

SENATE, No. 100

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

The “New Jersey Intern Protection Act”; provides legal protections and remedies for persons engaged in internships with employers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** providing protections and remedies for persons engaged in
 2 internships with employers, designated the “New Jersey Intern
 3 Protection Act,” and amending the titles and bodies of various
 4 parts of the statutory law.

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

8
 9 1. The title of P.L.2001, c.385 is amended to read as follows:
 10 **AN ACT** imposing liability on employers who discharge or
 11 discriminate against employees or interns for displaying the
 12 American flag, and supplementing P.L.1945, c.169 (C.10:5-1 et
 13 seq.).
 14 (cf: P.L.2001, c.385, title)

15
 16 2. The title of P.L.1986, c.105 is amended to read as follows:
 17 **AN ACT** **[to protect employees from]** concerning retaliatory
 18 **[action]** actions by employers and supplementing Title 34 of the
 19 Revised Statutes.
 20 (cf: P.L.1986, c.105, title)

21
 22 3. The title of P.L.2006, c.53 is amended to read as follows:
 23 **AN ACT** concerning employer communications **[to employees]**
 24 about religious and political matters, and supplementing Title 34
 25 of the Revised Statutes.
 26 (cf: P.L.2006, c.53, title)

27
 28 4. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read
 29 as follows:
 30 3. The Legislature finds and declares that practices of
 31 discrimination against any of its inhabitants, because of race, creed,
 32 color, national origin, ancestry, age, sex, gender identity or
 33 expression, affectional or sexual orientation, marital status, familial
 34 status, liability for service in the Armed Forces of the United States,
 35 disability or nationality, are matters of concern to the government
 36 of the State, and that such discrimination threatens not only the
 37 rights and proper privileges of the inhabitants of the State but
 38 menaces the institutions and foundation of a free democratic State;
 39 provided, however, that nothing in this expression of policy
 40 prevents the making of legitimate distinctions between citizens and
 41 aliens when required by federal law or otherwise necessary to
 42 promote the national interest.

43 The Legislature further declares its opposition to such practices
 44 of discrimination when directed against any person by reason of the
 45 race, creed, color, national origin, ancestry, age, sex, gender

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.

1 identity or expression, affectional or sexual orientation, marital
2 status, liability for service in the Armed Forces of the United States,
3 disability or nationality of that person or that person's spouse,
4 partners, members, stockholders, directors, officers, managers,
5 superintendents, agents, employees, interns, business associates,
6 suppliers, or customers, in order that the economic prosperity and
7 general welfare of the inhabitants of the State may be protected and
8 ensured.

9 The Legislature further finds that because of discrimination,
10 people suffer personal hardships, and the State suffers a grievous
11 harm. The personal hardships include: economic loss; time loss;
12 physical and emotional stress; and in some cases severe emotional
13 trauma, illness, homelessness or other irreparable harm resulting
14 from the strain of employment or employer internship
15 controversies; relocation, search and moving difficulties; anxiety
16 caused by lack of information, uncertainty, and resultant planning
17 difficulty; career, education, family and social disruption; and
18 adjustment problems, which particularly impact on those protected
19 by this act. Such harms have, under the common law, given rise to
20 legal remedies, including compensatory and punitive damages. The
21 Legislature intends that such damages be available to all persons
22 protected by this act and that this act shall be liberally construed in
23 combination with other protections available under the laws of this
24 State.

25 (cf: P.L.2006, c.100, s.2)

26
27 5. Section 4 of P.L.1945, c.169 (C.10:5-4) is amended to read
28 as follows:

29 4. All persons shall have the opportunity to obtain employment
30 or internships with an employer, and to obtain all the
31 accommodations, advantages, facilities, and privileges of any place
32 of public accommodation, publicly assisted housing
33 accommodation, and other real property without discrimination
34 because of race, creed, color, national origin, ancestry, age, marital
35 status, affectional or sexual orientation, familial status, disability,
36 liability for service in the Armed Forces of the United States,
37 nationality, sex, gender identity or expression or source of lawful
38 income used for rental or mortgage payments, subject only to
39 conditions and limitations applicable alike to all persons. This
40 opportunity is recognized as and declared to be a civil right.

41 (cf: P.L.2017, c.184, s.1)

42
43 6. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read
44 as follows:

45 5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a
46 different meaning clearly appears from the context:

47 a. "Person" includes one or more individuals, partnerships,
48 associations, organizations, labor organizations, corporations, legal

