

ASSEMBLY, No. 1101

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Requires each county and municipality to adopt anti-sexual harassment policy.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** requiring each county and municipality to adopt an anti-
2 sexual harassment policy and supplementing chapter 9 of Title
3 40A of the New Jersey Statutes.

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

7
8 1. a. The Director of the Division of Local Government
9 Services in the Department of Community Affairs, in consultation
10 with the Director of the Division on Civil Rights in the Department
11 of Law and Public Safety, shall, on or before the first day of the
12 sixth month next following the effective date of P.L. , ,
13 c. (C.) (pending before the Legislature as this bill),
14 promulgate regulations pursuant to the provisions of the
15 "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et
16 seq.) establishing an anti-sexual harassment policy for use by local
17 units.

18 b. The policy shall include, at a minimum, provisions that:

19 (1) define sexual harassment consistent with the United States
20 Equal Employment Opportunity Commission guidelines;

21 (2) provide that an act of sexual harassment is a violation of the
22 policy;

23 (3) require that the policy apply to all officers and employees of
24 the local unit, as well as any third-parties who have or conduct
25 business with the local unit;

26 (4) establish procedures for filing and investigating complaints
27 regarding allegations of sexual harassment;

28 (5) provide for the confidentiality, to the extent practicable, of
29 sexual harassment complaints and investigations;

30 (6) prohibit retaliation because of a good-faith filing of a
31 complaint or participation in the investigation of a complaint; and

32 (7) establish appropriate disciplinary measures for any
33 violations of the policy determined by an investigation.

34 c. Except as provided by subsection d. of this section, the
35 governing body of each local unit shall adopt the anti-sexual
36 harassment policy established pursuant to subsection a. of this
37 section no later than 90 days after the promulgation of the
38 regulations establishing the policy.

39 d. The governing body of a local unit may, in lieu of adopting
40 the anti-sexual harassment policy pursuant to subsection c. of this
41 section, submit a proposed anti-sexual harassment policy to the
42 Director of the Division of Local Government Services in the
43 Department of Community Affairs no later than 90 days after the
44 promulgation of the regulations establishing the policy. If the
45 director determines a proposed policy is consistent with the policy
46 established by subsection a. of this section, the director shall
47 approve the policy and the governing body of the local unit shall
48 adopt its proposed policy. If the director determines a proposed

1 policy is inconsistent with the policy established by subsection a. of
2 this section, the director shall either conditionally approve the
3 policy upon the adoption of amendments identified by the director
4 or reject the policy. If the governing body of a local unit fails to
5 adopt amendments required by the director within 30 days of receipt
6 thereof or a proposed policy is rejected by the director, the
7 governing body shall forthwith adopt the policy established by
8 subsection a. of this section.

9 e. Any policy adopted pursuant to this section shall not prevent
10 an individual from reporting or filing a complaint of alleged sexual
11 harassment directly with any court or external agency instead of, or
12 in addition to, utilizing the procedures of the policy.

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14 2. This act shall take effect immediately.

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17 STATEMENT

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19 This bill would ensure that all counties and municipalities have
20 an anti-sexual harassment policy in effect. The bill would require
21 that each county or municipality adopt either an anti-sexual
22 harassment policy established by the Director of the Division of
23 Local Government Services in the Department of Community
24 Affairs (DLGS), in consultation with the Director of the Division on
25 Civil Rights in the Department of Law and Public Safety, or its own
26 policy approved by the Director of DLGS. This bill would ensure
27 that every county and municipality in the State has a policy in place
28 to safeguard its officers and employees from sexual harassment.

29 The Director of DLGS would have to adopt an anti-sexual
30 harassment policy that meets the minimum requirements of the bill
31 by the first day of the sixth month next following the bill's
32 enactment. Each county and municipality would then have 90 days
33 from the promulgation of that policy to either adopt that policy or
34 submit its own policy for approval by the Director of DLGS.