

P.L.2013, CHAPTER 154, *approved August 28, 2013*  
Assembly, No. 2648 (*Second Reprint*)

1 AN ACT concerning disclosure of certain employment information  
2 and amending <sup>2</sup>~~1~~[P.L.1986, c.105] P.L.1945, c.169<sup>2</sup>.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 <sup>2</sup>~~1~~Section 3 of P.L.1986, c.105 (C.34:19-3) is amended to read  
8 as follows:

9 3. An employer shall not take any retaliatory action against an  
10 employee because the employee does any of the following:

11 a. Discloses, or threatens to disclose to a supervisor or to a  
12 public body an activity, policy or practice of the employer, or  
13 another employer, with whom there is a business relationship, that  
14 the employee reasonably believes:

15 (1) is in violation of a law, or a rule or regulation promulgated  
16 pursuant to law, including any violation involving deception of, or  
17 misrepresentation to, any shareholder, investor, client, patient,  
18 customer, employee, former employee, retiree or pensioner of the  
19 employer or any governmental entity, or, in the case of an employee  
20 who is a licensed or certified health care professional, reasonably  
21 believes constitutes improper quality of patient care; or

22 (2) is fraudulent or criminal, including any activity, policy or  
23 practice of deception or misrepresentation which the employee  
24 reasonably believes may defraud any shareholder, investor, client,  
25 patient, customer, employee, former employee, retiree or pensioner  
26 of the employer or any governmental entity;

27 b. Provides information to, or testifies before, any public body  
28 conducting an investigation, hearing or inquiry into any violation of  
29 law, or a rule or regulation promulgated pursuant to law by the  
30 employer, or another employer, with whom there is a business  
31 relationship, including any violation involving deception of, or  
32 misrepresentation to, any shareholder, investor, client, patient,  
33 customer, employee, former employee, retiree or pensioner of the  
34 employer or any governmental entity, or, in the case of an employee  
35 who is a licensed or certified health care professional, provides  
36 information to, or testifies before, any public body conducting an  
37 investigation, hearing or inquiry into the quality of patient care; or

38 c. Objects to, or refuses to participate in any activity, policy or  
39 practice which the employee reasonably believes:

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALA committee amendments adopted March 12, 2012.

<sup>2</sup>Assembly amendments adopted in accordance with Governor's  
recommendations October 11, 2012.

1 (1) is in violation of a law, or a rule or regulation promulgated  
 2 pursuant to law, including any violation involving deception of, or  
 3 misrepresentation to, any shareholder, investor, client, patient,  
 4 customer, employee, former employee, retiree or pensioner of the  
 5 employer or any governmental entity, or, if the employee is a  
 6 licensed or certified health care professional, constitutes improper  
 7 quality of patient care;

8 (2) is fraudulent or criminal, including any activity, policy or  
 9 practice of deception or misrepresentation which the employee  
 10 reasonably believes may defraud any shareholder, investor, client,  
 11 patient, customer, employee, former employee, retiree or pensioner  
 12 of the employer or any governmental entity; or

13 (3) is incompatible with a clear mandate of public policy  
 14 concerning the public health, safety or welfare or protection of the  
 15 environment; or

16 d. Discloses to any other employee or former employee of the  
 17 employer, or any authorized representative of the other employee or  
 18 former employee, <sup>1</sup>or requests, whether the request was responded  
 19 to or not,<sup>1</sup> information regarding the job title, occupational  
 20 category, and rate of compensation, including benefits, of any  
 21 employee or former employee, or the gender, race<sup>1</sup>, ethnicity,  
 22 military status,<sup>1</sup> or <sup>1</sup>【other characteristics】 national origin<sup>1</sup> of the  
 23 employee or former employee <sup>1</sup>【for which it is a violation of law to  
 24 discriminate against an individual】 , if the disclosure was made in a  
 25 reasonable belief on the part of the requesting or disclosing  
 26 employee that the purpose of the request or disclosure of the  
 27 information was to assist in investigating the possibility of the  
 28 occurrence of, or in taking of legal action regarding, potential  
 29 discriminatory treatment concerning pay, compensation, bonuses,  
 30 other compensation or benefits<sup>1</sup>.