- 1 representatives, trustees, trustees in bankruptcy, receivers, and
- 2 fiduciaries.
- 3 b. "Employment agency" includes any person undertaking to
- 4 procure employees or opportunities for others to work.
- 5 c. "Labor organization" includes any organization which exists
- 6 and is constituted for the purpose, in whole or in part, of collective
- 7 bargaining, or of dealing with employers concerning grievances,
- 8 terms or conditions of employment, or of other mutual aid or
- 9 protection in connection with employment.
- 10 d. "Unlawful employment practice" and "unlawful
- 11 discrimination" include only those unlawful practices and acts
- 12 specified in section 11 of P.L.1945, c.169 (C.10:5-12).
- 13 e. "Employer" includes all persons as defined in subsection a.
- 14 of this section unless otherwise specifically exempt under another
- 15 section of P.L.1945, c.169 (C.10:5-1 et seq.), and includes the State,
- 16 any political or civil subdivision thereof, and all public officers,
- 17 agencies, boards, or bodies.
- 18 f. (1) "Employee" does not include any individual employed in
- 19 the domestic service of any person.
- 20 (2) "Intern" means an individual who performs services for an
- 21 employer on a temporary basis whose work: (a) provides training or
- 22 supplements training given in an educational environment such that
- 23 the employability of the individual performing the work may be
- 24 enhanced; (b) provides experience for the benefit of the individual
- 25 performing the work; and (c) is performed under the supervision of
- 26 existing staff. The term "intern" shall include individuals without
- 27 regard to whether the employer pays them a salary or wage.
- 28 g. "Liability for service in the Armed Forces of the United
- 29 States" means subject to being ordered as an individual or member
- 30 of an organized unit into active service in the Armed Forces of the
- 31 United States by reason of membership in the National Guard, naval
- 32 militia or a reserve component of the Armed Forces of the United
- 33 States, or subject to being inducted into such armed forces through
- 34 a system of national selective service.
- 35 h. "Division" means the "Division on Civil Rights" created by
- 36 P.L.1945, c.169 (C.10:5-1 et seq.).
- 37 i. "Attorney General" means the Attorney General of the State
- 38 of New Jersey or the Attorney General's representative or designee.
- 39 j. "Commission" means the Commission on Civil Rights
- 40 created by P.L.1945, c.169 (C.10:5-1 et seq.).
- 41 k. "Director" means the Director of the Division on Civil
- 42 Rights.
- 43 l. "A place of public accommodation" shall include, but not be
- 44 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
- 45 summer camp, day camp, or resort camp, whether for entertainment
- 46 of transient guests or accommodation of those seeking health,
- 47 recreation, or rest; any producer, manufacturer, wholesaler,
- 48 distributor, retail shop, store, establishment, or concession dealing

1 with goods or services of any kind; any restaurant, eating house, or
2 place where food is sold for consumption on the premises; any
3 place maintained for the sale of ice cream, ice and fruit preparations
4 or their derivatives, soda water or confections, or where any
5 beverages of any kind are retailed for consumption on the premises;
6 any garage, any public conveyance operated on land or water or in
7 the air or any stations and terminals thereof; any bathhouse,
8 boardwalk, or seashore accommodation; any auditorium, meeting
9 place, or hall; any theatre, motion-picture house, music hall, roof
10 garden, skating rink, swimming pool, amusement and recreation
11 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
12 pool parlor, or other place of amusement; any comfort station; any
13 dispensary, clinic, or hospital; any public library; and any
14 kindergarten, primary and secondary school, trade or business
15 school, high school, academy, college and university, or any
16 educational institution under the supervision of the State Board of
17 Education or the Commissioner of Education of the State of New
18 Jersey. Nothing herein contained shall be construed to include or to
19 apply to any institution, bona fide club, or place of accommodation,
20 which is in its nature distinctly private; nor shall anything herein
21 contained apply to any educational facility operated or maintained
22 by a bona fide religious or sectarian institution, and the right of a
23 natural parent or one in loco parentis to direct the education and
24 upbringing of a child under his control is hereby affirmed; nor shall
25 anything herein contained be construed to bar any private secondary
26 or post-secondary school from using in good faith criteria other than
27 race, creed, color, national origin, ancestry, gender identity, or
28 expression or affectional or sexual orientation in the admission of
29 students.

30 m. "A publicly assisted housing accommodation" shall include
31 all housing built with public funds or public assistance pursuant to
32 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
33 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
34 c.184, and all housing financed in whole or in part by a loan,
35 whether or not secured by a mortgage, the repayment of which is
36 guaranteed or insured by the federal government or any agency
37 thereof.

38 n. The term "real property" includes real estate, lands,
39 tenements and hereditaments, corporeal and incorporeal, and
40 leaseholds, provided, however, that, except as to publicly assisted
41 housing accommodations, the provisions of this act shall not apply
42 to the rental: (1) of a single apartment or flat in a two-family
43 dwelling, the other occupancy unit of which is occupied by the
44 owner as a residence; or (2) of a room or rooms to another person or
45 persons by the owner or occupant of a one-family dwelling
46 occupied by the owner or occupant as a residence at the time of
47 such rental. Nothing herein contained shall be construed to bar any
48 religious or denominational institution or organization, or any

1 organization operated for charitable or educational purposes, which
2 is operated, supervised, or controlled by or in connection with a
3 religious organization, in the sale, lease, or rental of real property,
4 from limiting admission to or giving preference to persons of the
5 same religion or denomination or from making such selection as is
6 calculated by such organization to promote the religious principles
7 for which it is established or maintained. Nor does any provision
8 under **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.) regarding
9 discrimination on the basis of familial status apply with respect to
10 housing for older persons.

11 o. "Real estate broker" includes a person, firm, or corporation
12 who, for a fee, commission, or other valuable consideration, or by
13 reason of promise or reasonable expectation thereof, lists for sale,
14 sells, exchanges, buys or rents, or offers or attempts to negotiate a
15 sale, exchange, purchase, or rental of real estate or an interest
16 therein, or collects or offers or attempts to collect rent for the use of
17 real estate, or solicits for prospective purchasers or assists or directs
18 in the procuring of prospects or the negotiation or closing of any
19 transaction which does or is contemplated to result in the sale,
20 exchange, leasing, renting, or auctioning of any real estate, or
21 negotiates, or offers or attempts or agrees to negotiate a loan
22 secured or to be secured by mortgage or other encumbrance upon or
23 transfer of any real estate for others; or any person who, for
24 pecuniary gain or expectation of pecuniary gain conducts a public
25 or private competitive sale of lands or any interest in lands. In the
26 sale of lots, the term "real estate broker" shall also include any
27 person, partnership, association, or corporation employed by or on
28 behalf of the owner or owners of lots or other parcels of real estate,
29 at a stated salary, or upon a commission, or upon a salary and
30 commission or otherwise, to sell such real estate, or any parts
31 thereof, in lots or other parcels, and who shall sell or exchange, or
32 offer or attempt or agree to negotiate the sale or exchange, of any
33 such lot or parcel of real estate.

