

# ASSEMBLY, No. 5629

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 17, 2019

**Sponsored by:**

Assemblywoman **ELIANA PINTOR MARIN**

District 29 (Essex)

Assemblywoman **NANCY F. MUNOZ**

District 21 (Morris, Somerset and Union)

**Co-Sponsored by:**

Assemblywomen **B.DeCroce, Schepisi, Murphy, Downey and Pinkin**

**SYNOPSIS**

Clarifies provisions concerning disclosure of existence and content of discrimination or harassment complaints.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning the policy prohibiting discrimination in a State  
2 agency workplace and supplementing chapter 7 of Title 11A of  
3 the New Jersey Statutes.

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

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8 1. a. Any provision of current law, rule, or regulation  
9 requiring a complaint and investigation of discrimination or  
10 harassment in any State workplace to be handled, to the extent  
11 possible, in a manner that shall protect the privacy interests and  
12 confidentiality of those involved, shall not be interpreted to  
13 preclude the employee who filed the complaint from disclosing the  
14 existence and the contents of the complaint to other government  
15 agencies or persons.

16 b. Any provision of current law, rule, or regulation providing  
17 that, in the course of an investigation, it may be necessary to  
18 discuss the claims made in a discrimination or harassment  
19 complaint with the person against whom the complaint was filed  
20 and with other persons who may have relevant knowledge or who  
21 have a legitimate need to know about the matter, shall not be  
22 interpreted to preclude the person with whom the complaint was  
23 filed from disclosing the existence and the contents of the complaint  
24 to the head of the State agency, or to a State officer or employee or  
25 special State officer or employee as defined under section 2 of  
26 P.L.1971, c.182 (C.52:13D-13), who is in a leadership position at  
27 the State agency workplace where the prohibited discrimination or  
28 harassment is alleged to have occurred.

29 c. The permitted disclosures concerning the existence and the  
30 contents of a discrimination or harassment complaint under  
31 subsections a. and b. of this section shall not constitute a violation  
32 of any confidentiality directive and shall not result in any  
33 administrative or disciplinary action or termination of employment.

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35 2. This act shall take effect immediately.

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STATEMENT

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40 Under current regulation by the New Jersey Civil Service  
41 Commission, at N.J.A.C.4A:7-3.1, concerning the policy  
42 prohibiting discrimination in the workplace, complaints concerning  
43 discrimination or harassment in a State workplace must be kept  
44 confidential and protect the privacy rights of those involved. The  
45 regulation provides, in pertinent part (j), that all “complaints and  
46 investigations shall be handled, to the extent possible, in a manner  
47 that will protect the privacy interests of those involved. To the  
48 extent practical and appropriate under the circumstances,

1 confidentiality shall be maintained throughout the investigative  
2 process. In the course of an investigation, it may be necessary to  
3 discuss the claims with the person(s) against whom the complaint  
4 was filed and other persons who may have relevant knowledge or  
5 who have a legitimate need to know about the matter. All persons  
6 interviewed, including witnesses, shall be directed not to discuss  
7 any aspect of the investigation with others in light of the important  
8 privacy interests of all concerned. Failure to comply with this  
9 confidentiality directive may result in administrative and/or  
10 disciplinary action, up to and including termination of  
11 employment.”

12 This bill provides that these privacy and confidentiality  
13 requirements would not be interpreted to preclude an employee who  
14 filed the complaint from disclosing the existence and the contents of  
15 the complaint to other government agencies or persons. The bill  
16 further provides that these requirements would not be interpreted to  
17 preclude the disclosure of the existence and the contents of the  
18 complaint to the head of the State agency or to a State officer or  
19 employee or special State officer or employee in a leadership  
20 position at the State agency workplace where the prohibited  
21 discrimination or harassment is alleged to have occurred. Finally,  
22 the bill clarifies that the disclosures allowed by the bill would not  
23 constitute a violation of any confidentiality directive and would not  
24 result in administrative or disciplinary action or termination of  
25 employment.