31 (cf: P.L.2005, c.329, s.1)】<sup>2</sup>

32  
 33 <sup>2</sup>1. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to  
 34 read as follows:

35 11. It shall be an unlawful employment practice, or, as the case  
 36 may be, an unlawful discrimination:

37 a. For an employer, because of the race, creed, color, national  
 38 origin, ancestry, age, marital status, civil union status, domestic  
 39 partnership status, affectional or sexual orientation, genetic  
 40 information, sex, gender identity or expression, disability or  
 41 atypical hereditary cellular or blood trait of any individual, or  
 42 because of the liability for service in the Armed Forces of the  
 43 United States or the nationality of any individual, or because of the  
 44 refusal to submit to a genetic test or make available the results of a  
 45 genetic test to an employer, to refuse to hire or employ or to bar or  
 46 to discharge or require to retire, unless justified by lawful  
 47 considerations other than age, from employment such individual or

1 to discriminate against such individual in compensation or in terms,  
2 conditions or privileges of employment; provided, however, it shall  
3 not be an unlawful employment practice to refuse to accept for  
4 employment an applicant who has received a notice of induction or  
5 orders to report for active duty in the armed forces; provided further  
6 that nothing herein contained shall be construed to bar an employer  
7 from refusing to accept for employment any person on the basis of  
8 sex in those certain circumstances where sex is a bona fide  
9 occupational qualification, reasonably necessary to the normal  
10 operation of the particular business or enterprise; provided further  
11 that nothing herein contained shall be construed to bar an employer  
12 from refusing to accept for employment or to promote any person  
13 over 70 years of age; provided further that it shall not be an  
14 unlawful employment practice for a club exclusively social or  
15 fraternal to use club membership as a uniform qualification for  
16 employment, or for a religious association or organization to utilize  
17 religious affiliation as a uniform qualification in the employment of  
18 clergy, religious teachers or other employees engaged in the  
19 religious activities of the association or organization, or in  
20 following the tenets of its religion in establishing and utilizing  
21 criteria for employment of an employee; provided further, that it  
22 shall not be an unlawful employment practice to require the  
23 retirement of any employee who, for the two-year period  
24 immediately before retirement, is employed in a bona fide executive  
25 or a high policy-making position, if that employee is entitled to an  
26 immediate non-forfeitable annual retirement benefit from a pension,  
27 profit sharing, savings or deferred retirement plan, or any  
28 combination of those plans, of the employer of that employee which  
29 equals in the aggregate at least \$27,000.00; and provided further  
30 that an employer may restrict employment to citizens of the United  
31 States where such restriction is required by federal law or is  
32 otherwise necessary to protect the national interest.

33 The provisions of subsections a. and b. of section 57 of  
34 P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of  
35 P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an  
36 unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

37 For the purposes of this subsection, a "bona fide executive" is a  
38 top level employee who exercises substantial executive authority  
39 over a significant number of employees and a large volume of  
40 business. A "high policy-making position" is a position in which a  
41 person plays a significant role in developing policy and in  
42 recommending the implementation thereof.

43 b. For a labor organization, because of the race, creed, color,  
44 national origin, ancestry, age, marital status, civil union status,  
45 domestic partnership status, affectional or sexual orientation,  
46 gender identity or expression, disability or sex of any individual, or  
47 because of the liability for service in the Armed Forces of the  
48 United States or nationality of any individual, to exclude or to expel

1 from its membership such individual or to discriminate in any way  
2 against any of its members, against any applicant for, or individual  
3 included in, any apprentice or other training program or against any  
4 employer or any individual employed by an employer; provided,  
5 however, that nothing herein contained shall be construed to bar a  
6 labor organization from excluding from its apprentice or other  
7 training programs any person on the basis of sex in those certain  
8 circumstances where sex is a bona fide occupational qualification  
9 reasonably necessary to the normal operation of the particular  
10 apprentice or other training program.