34 p. "Real estate salesperson" includes any person who, for
35 compensation, valuable consideration or commission, or other thing
36 of value, or by reason of a promise or reasonable expectation
37 thereof, is employed by and operates under the supervision of a
38 licensed real estate broker to sell or offer to sell, buy or offer to buy
39 or negotiate the purchase, sale, or exchange of real estate, or offers
40 or attempts to negotiate a loan secured or to be secured by a
41 mortgage or other encumbrance upon or transfer of real estate, or to
42 lease or rent, or offer to lease or rent any real estate for others, or to
43 collect rents for the use of real estate, or to solicit for prospective
44 purchasers or lessees of real estate, or who is employed by a
45 licensed real estate broker to sell or offer to sell lots or other parcels
46 of real estate, at a stated salary, or upon a commission, or upon a
47 salary and commission, or otherwise to sell real estate, or any parts
48 thereof, in lots or other parcels.

1 q. "Disability" means physical or sensory disability, infirmity,
2 malformation, or disfigurement which is caused by bodily injury,
3 birth defect, or illness including epilepsy and other seizure
4 disorders, and which shall include, but not be limited to, any degree
5 of paralysis, amputation, lack of physical coordination, blindness or
6 visual impairment, deafness or hearing impairment, muteness or
7 speech impairment, or physical reliance on a service or guide dog,
8 wheelchair, or other remedial appliance or device, or any mental,
9 psychological, or developmental disability, including autism
10 spectrum disorders, resulting from anatomical, psychological,
11 physiological, or neurological conditions which prevents the typical
12 exercise of any bodily or mental functions or is demonstrable,
13 medically or psychologically, by accepted clinical or laboratory
14 diagnostic techniques. Disability shall also mean AIDS or HIV
15 infection.

16 r. "Blind person" or "person who is blind" means any
17 individual whose central visual acuity does not exceed 20/200 in the
18 better eye with correcting lens or whose visual acuity is better than
19 20/200 if accompanied by a limit to the field of vision in the better
20 eye to such a degree that its widest diameter subtends an angle of
21 no greater than 20 degrees.

22 s. "Guide dog" means a dog used to assist persons who are
23 deaf, or which is fitted with a special harness so as to be suitable as
24 an aid to the mobility of a person who is blind, and is used by a
25 person who is blind and has satisfactorily completed a specific
26 course of training in the use of such a dog, and has been trained by
27 an organization generally recognized by agencies involved in the
28 rehabilitation of persons with disabilities, including, but not limited
29 to, those persons who are blind or deaf, as reputable and competent
30 to provide dogs with training of this type.

31 t. "Guide or service dog trainer" means any person who is
32 employed by an organization generally recognized by agencies
33 involved in the rehabilitation of persons with disabilities, including,
34 but not limited to, those persons who are blind, have visual
35 impairments, or are deaf or have hearing impairments, as reputable
36 and competent to provide dogs with training, as defined in this
37 section, and who is actually involved in the training process.

38 u. "Housing accommodation" means any publicly assisted
39 housing accommodation or any real property, or portion thereof,
40 which is used or occupied, or is intended, arranged, or designed to
41 be used or occupied, as the home, residence, or sleeping place of
42 one or more persons, but shall not include any single family
43 residence the occupants of which rent, lease, or furnish for
44 compensation not more than one room therein.

45 v. "Public facility" means any place of public accommodation
46 and any street, highway, sidewalk, walkway, public building, and
47 any other place or structure to which the general public is regularly,
48 normally, or customarily permitted or invited.

- 1 w. "Deaf person" or "person who is deaf" means any person
2 whose hearing is so severely impaired that the person is unable to
3 hear and understand conversational speech through the unaided ear
4 alone, and who must depend primarily on an assistive listening
5 device or visual communication such as writing, lip reading, sign
6 language, and gestures.
- 7 x. "Atypical hereditary cellular or blood trait" means sickle cell
8 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
9 fibrosis trait.
- 10 y. "Sickle cell trait" means the condition wherein the major
11 natural hemoglobin components present in the blood of the
12 individual are hemoglobin A (normal) and hemoglobin S (sickle
13 hemoglobin) as defined by standard chemical and physical analytic
14 techniques, including electrophoresis; and the proportion of
15 hemoglobin A is greater than the proportion of hemoglobin S or one
16 natural parent of the individual is shown to have only normal
17 hemoglobin components (hemoglobin A, hemoglobin A2,
18 hemoglobin F) in the normal proportions by standard chemical and
19 physical analytic tests.
- 20 z. "Hemoglobin C trait" means the condition wherein the major
21 natural hemoglobin components present in the blood of the
22 individual are hemoglobin A (normal) and hemoglobin C as defined
23 by standard chemical and physical analytic techniques, including
24 electrophoresis; and the proportion of hemoglobin A is greater than
25 the proportion of hemoglobin C or one natural parent of the
26 individual is shown to have only normal hemoglobin components
27 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
28 proportions by standard chemical and physical analytic tests.
- 29 aa. "Thalassemia trait" means the presence of the thalassemia
30 gene which in combination with another similar gene results in the
31 chronic hereditary disease Cooley's anemia.
- 32 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
33 which in combination with another similar gene results in the
34 chronic hereditary disease Tay-Sachs.
- 35 cc. "Cystic fibrosis trait" means the presence of the cystic
36 fibrosis gene which in combination with another similar gene
37 results in the chronic hereditary disease cystic fibrosis.
- 38 dd. "Service dog" means any dog individually trained to the
39 requirements of a person with a disability including, but not limited
40 to minimal protection work, rescue work, pulling a wheelchair or
41 retrieving dropped items. This term shall include a "seizure dog"
42 trained to alert or otherwise assist persons with epilepsy or other
43 seizure disorders.
- 44 ee. "Qualified Medicaid applicant" means an individual who is a
45 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 46 ff. "AIDS" means acquired **[immune deficiency]**
47 immunodeficiency syndrome as defined by the Centers for Disease
48 Control and Prevention of the United States Public Health Service.

