26, 2019, as R.2019 d.112, **without change**.

Authority: N.J.S.A. 10:5-6, 10:5-8.g, 10:5-12, and 34:11B-6 and 16.

Effective Dates: September 26, 2019, Redoption;  
October 21, 2019, Amendments.

Expiration Date: September 26, 2026.

#### Summary of Public Comment and Agency Response:

The official comment period ended July 19, 2019. **No comments were received.**

#### Federal Standards Statement

The rules readopted with amendments relate to compliance with the notice posting requirements in the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 et seq., and the New Jersey Family Leave Act (FLA), N.J.S.A. 34:11B-1 et seq. Accordingly, the rules readopted with amendments are not intended to implement or comply with any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements. However, rules readopted with amendments by the Division on Civil Rights (Division) are similar to Federal regulations that require the posting of different notices under various Federal laws. Accordingly, some persons and entities covered by the LAD's and FLA's posting requirements are also required to post notices regarding unlawful discrimination or family leave under various Federal laws.

Specifically, 29 CFR 1601.30(a) requires employers and labor organizations, as defined by Title VII of the Civil Rights Act and by the Americans With Disabilities Act (ADA), to display posters that advise the public of the pertinent provisions of these Federal laws. Similarly, 24 CFR 110.10 and 110.25, promulgated pursuant to the Fair Housing Act, impose an obligation on persons who rent or sell real estate to display posters advising that it is a violation of Federal law to engage in unlawful housing discrimination based on race, color, religion, sex, national origin, handicap, or familial status. Moreover, Federal regulations require certain state and local entities to disseminate information about the ADA. These regulations include the posting of notices as one of several suggested means of meeting this requirement. 28 CFR 35.106. Further, the Federal Family and Medical Leave Act (FMLA) and its implementing regulations require that employers covered by the FMLA post notices explaining the act's provisions and providing information concerning the filing of complaints. 29 U.S.C. § 2619 and 29 CFR 825.300.

The rules readopted with amendments do not unnecessarily exceed or duplicate such Federal regulations. Instead, the rules readopted with amendments articulate requirements to display posters that explain provisions of the LAD and FLA. Accordingly, the Division's rules readopted with amendments regarding the display of official Division posters continue to be necessary to further the statutory mandate to prevent and eliminate unlawful discrimination that violates the LAD and to fulfill the statutory notice requirements of the FLA. Although the requirement to display Division posters may reach some individuals and entities that are also covered by corresponding Federal notice requirements described above, the LAD and FLA cover more individuals and entities under their respective definitions of "employer" than their Federal counterparts. Moreover, there are significant differences in the coverage of Federal and State laws that are reflected in the contents of the Division's official posters.

The LAD prohibits discrimination on some bases not explicitly covered by Federal anti-discrimination laws, such as marital status and source of lawful income, and applies to some entities that are exempt from Federal anti-discrimination laws, and the FLA provides leave in some situations not covered by the Federal Family and Medical Leave Act. As a result, the notice provided by the Division's posters is not duplicative of notices or posters regarding Federal laws.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:8.

**Full text** of the adopted amendments follows:

#### SUBCHAPTER 1. LAW AGAINST DISCRIMINATION POSTERS

##### 13:8-1.2 Display of employment poster

All labor organizations, employment agencies, and employers of employees covered by the Law Against Discrimination (N.J.S.A. 10:5-1 et seq.) shall display the official employment poster of the Division in places easily visible to all employees and applicants for employment. The official employment poster of the Division is available for downloading and printing on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website

shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

#### 13:8-1.3 Display of housing poster

(a) All real estate brokers and all persons who engage in the business of selling or renting their own real property shall display the official housing poster of the Division in places easily visible to all prospective tenants and purchasers. The official housing poster of the Division is available for downloading and printing on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

(b) (No change.)

#### 13:8-1.4 Display of public accommodation poster

All places of public accommodation shall display the official public accommodation poster of the Division in places easily visible to all persons seeking or using the accommodations. The official public accommodations poster of the Division is available for downloading and

printing on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

### SUBCHAPTER 2. FAMILY LEAVE ACT POSTER

#### 13:8-2.2 Display of Family Leave Act poster

All employers covered by the Family Leave Act (N.J.S.A. 34:11B-1 et seq.), whether or not they have any eligible employees under the act, shall display the official Family Leave Act poster of the Division in places easily visible to all employees. The official Family Leave Act poster of the Division is available for downloading and printing on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered employers that a revised poster has been published and is available from the Division.