11 c. For any employer or employment agency to print or circulate  
12 or cause to be printed or circulated any statement, advertisement or  
13 publication, or to use any form of application for employment, or to  
14 make an inquiry in connection with prospective employment, which  
15 expresses, directly or indirectly, any limitation, specification or  
16 discrimination as to race, creed, color, national origin, ancestry,  
17 age, marital status, civil union status, domestic partnership status,  
18 affectional or sexual orientation, gender identity or expression,  
19 disability, nationality or sex or liability of any applicant for  
20 employment for service in the Armed Forces of the United States,  
21 or any intent to make any such limitation, specification or  
22 discrimination, unless based upon a bona fide occupational  
23 qualification.

24 d. For any person to take reprisals against any person because  
25 that person has opposed any practices or acts forbidden under this  
26 act or because that person has filed a complaint, testified or assisted  
27 in any proceeding under this act or to coerce, intimidate, threaten or  
28 interfere with any person in the exercise or enjoyment of, or on  
29 account of that person having aided or encouraged any other person  
30 in the exercise or enjoyment of, any right granted or protected by  
31 this act.

32 e. For any person, whether an employer or an employee or not,  
33 to aid, abet, incite, compel or coerce the doing of any of the acts  
34 forbidden under this act, or to attempt to do so.

35 f. (1) For any owner, lessee, proprietor, manager,  
36 superintendent, agent, or employee of any place of public  
37 accommodation directly or indirectly to refuse, withhold from or  
38 deny to any person any of the accommodations, advantages,  
39 facilities or privileges thereof, or to discriminate against any person  
40 in the furnishing thereof, or directly or indirectly to publish,  
41 circulate, issue, display, post or mail any written or printed  
42 communication, notice, or advertisement to the effect that any of  
43 the accommodations, advantages, facilities, or privileges of any  
44 such place will be refused, withheld from, or denied to any person  
45 on account of the race, creed, color, national origin, ancestry,  
46 marital status, civil union status, domestic partnership status, sex,  
47 gender identity or expression, affectional or sexual orientation,  
48 disability or nationality of such person, or that the patronage or

1 custom thereof of any person of any particular race, creed, color,  
2 national origin, ancestry, marital status, civil union status, domestic  
3 partnership status, sex, gender identity or expression, affectional or  
4 sexual orientation, disability or nationality is unwelcome,  
5 objectionable or not acceptable, desired or solicited, and the  
6 production of any such written or printed communication, notice or  
7 advertisement, purporting to relate to any such place and to be made  
8 by any owner, lessee, proprietor, superintendent or manager thereof,  
9 shall be presumptive evidence in any action that the same was  
10 authorized by such person; provided, however, that nothing  
11 contained herein shall be construed to bar any place of public  
12 accommodation which is in its nature reasonably restricted  
13 exclusively to individuals of one sex, and which shall include but  
14 not be limited to any summer camp, day camp, or resort camp,  
15 bathhouse, dressing room, swimming pool, gymnasium, comfort  
16 station, dispensary, clinic or hospital, or school or educational  
17 institution which is restricted exclusively to individuals of one sex,  
18 provided individuals shall be admitted based on their gender  
19 identity or expression, from refusing, withholding from or denying  
20 to any individual of the opposite sex any of the accommodations,  
21 advantages, facilities or privileges thereof on the basis of sex;  
22 provided further, that the foregoing limitation shall not apply to any  
23 restaurant as defined in R.S.33:1-1 or place where alcoholic  
24 beverages are served.

25 (2) Notwithstanding the definition of "a place of public  
26 accommodation" as set forth in subsection l. of section 5 of  
27 P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor,  
28 manager, superintendent, agent, or employee of any private club or  
29 association to directly or indirectly refuse, withhold from or deny to  
30 any individual who has been accepted as a club member and has  
31 contracted for or is otherwise entitled to full club membership any  
32 of the accommodations, advantages, facilities or privileges thereof,  
33 or to discriminate against any member in the furnishing thereof on  
34 account of the race, creed, color, national origin, ancestry, marital  
35 status, civil union status, domestic partnership status, sex, gender  
36 identity, or expression, affectional or sexual orientation, disability  
37 or nationality of such person.