- 1 gg. "HIV infection" means infection with the human
2 immunodeficiency virus or any other related virus identified as a
3 probable causative agent of AIDS.
- 4 hh. "Affectional or sexual orientation" means male or female
5 heterosexuality, homosexuality, or bisexuality by inclination,
6 practice, identity, or expression, having a history thereof or being
7 perceived, presumed, or identified by others as having such an
8 orientation.
- 9 ii. "Heterosexuality" means affectional, emotional, or physical
10 attraction or behavior which is primarily directed towards persons
11 of the other gender.
- 12 jj. "Homosexuality" means affectional, emotional, or physical
13 attraction or behavior which is primarily directed towards persons
14 of the same gender.
- 15 kk. "Bisexuality" means affectional, emotional, or physical
16 attraction or behavior which is directed towards persons of either
17 gender.
- 18 ll. "Familial status" means being the natural parent of a child,
19 the adoptive parent of a child, the resource family parent of a child,
20 having a "parent and child relationship" with a child as defined by
21 State law, or having sole or joint legal or physical custody, care,
22 guardianship, or visitation with a child, or any person who is
23 pregnant or is in the process of securing legal custody of any
24 individual who has not attained the age of 18 years.
- 25 mm. "Housing for older persons" means housing:
26 (1) provided under any State program that the Attorney General
27 determines is specifically designed and operated to assist persons
28 who are elderly (as defined in the State program); or provided under
29 any federal program that the United States Department of Housing
30 and Urban Development determines is specifically designed and
31 operated to assist persons who are elderly (as defined in the federal
32 program); or
33 (2) intended for, and solely occupied by, persons 62 years of age
34 or older; or
35 (3) intended and operated for occupancy by at least one person
36 55 years of age or older per unit. In determining whether housing
37 qualifies as housing for older persons under this paragraph, the
38 Attorney General shall adopt regulations which require at least the
39 following factors:
40 (a) the existence of significant facilities and services
41 specifically designed to meet the physical or social needs of older
42 persons, or if the provision of such facilities and services is not
43 practicable, that such housing is necessary to provide important
44 housing opportunities for older persons; and
45 (b) that at least 80 percent of the units are occupied by at least
46 one person 55 years of age or older per unit; and

(c) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

Housing shall not fail to meet the requirements for housing for older persons by reason of: persons residing in such housing as of September 13, 1988 not meeting the age requirements of this subsection, provided that new occupants of such housing meet the age requirements of this subsection; or unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.

nn. "Genetic characteristic" means any inherited gene or chromosome, or alteration thereof, that is scientifically or medically believed to predispose an individual to a disease, disorder, or syndrome, or to be associated with a statistically significant increased risk of development of a disease, disorder, or syndrome.

oo. "Genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or family member.

pp. "Genetic test" means a test for determining the presence or absence of an inherited genetic characteristic in an individual, including tests of nucleic acids such as DNA, RNA, and mitochondrial DNA, chromosomes, or proteins in order to identify a predisposing genetic characteristic.

qq. "Domestic partnership" means a domestic partnership established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

rr. "Gender identity or expression" means having or being perceived as having a gender related identity or expression whether or not stereotypically associated with a person's assigned sex at birth.

ss. "Civil **Union** union" means a legally recognized union of two eligible individuals established pursuant to R.S.37:1-1 et seq. and P.L.2006, c.103 (C.37:1-28 et al.).

tt. "Premium wages" means additional remuneration for night, weekend, or holiday work, or for standby or irregular duty.

uu. "Premium benefit" means an employment benefit, such as seniority, group life insurance, health insurance, disability insurance, sick leave, annual leave, or an educational or pension benefit that is greater than the employment benefit due the employee for an equivalent period of work performed during the regular work schedule of the employee.

(cf: P.L.2017, c.131, s.8)

7. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read as follows:

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

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic

1 partnership status, affectional or sexual orientation, genetic
2 information, pregnancy or breastfeeding, sex, gender identity or
3 expression, disability or atypical hereditary cellular or blood trait of
4 any individual, or because of the liability for service in the Armed
5 Forces of the United States or the nationality of any individual, or
6 because of the refusal to submit to a genetic test or make available
7 the results of a genetic test to an employer, to refuse to hire **【or】**,
8 employ, or engage an intern, or to bar or to discharge or require to
9 retire, unless justified by lawful considerations other than age, from
10 employment or internship such individual or to discriminate against
11 such individual in compensation or in terms, conditions or
12 privileges of employment or internship; provided, however, it shall
13 not be an unlawful employment practice to refuse to accept for
14 employment or internship an applicant who has received a notice of
15 induction or orders to report for active duty in the armed forces;
16 provided further that nothing herein contained shall be construed to
17 bar an employer from refusing to accept for employment or
18 internship any person on the basis of sex in those certain
19 circumstances where sex is a bona fide occupational qualification,
20 reasonably necessary to the normal operation of the particular
21 business or enterprise; provided further that nothing herein
22 contained shall be construed to bar an employer from refusing to
23 accept for employment or internship or to promote any person over
24 70 years of age; provided further that it shall not be an unlawful
25 employment practice for a club exclusively social or fraternal to use
26 club membership as a uniform qualification for employment or
27 internship, or for a religious association or organization to utilize
28 religious affiliation as a uniform qualification in the employment or
29 internship of clergy, religious teachers or other **【employees】**
30 individuals engaged in the religious activities of the association or
31 organization, or in following the tenets of its religion in establishing
32 and utilizing criteria for employment of an employee or for the
33 internship of an intern; provided further, that it shall not be an
34 unlawful employment practice to require the retirement of any
35 employee who, for the two-year period immediately before
36 retirement, is employed in a bona fide executive or a high policy-
37 making position, if that employee is entitled to an immediate non-
38 forfeitable annual retirement benefit from a pension, profit sharing,
39 savings or deferred retirement plan, or any combination of those
40 plans, of the employer of that employee which equals in the
41 aggregate at least \$27,000.00; and provided further that an
42 employer may restrict employment or internships to citizens of the
43 United States where such restriction is required by federal law or is
44 otherwise necessary to protect the national interest.