38 In addition to the penalties otherwise provided for a violation of  
39 P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2)  
40 of subsection f. of this section is the holder of an alcoholic beverage  
41 license issued under the provisions of R.S.33:1-12 for that private  
42 club or association, the matter shall be referred to the Director of  
43 the Division of Alcoholic Beverage Control who shall impose an  
44 appropriate penalty in accordance with the procedures set forth in  
45 R.S.33:1-31.

46 g. For any person, including but not limited to, any owner,  
47 lessee, sublessee, assignee or managing agent of, or other person  
48 having the right of ownership or possession of or the right to sell,

1 rent, lease, assign, or sublease any real property or part or portion  
2 thereof, or any agent or employee of any of these:

3 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise  
4 to deny to or withhold from any person or group of persons any real  
5 property or part or portion thereof because of race, creed, color,  
6 national origin, ancestry, marital status, civil union status, domestic  
7 partnership status, sex, gender identity or expression, affectional or  
8 sexual orientation, familial status, disability, nationality, or source  
9 of lawful income used for rental or mortgage payments;

10 (2) To discriminate against any person or group of persons  
11 because of race, creed, color, national origin, ancestry, marital  
12 status, civil union status, domestic partnership status, sex, gender  
13 identity or expression, affectional or sexual orientation, familial  
14 status, disability, nationality or source of lawful income used for  
15 rental or mortgage payments in the terms, conditions or privileges  
16 of the sale, rental or lease of any real property or part or portion  
17 thereof or in the furnishing of facilities or services in connection  
18 therewith;

19 (3) To print, publish, circulate, issue, display, post or mail, or  
20 cause to be printed, published, circulated, issued, displayed, posted  
21 or mailed any statement, advertisement, publication or sign, or to  
22 use any form of application for the purchase, rental, lease,  
23 assignment or sublease of any real property or part or portion  
24 thereof, or to make any record or inquiry in connection with the  
25 prospective purchase, rental, lease, assignment, or sublease of any  
26 real property, or part or portion thereof which expresses, directly or  
27 indirectly, any limitation, specification or discrimination as to race,  
28 creed, color, national origin, ancestry, marital status, civil union  
29 status, domestic partnership status, sex, gender identity, or  
30 expression, affectional or sexual orientation, familial status,  
31 disability, nationality, or source of lawful income used for rental or  
32 mortgage payments, or any intent to make any such limitation,  
33 specification or discrimination, and the production of any such  
34 statement, advertisement, publicity, sign, form of application,  
35 record, or inquiry purporting to be made by any such person shall  
36 be presumptive evidence in any action that the same was authorized  
37 by such person; provided, however, that nothing contained in this  
38 subsection shall be construed to bar any person from refusing to  
39 sell, rent, lease, assign or sublease or from advertising or recording  
40 a qualification as to sex for any room, apartment, flat in a dwelling  
41 or residential facility which is planned exclusively for and occupied  
42 by individuals of one sex to any individual of the exclusively  
43 opposite sex on the basis of sex provided individuals shall be  
44 qualified based on their gender identity or expression;

45 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
46 to deny to or withhold from any person or group of persons any real  
47 property or part or portion thereof because of the source of any

1 lawful income received by the person or the source of any lawful  
2 rent payment to be paid for the real property; or

3 (5) To refuse to rent or lease any real property to another person  
4 because that person's family includes children under 18 years of  
5 age, or to make an agreement, rental or lease of any real property  
6 which provides that the agreement, rental or lease shall be rendered  
7 null and void upon the birth of a child. This paragraph shall not  
8 apply to housing for older persons as defined in subsection mm. of  
9 section 5 of P.L.1945, c.169 (C.10:5-5).