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

1 For the purposes of this subsection, a "bona fide executive" is a
2 top level employee who exercises substantial executive authority
3 over a significant number of employees and a large volume of
4 business. A "high policy-making position" is a position in which a
5 person plays a significant role in developing policy and in
6 recommending the implementation thereof.

7 For the purposes of this subsection, an unlawful employment
8 practice occurs, with respect to discrimination in compensation or
9 in the financial terms or conditions of employment, each occasion
10 that an individual is affected by application of a discriminatory
11 compensation decision or other practice, including, but not limited
12 to, each occasion that wages, benefits, or other compensation are
13 paid, resulting in whole or in part from the decision or other
14 practice.

15 In addition to any other relief authorized by the "Law Against
16 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) for
17 discrimination in compensation or in the financial terms or
18 conditions of employment, liability shall accrue and an aggrieved
19 person may obtain relief for back pay for the entire period of time ,
20 except not more than six years, in which the violation with regard to
21 discrimination in compensation or in the financial terms or
22 conditions of employment has been continuous, if the violation
23 continues to occur within the statute of limitations.

24 Nothing in this subsection shall prohibit the application of the
25 doctrine of "continuing violation" or the "discovery rule" to any
26 appropriate claim as those doctrines currently exist in New Jersey
27 common law. It shall be an unlawful employment practice to
28 require employees or prospective employees to consent to a
29 shortened statute of limitations or to waive any of the protections
30 provided by the "Law Against Discrimination," P.L.1945, c.169
31 (C.10:5-1 et seq.).

32 b. For a labor organization, because of the race, creed, color,
33 national origin, ancestry, age, marital status, civil union status,
34 domestic partnership status, affectional or sexual orientation,
35 gender identity or expression, disability, pregnancy or
36 breastfeeding, or sex of any individual, or because of the liability
37 for service in the Armed Forces of the United States or nationality
38 of any individual, to exclude or to expel from its membership such
39 individual or to discriminate in any way against any of its members,
40 against any applicant for, or individual included in, any apprentice
41 or other training program or against any employer or any individual
42 employed by or engaged in an internship with an employer;
43 provided, however, that nothing herein contained shall be construed
44 to bar a labor organization from excluding from its apprentice or
45 other training programs any person on the basis of sex in those
46 certain circumstances where sex is a bona fide occupational
47 qualification reasonably necessary to the normal operation of the
48 particular apprentice or other training program.

1 c. For any employer or employment agency to print or circulate
2 or cause to be printed or circulated any statement, advertisement or
3 publication, or to use any form of application for employment or
4 internship, or to make an inquiry in connection with prospective
5 employment or internship, which expresses, directly or indirectly,
6 any limitation, specification or discrimination as to race, creed,
7 color, national origin, ancestry, age, marital status, civil union
8 status, domestic partnership status, affectional or sexual orientation,
9 gender identity or expression, disability, nationality, pregnancy or
10 breastfeeding, or sex or liability of any applicant for employment
11 for service in the Armed Forces of the United States, or any intent
12 to make any such limitation, specification or discrimination, unless
13 based upon a bona fide occupational qualification.

14 d. For any person to take reprisals against any person because
15 that person has opposed any practices or acts forbidden under **【this**
16 **act】** P.L.1945, c.169 or because that person has sought legal advice
17 regarding rights under this act, shared relevant information with
18 legal counsel, shared information with a governmental entity, or
19 filed a complaint, testified or assisted in any proceeding under this
20 act or to coerce, intimidate, threaten or interfere with any person in
21 the exercise or enjoyment of, or on account of that person having
22 aided or encouraged any other person in the exercise or enjoyment
23 of, any right granted or protected by **【this act】** P.L.1945, c.169.

24 e. For any person, whether an employer or an employee or not,
25 to aid, abet, incite, compel or coerce the doing of any of the acts
26 forbidden under **【this act】** C.10:5-1 et seq., or to attempt to do so.

27 f. (1) For any owner, lessee, proprietor, manager,
28 superintendent, agent, or employee of any place of public
29 accommodation directly or indirectly to refuse, withhold from or
30 deny to any person any of the accommodations, advantages,
31 facilities or privileges thereof, or to discriminate against any person
32 in the furnishing thereof, or directly or indirectly to publish,
33 circulate, issue, display, post or mail any written or printed
34 communication, notice, or advertisement to the effect that any of
35 the accommodations, advantages, facilities, or privileges of any
36 such place will be refused, withheld from, or denied to any person
37 on account of the race, creed, color, national origin, ancestry,
38 marital status, civil union status, domestic partnership status,
39 pregnancy or breastfeeding, sex, gender identity or expression,
40 affectional or sexual orientation, disability, liability for service in
41 the Armed Forces of the United States or nationality of such person,
42 or that the patronage or custom thereat of any person of any
43 particular race, creed, color, national origin, ancestry, marital status,
44 civil union status, domestic partnership status, pregnancy or
45 breastfeeding status, sex, gender identity or expression, affectional
46 or sexual orientation, disability, liability for service in the Armed
47 Forces of the United States or nationality is unwelcome,
48 objectionable or not acceptable, desired or solicited, and the

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

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

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

42 g. For any person, including but not limited to, any owner,
43 lessee, sublessee, assignee or managing agent of, or other person
44 having the right of ownership or possession of or the right to sell,
45 rent, lease, assign, or sublease any real property or part or portion
46 thereof, or any agent or employee of any of these:

47 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise
48 to deny to or withhold from any person or group of persons any real

1 property or part or portion thereof because of race, creed, color,
2 national origin, ancestry, marital status, civil union status, domestic
3 partnership status, pregnancy or breastfeeding, sex, gender identity
4 or expression, affectional or sexual orientation, familial status,
5 disability, liability for service in the Armed Forces of the United
6 States, nationality, or source of lawful income used for rental or
7 mortgage payments;

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

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

46 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise
47 to deny to or withhold from any person or group of persons any real
48 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, pregnancy or breastfeeding, sex, gender identity or
20 expression, affectional or sexual orientation, liability for service in
21 the Armed Forces of the United States, disability, nationality, or
22 source of lawful income used for rental or mortgage payments, or to
23 represent that any real property or portion thereof is not available
24 for inspection, sale, rental, lease, assignment, or sublease when in
25 fact it is so available, or otherwise to deny or withhold any real
26 property or any part or portion of facilities thereof to or from any
27 person or group of persons because of race, creed, color, national
28 origin, ancestry, marital status, civil union status, domestic
29 partnership status, familial status, pregnancy or breastfeeding, sex,
30 gender identity or expression, affectional or sexual orientation,
31 disability, liability for service in the Armed Forces of the United
32 States, or nationality;

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

43 (3) To print, publish, circulate, issue, display, post, or mail, or
44 cause to be printed, published, circulated, issued, displayed, posted
45 or mailed any statement, advertisement, publication or sign, or to
46 use any form of application for the purchase, rental, lease,
47 assignment, or sublease of any real property or part or portion
48 thereof or to make any record or inquiry in connection with the

1 prospective purchase, rental, lease, assignment, or sublease of any
2 real property or part or portion thereof which expresses, directly or
3 indirectly, any limitation, specification or discrimination as to race,
4 creed, color, national origin, ancestry, marital status, civil union
5 status, domestic partnership status, familial status, pregnancy or
6 breastfeeding, sex, gender identity or expression, affectional or
7 sexual orientation, disability, liability for service in the Armed
8 Forces of the United States, nationality, or source of lawful income
9 used for rental or mortgage payments or any intent to make any
10 such limitation, specification or discrimination, and the production
11 of any such statement, advertisement, publicity, sign, form of
12 application, record, or inquiry purporting to be made by any such
13 person shall be presumptive evidence in any action that the same
14 was authorized by such person; provided, however, that nothing
15 contained in this subsection h., shall be construed to bar any person
16 from refusing to sell, rent, lease, assign or sublease or from
17 advertising or recording a qualification as to sex for any room,
18 apartment, flat in a dwelling or residential facility which is planned
19 exclusively for and occupied exclusively by individuals of one sex
20 to any individual of the opposite sex on the basis of sex, provided
21 individuals shall be qualified based on their gender identity or
22 expression;

23 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise
24 to deny to or withhold from any person or group of persons any real
25 property or part or portion thereof because of the source of any
26 lawful income received by the person or the source of any lawful
27 rent payment to be paid for the real property; or

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

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

43 (1) To discriminate against any person or group of persons
44 because of race, creed, color, national origin, ancestry, marital
45 status, civil union status, domestic partnership status, pregnancy or
46 breastfeeding, sex, gender identity or expression, affectional or
47 sexual orientation, disability, liability for service in the Armed
48 Forces of the United States, familial status or nationality, in the

1 granting, withholding, extending, modifying, renewing, or
2 purchasing, or in the fixing of the rates, terms, conditions or
3 provisions of any such loan, extension of credit or financial
4 assistance or purchase thereof or in the extension of services in
5 connection therewith;

6 (2) To use any form of application for such loan, extension of
7 credit or financial assistance or to make record or inquiry in
8 connection with applications for any such loan, extension of credit
9 or financial assistance which expresses, directly or indirectly, any
10 limitation, specification or discrimination as to race, creed, color,
11 national origin, ancestry, marital status, civil union status, domestic
12 partnership status, pregnancy or breastfeeding, sex, gender identity
13 or expression, affectional or sexual orientation, disability, liability
14 for service in the Armed Forces of the United States, familial status
15 or nationality or any intent to make any such limitation,
16 specification or discrimination; unless otherwise required by law or
17 regulation to retain or use such information;

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

19 (4) To discriminate against any person or group of persons
20 because of the source of any lawful income received by the person
21 or the source of any lawful rent payment to be paid for the real
22 property; or

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

30 j. For any person whose activities are included within the
31 scope of **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.) `to refuse to
32 post or display such notices concerning the rights or responsibilities
33 of persons affected by **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.)
34 as the Attorney General may by regulation require.