10 h. For any person, including but not limited to, any real estate  
11 broker, real estate salesperson, or employee or agent thereof:

12 (1) To refuse to sell, rent, assign, lease or sublease, or offer for  
13 sale, rental, lease, assignment, or sublease any real property or part  
14 or portion thereof to any person or group of persons or to refuse to  
15 negotiate for the sale, rental, lease, assignment, or sublease of any  
16 real property or part or portion thereof to any person or group of  
17 persons because of race, creed, color, national origin, ancestry,  
18 marital status, civil union status, domestic partnership status,  
19 familial status, sex, gender identity or expression, affectional or  
20 sexual orientation, disability, nationality, or source of lawful  
21 income used for rental or mortgage payments, or to represent that  
22 any real property or portion thereof is not available for inspection,  
23 sale, rental, lease, assignment, or sublease when in fact it is so  
24 available, or otherwise to deny or withhold any real property or any  
25 part or portion of facilities thereof to or from any person or group of  
26 persons because of race, creed, color, national origin, ancestry,  
27 marital status, civil union status, domestic partnership status,  
28 familial status, sex, gender identity or expression, affectional or  
29 sexual orientation, disability or nationality;

30 (2) To discriminate against any person because of race, creed,  
31 color, national origin, ancestry, marital status, civil union status,  
32 domestic partnership status, familial status, sex, gender identity or  
33 expression, affectional or sexual orientation, disability, nationality,  
34 or source of lawful income used for rental or mortgage payments in  
35 the terms, conditions or privileges of the sale, rental, lease,  
36 assignment or sublease of any real property or part or portion  
37 thereof or in the furnishing of facilities or services in connection  
38 therewith;

39 (3) To print, publish, circulate, issue, display, post, or mail, or  
40 cause to be printed, published, circulated, issued, displayed, posted  
41 or mailed any statement, advertisement, publication or sign, or to  
42 use any form of application for the purchase, rental, lease,  
43 assignment, or sublease of any real property or part or portion  
44 thereof or to make any record or inquiry in connection with the  
45 prospective purchase, rental, lease, assignment, or sublease of any  
46 real property or part or portion thereof which expresses, directly or  
47 indirectly, any limitation, specification or discrimination as to race,  
48 creed, color, national origin, ancestry, marital status, civil union

1 status, domestic partnership status, familial status, sex, gender  
2 identity or expression, affectional or sexual orientation, disability,  
3 nationality, or source of lawful income used for rental or mortgage  
4 payments or any intent to make any such limitation, specification or  
5 discrimination, and the production of any such statement,  
6 advertisement, publicity, sign, form of application, record, or  
7 inquiry purporting to be made by any such person shall be  
8 presumptive evidence in any action that the same was authorized by  
9 such person; provided, however, that nothing contained in this  
10 subsection h., shall be construed to bar any person from refusing to  
11 sell, rent, lease, assign or sublease or from advertising or recording  
12 a qualification as to sex for any room, apartment, flat in a dwelling  
13 or residential facility which is planned exclusively for and occupied  
14 exclusively by individuals of one sex to any individual of the  
15 opposite sex on the basis of sex, provided individuals shall be  
16 qualified based on their gender identity or expression;

17 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
18 to deny to or withhold from any person or group of persons any real  
19 property or part or portion thereof because of the source of any  
20 lawful income received by the person or the source of any lawful  
21 rent payment to be paid for the real property; or

22 (5) To refuse to rent or lease any real property to another person  
23 because that person's family includes children under 18 years of  
24 age, or to make an agreement, rental or lease of any real property  
25 which provides that the agreement, rental or lease shall be rendered  
26 null and void upon the birth of a child. This paragraph shall not  
27 apply to housing for older persons as defined in subsection mm. of  
28 section 5 of P.L.1945, c.169 (C.10:5-5).

29 i. For any person, bank, banking organization, mortgage  
30 company, insurance company or other financial institution, lender  
31 or credit institution involved in the making or purchasing of any  
32 loan or extension of credit, for whatever purpose, whether secured  
33 by residential real estate or not, including but not limited to  
34 financial assistance for the purchase, acquisition, construction,  
35 rehabilitation, repair or maintenance of any real property or part or  
36 portion thereof or any agent or employee thereof:

37 (1) To discriminate against any person or group of persons  
38 because of race, creed, color, national origin, ancestry, marital  
39 status, civil union status, domestic partnership status, sex, gender  
40 identity or expression, affectional or sexual orientation, disability,  
41 familial status or nationality, in the granting, withholding,  
42 extending, modifying, renewing, or purchasing, or in the fixing of  
43 the rates, terms, conditions or provisions of any such loan,  
44 extension of credit or financial assistance or purchase thereof or in  
45 the extension of services in connection therewith;

46 (2) To use any form of application for such loan, extension of  
47 credit or financial assistance or to make record or inquiry in  
48 connection with applications for any such loan, extension of credit



1 or financial assistance which expresses, directly or indirectly, any  
2 limitation, specification or discrimination as to race, creed, color,  
3 national origin, ancestry, marital status, civil union status, domestic  
4 partnership status, sex, gender identity or expression, affectional or  
5 sexual orientation, disability, familial status or nationality or any  
6 intent to make any such limitation, specification or discrimination;  
7 unless otherwise required by law or regulation to retain or use such  
8 information;

9 (3) (Deleted by amendment, P.L.2003, c.180).

10 (4) To discriminate against any person or group of persons  
11 because of the source of any lawful income received by the person  
12 or the source of any lawful rent payment to be paid for the real  
13 property; or

14 (5) To discriminate against any person or group of persons  
15 because that person's family includes children under 18 years of  
16 age, or to make an agreement or mortgage which provides that the  
17 agreement or mortgage shall be rendered null and void upon the  
18 birth of a child. This paragraph shall not apply to housing for older  
19 persons as defined in subsection mm. of section 5 of P.L.1945,  
20 c.169 (C.10:5-5).

21 j. For any person whose activities are included within the  
22 scope of this act to refuse to post or display such notices concerning  
23 the rights or responsibilities of persons affected by this act as the  
24 Attorney General may by regulation require.

25 k. For any real estate broker, real estate salesperson or  
26 employee or agent thereof or any other individual, corporation,  
27 partnership, or organization, for the purpose of inducing a  
28 transaction for the sale or rental of real property from which  
29 transaction such person or any of its members may benefit  
30 financially, to represent that a change has occurred or will or may  
31 occur in the composition with respect to race, creed, color, national  
32 origin, ancestry, marital status, civil union status, domestic  
33 partnership status, familial status, sex, gender identity or  
34 expression, affectional or sexual orientation, disability, nationality,  
35 or source of lawful income used for rental or mortgage payments of  
36 the owners or occupants in the block, neighborhood or area in  
37 which the real property is located, and to represent, directly or  
38 indirectly, that this change will or may result in undesirable  
39 consequences in the block, neighborhood or area in which the real  
40 property is located, including, but not limited to the lowering of  
41 property values, an increase in criminal or anti-social behavior, or a  
42 decline in the quality of schools or other facilities.

43 l. For any person to refuse to buy from, sell to, lease from or  
44 to, license, contract with, or trade with, provide goods, services or  
45 information to, or otherwise do business with any other person on  
46 the basis of the race, creed, color, national origin, ancestry, age,  
47 sex, gender identity or expression, affectional or sexual orientation,  
48 marital status, civil union status, domestic partnership status,

1 liability for service in the Armed Forces of the United States,  
2 disability, nationality, or source of lawful income used for rental or  
3 mortgage payments of such other person or of such other person's  
4 spouse, partners, members, stockholders, directors, officers,  
5 managers, superintendents, agents, employees, business associates,  
6 suppliers, or customers. This subsection shall not prohibit refusals  
7 or other actions (1) pertaining to employee-employer collective  
8 bargaining, labor disputes, or unfair labor practices, or (2) made or  
9 taken in connection with a protest of unlawful discrimination or  
10 unlawful employment practices.