35 k. For any real estate broker, real estate salesperson or
36 employee or agent thereof or any other individual, corporation,
37 partnership, or organization, for the purpose of inducing a
38 transaction for the sale or rental of real property from which
39 transaction such person or any of its members may benefit
40 financially, to represent that a change has occurred or will or may
41 occur in the composition with respect to race, creed, color, national
42 origin, ancestry, marital status, civil union status, domestic
43 partnership status, familial status, pregnancy or breastfeeding, sex,
44 gender identity or expression, affectional or sexual orientation,
45 disability, liability for service in the Armed Forces of the United
46 States, nationality, or source of lawful income used for rental or
47 mortgage payments of the owners or occupants in the block,
48 neighborhood or area in which the real property is located, and to

1 represent, directly or indirectly, that this change will or may result
2 in undesirable consequences in the block, neighborhood or area in
3 which the real property is located, including, but not limited to the
4 lowering of property values, an increase in criminal or anti-social
5 behavior, or a decline in the quality of schools or other facilities.

6 l. For any person to refuse to buy from, sell to, lease from or
7 to, license, contract with, or trade with, provide goods, services or
8 information to, or otherwise do business with any other person on
9 the basis of the race, creed, color, national origin, ancestry, age,
10 pregnancy or breastfeeding, sex, gender identity or expression,
11 affectional or sexual orientation, marital status, civil union status,
12 domestic partnership status, liability for service in the Armed
13 Forces of the United States, disability, nationality, or source of
14 lawful income used for rental or mortgage payments of such other
15 person or of such other person's spouse, partners, members,
16 stockholders, directors, officers, managers, superintendents, agents,
17 employees, interns, business associates, suppliers, or customers.
18 This subsection shall not prohibit refusals or other actions (1)
19 pertaining to employee-employer collective bargaining, labor
20 disputes, or unfair labor practices, or (2) made or taken in
21 connection with a protest of unlawful discrimination or unlawful
22 employment practices.

23 m. For any person to:

24 (1) Grant or accept any letter of credit or other document which
25 evidences the transfer of funds or credit, or enter into any contract
26 for the exchange of goods or services, where the letter of credit,
27 contract, or other document contains any provisions requiring any
28 person to discriminate against or to certify that he, she or it has not
29 dealt with any other person on the basis of the race, creed, color,
30 national origin, ancestry, age, pregnancy or breastfeeding, sex,
31 gender identity or expression, affectional or sexual orientation,
32 marital status, civil union status, domestic partnership status,
33 disability, liability for service in the Armed Forces of the United
34 States, or nationality of such other person or of such other person's
35 spouse, partners, members, stockholders, directors, officers,
36 managers, superintendents, agents, employees, interns, business
37 associates, suppliers, or customers.

38 (2) Refuse to grant or accept any letter of credit or other
39 document which evidences the transfer of funds or credit, or refuse
40 to enter into any contract for the exchange of goods or services, on
41 the ground that it does not contain such a discriminatory provision
42 or certification.

43 The provisions of this subsection shall not apply to any letter of
44 credit, contract, or other document which contains any provision
45 pertaining to employee-employer collective bargaining, a labor
46 dispute or an unfair labor practice, or made in connection with the
47 protest of unlawful discrimination or an unlawful employment
48 practice, if the other provisions of such letter of credit, contract, or

1 other document do not otherwise violate the provisions of this
2 subsection.

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

7 (1) Buying from, selling to, leasing from or to, licensing,
8 contracting with, trading with, providing goods, services, or
9 information to, or otherwise doing business with any person
10 because that person does, or agrees or attempts to do, any such act
11 or any act prohibited by this subsection; or

12 (2) Boycotting, commercially blacklisting or refusing to buy
13 from, sell to, lease from or to, license, contract with, provide goods,
14 services or information to, or otherwise do business with any person
15 because that person has not done or refuses to do any such act or
16 any act prohibited by this subsection; provided that this subsection
17 shall not prohibit refusals or other actions either pertaining to
18 employee-employer collective bargaining, labor disputes, or unfair
19 labor practices, or made or taken in connection with a protest of
20 unlawful discrimination or unlawful employment practices.

21 o. For any multiple listing service, real estate brokers'
22 organization or other service, organization or facility related to the
23 business of selling or renting dwellings to deny any person access
24 to or membership or participation in such organization, or to
25 discriminate against such person in the terms or conditions of such
26 access, membership, or participation, on account of race, creed,
27 color, national origin, ancestry, age, marital status, civil union
28 status, domestic partnership status, familial status, pregnancy or
29 breastfeeding, sex, gender identity or expression, affectional or
30 sexual orientation, disability, liability for service in the Armed
31 Forces of the United States or nationality.

32 p. Nothing in the provisions of this section shall affect the
33 ability of an employer to require employees and interns to adhere to
34 reasonable workplace appearance, grooming and dress standards not
35 precluded by other provisions of State or federal law, except that an
36 employer shall allow an employee or intern to appear, groom and
37 dress consistent with the employee's or intern's gender identity or
38 expression.