11 m. For any person to:

12 (1) Grant or accept any letter of credit or other document which  
13 evidences the transfer of funds or credit, or enter into any contract  
14 for the exchange of goods or services, where the letter of credit,  
15 contract, or other document contains any provisions requiring any  
16 person to discriminate against or to certify that he, she or it has not  
17 dealt with any other person on the basis of the race, creed, color,  
18 national origin, ancestry, age, sex, gender identity or expression,  
19 affectional or sexual orientation, marital status, civil union status,  
20 domestic partnership status, disability, liability for service in the  
21 Armed Forces of the United States, or nationality of such other  
22 person or of such other person's spouse, partners, members,  
23 stockholders, directors, officers, managers, superintendents, agents,  
24 employees, business associates, suppliers, or customers. (2)

25 Refuse to grant or accept any letter of credit or other document  
26 which evidences the transfer of funds or credit, or refuse to enter  
27 into any contract for the exchange of goods or services, on the  
28 ground that it does not contain such a discriminatory provision or  
29 certification.

30 The provisions of this subsection shall not apply to any letter of  
31 credit, contract, or other document which contains any provision  
32 pertaining to employee-employer collective bargaining, a labor  
33 dispute or an unfair labor practice, or made in connection with the  
34 protest of unlawful discrimination or an unlawful employment  
35 practice, if the other provisions of such letter of credit, contract, or  
36 other document do not otherwise violate the provisions of this  
37 subsection.

38 n. For any person to aid, abet, incite, compel, coerce, or induce  
39 the doing of any act forbidden by subsections l. and m. of section  
40 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to  
41 do so. Such prohibited conduct shall include, but not be limited to:

42 (1) Buying from, selling to, leasing from or to, licensing,  
43 contracting with, trading with, providing goods, services, or  
44 information to, or otherwise doing business with any person  
45 because that person does, or agrees or attempts to do, any such act  
46 or any act prohibited by this subsection; or

47 (2) Boycotting, commercially blacklisting or refusing to buy  
48 from, sell to, lease from or to, license, contract with, provide goods,

1 services or information to, or otherwise do business with any person  
2 because that person has not done or refuses to do any such act or  
3 any act prohibited by this subsection; provided that this subsection  
4 shall not prohibit refusals or other actions either pertaining to  
5 employee-employer collective bargaining, labor disputes, or unfair  
6 labor practices, or made or taken in connection with a protest of  
7 unlawful discrimination or unlawful employment practices.

8 o. For any multiple listing service, real estate brokers'  
9 organization or other service, organization or facility related to the  
10 business of selling or renting dwellings to deny any person access  
11 to or membership or participation in such organization, or to  
12 discriminate against such person in the terms or conditions of such  
13 access, membership, or participation, on account of race, creed,  
14 color, national origin, ancestry, age, marital status, civil union  
15 status, domestic partnership status, familial status, sex, gender  
16 identity or expression, affectional or sexual orientation, disability or  
17 nationality.

18 p. Nothing in the provisions of this section shall affect the  
19 ability of an employer to require employees to adhere to reasonable  
20 workplace appearance, grooming and dress standards not precluded  
21 by other provisions of State or federal law, except that an employer  
22 shall allow an employee to appear, groom and dress consistent with  
23 the employee's gender identity or expression.

24 q. (1) For any employer to impose upon a person as a condition  
25 of obtaining or retaining employment, including opportunities for  
26 promotion, advancement or transfers, any terms or conditions that  
27 would require a person to violate or forego a sincerely held  
28 religious practice or religious observance, including but not limited  
29 to the observance of any particular day or days or any portion  
30 thereof as a Sabbath or other holy day in accordance with the  
31 requirements of the religion or religious belief, unless, after  
32 engaging in a bona fide effort, the employer demonstrates that it is  
33 unable to reasonably accommodate the employee's religious  
34 observance or practice without undue hardship on the conduct of the  
35 employer's business. Notwithstanding any other provision of law to  
36 the contrary, an employee shall not be entitled to premium wages or  
37 premium benefits for work performed during hours to which those  
38 premium wages or premium benefits would ordinarily be  
39 applicable, if the employee is working during those hours only as an  
40 accommodation to his religious requirements. Nothing in this  
41 subsection q. shall be construed as reducing:

42 (a) The number of the hours worked by the employee which are  
43 counted towards the accruing of seniority, pension or other benefits;  
44 or

45 (b) Any premium wages or benefits provided to an employee  
46 pursuant to a collective bargaining agreement.

47 (2) For an employer to refuse to permit an employee to utilize  
48 leave, as provided for in this subsection q., which is solely used to

1 accommodate the employee's sincerely held religious observance or  
2 practice. Except where it would cause an employer to incur an  
3 undue hardship, no person shall be required to remain at his place  
4 of employment during any day or days or portion thereof that, as a  
5 requirement of his religion, he observes as his Sabbath or other holy  
6 day, including a reasonable time prior and subsequent thereto for  
7 travel between his place of employment and his home; provided that  
8 any such absence from work shall, wherever practicable in the  
9 reasonable judgment of the employer, be made up by an equivalent  
10 amount of time and work at some other mutually convenient time,  
11 or shall be charged against any leave with pay ordinarily granted,  
12 other than sick leave, and any such absence not so made up or  
13 charged, may be treated by the employer of that person as leave  
14 taken without pay.

15 (3) (a) For purposes of this subsection q., "undue hardship"  
16 means an accommodation requiring unreasonable expense or  
17 difficulty, unreasonable interference with the safe or efficient  
18 operation of the workplace or a violation of a bona fide seniority  
19 system or a violation of any provision of a bona fide collective  
20 bargaining agreement.

21 (b) In determining whether the accommodation constitutes an  
22 undue hardship, the factors considered shall include:

23 (i) The identifiable cost of the accommodation, including the  
24 costs of loss of productivity and of retaining or hiring employees or  
25 transferring employees from one facility to another, in relation to  
26 the size and operating cost of the employer.

27 (ii) The number of individuals who will need the particular  
28 accommodation for a sincerely held religious observance or  
29 practice.

30 (iii) For an employer with multiple facilities, the degree to which  
31 the geographic separateness or administrative or fiscal relationship  
32 of the facilities will make the accommodation more difficult or  
33 expensive.

34 (c) An accommodation shall be considered to constitute an undue  
35 hardship if it will result in the inability of an employee to perform  
36 the essential functions of the position in which he or she is  
37 employed.

38 (d) (i) The provisions of this subsection q. shall be applicable  
39 only to reasonable accommodations of religious observances and  
40 shall not supersede any definition of undue hardship or standards  
41 for reasonable accommodation of the disabilities of employees.

42 (ii) This subsection q. shall not apply where the uniform  
43 application of terms and conditions of attendance to employees is  
44 essential to prevent undue hardship to the employer. The burden of  
45 proof regarding the applicability of this subparagraph (d) shall be  
46 upon the employer.

47 r. For any employer to take reprisals against any employee for  
48 requesting from any other employee or former employee of the

1 employer information regarding the job title, occupational category,  
2 and rate of compensation, including benefits, of any employee or  
3 former employee of the employer, or the gender, race, ethnicity,  
4 military status, or national origin of any employee or former  
5 employee of the employer, regardless of whether the request was  
6 responded to, if the purpose of the request for the information was  
7 to assist in investigating the possibility of the occurrence of, or in  
8 taking of legal action regarding, potential discriminatory treatment  
9 concerning pay, compensation, bonuses, other compensation, or  
10 benefits. Nothing in this subsection shall be construed to require an  
11 employee to disclose such information about the employee herself  
12 to any other employee or former employee of the employer or to  
13 any authorized representative of the other employee or former  
14 employee.<sup>2</sup>

15 (cf: P.L.2007, c.325. s.2)

16

17 2. This act shall take effect immediately.

18

19

20

21

22 \_\_\_\_\_  
Concerns disclosure of certain employment information.