39 q. (1) For any employer to impose upon a person as a condition
40 of obtaining or retaining employment or internship, including
41 opportunities for promotion, advancement or transfers, any terms or
42 conditions that would require a person to violate or forego a
43 sincerely held religious practice or religious observance, including
44 but not limited to the observance of any particular day or days or
45 any portion thereof as a Sabbath or other holy day in accordance
46 with the requirements of the religion or religious belief, unless,
47 after engaging in a bona fide effort, the employer demonstrates that
48 it is unable to reasonably accommodate the employee's or intern's

1 religious observance or practice without undue hardship on the
2 conduct of the employer's business. Notwithstanding any other
3 provision of law to the contrary, an employee shall not be entitled
4 to premium wages or premium benefits for work performed during
5 hours to which those premium wages or premium benefits would
6 ordinarily be applicable, if the employee is working during those
7 hours only as an accommodation to his religious requirements.
8 Nothing in this subsection q. shall be construed as reducing:

9 (a) The number of the hours worked by the employee which are
10 counted towards the accruing of seniority, pension or other benefits;
11 or

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

14 (2) For an employer to refuse to permit an employee or intern to
15 utilize leave, as provided for in this subsection q., which is solely
16 used to accommodate the employee's or intern's sincerely held
17 religious observance or practice. Except where it would cause an
18 employer to incur an undue hardship, no person shall be required to
19 remain at his place of employment or internship during any day or
20 days or portion thereof that, as a requirement of his religion, he
21 observes as his Sabbath or other holy day, including a reasonable
22 time prior and subsequent thereto for travel between his place of
23 employment or internship and his home; provided that any such
24 absence from work shall, wherever practicable in the reasonable
25 judgment of the employer, be made up by an equivalent amount of
26 time and work at some other mutually convenient time, or shall, if
27 applicable, be charged against any leave with pay ordinarily
28 granted, other than sick leave, and any such absence not so made up
29 or charged, may be treated by the employer of that person as leave
30 taken without pay.

31 (3) (a) For purposes of this subsection q., "undue hardship"
32 means an accommodation requiring unreasonable expense or
33 difficulty, unreasonable interference with the safe or efficient
34 operation of the workplace or a violation of a bona fide seniority
35 system or a violation of any provision of a bona fide collective
36 bargaining agreement.

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

39 (i) The identifiable cost of the accommodation, including the
40 costs of loss of productivity and of retaining or hiring employees or
41 transferring employees from one facility to another, in relation to
42 the size and operating cost of the employer.

43 (ii) The number of individuals who will need the particular
44 accommodation for a sincerely held religious observance or
45 practice.

46 (iii) For an employer with multiple facilities, the degree to
47 which the geographic separateness or administrative or fiscal

1 relationship of the facilities will make the accommodation more
2 difficult or expensive.

3 (c) An accommodation shall be considered to constitute an
4 undue hardship if it will result in the inability of an employee or
5 intern to perform the essential functions of the position in which he
6 or she is employed or engaged as an intern.

7 (d) (i) The provisions of this subsection q. shall be applicable
8 only to reasonable accommodations of religious observances and
9 shall not supersede any definition of undue hardship or standards
10 for reasonable accommodation of the disabilities of employees or
11 interns.

12 (ii) This subsection q. shall not apply where the uniform
13 application of terms and conditions of attendance to employees or
14 interns is essential to prevent undue hardship to the employer. The
15 burden of proof regarding the applicability of this subparagraph (d)
16 shall be upon the employer.

17 r. For any employer to take reprisals against any employee or
18 intern for requesting from , discussing with, or disclosing to, any
19 other employee or former employee or any other intern or former
20 intern, of the employer, a lawyer from whom the employee seeks
21 legal advice, or any government agency information regarding the
22 job title, occupational category, and rate of compensation, including
23 benefits, of the employee or any other employee or former
24 employee of the employer, or the gender, race, ethnicity, military
25 status, or national origin of the employee or any other employee or
26 former employee, or any intern or former intern, of the employer,
27 regardless of whether the request was responded to , or to require,
28 as a condition of employment, any employee or prospective
29 employee to sign a waiver, or to otherwise require an employee or
30 prospective employee or intern or prospective intern to agree, not to
31 make those requests or disclosures. Nothing in this subsection shall
32 be construed to require an employee or intern to disclose such
33 information about the employee or intern herself to any other
34 employee or former employee or intern or former intern of the
35 employer or to any authorized representative **【**of the other
36 employee or former employee**】** thereof.

37 s. For an employer to treat, for employment-related or
38 internship related purposes, a woman employee or intern that the
39 employer knows, or should know, is affected by pregnancy or
40 breastfeeding in a manner less favorable than the treatment of other
41 persons not affected by pregnancy or breastfeeding but similar in
42 their ability or inability to work. In addition, an employer of an
43 employee or intern who is a woman affected by pregnancy shall
44 make available to the employee or intern reasonable
45 accommodation in the workplace, such as bathroom breaks, breaks
46 for increased water intake, periodic rest, assistance with manual
47 labor, job restructuring or modified work schedules, and temporary
48 transfers to less strenuous or hazardous work, for needs related to

1 the pregnancy when the employee or intern, based on the advice of
2 her physician, requests the accommodation, and, in the case of a
3 employee breast feeding her infant child, the accommodation shall
4 include reasonable break time each day to the employee and a
5 suitable room or other location with privacy, other than a toilet stall,
6 in close proximity to the work area for the employee to express
7 breast milk for the child, unless the employer can demonstrate that
8 providing the accommodation would be an undue hardship on the
9 business operations of the employer. The employer shall not in any
10 way penalize the employee or intern in terms, conditions or
11 privileges of employment or internship for requesting or using the
12 accommodation. Workplace accommodation provided pursuant to
13 this subsection and paid or unpaid leave provided to an employee
14 or intern affected by pregnancy or breastfeeding shall not be
15 provided in a manner less favorable than accommodations or leave
16 provided to other employees or interns not affected by pregnancy or
17 breastfeeding but similar in their ability or inability to work. This
18 subsection shall not be construed as otherwise increasing or
19 decreasing any employee's or intern's rights under law to paid or
20 unpaid leave in connection with pregnancy or breastfeeding.

21 For the purposes of this section "pregnancy or breastfeeding"
22 means pregnancy, childbirth, and breast feeding or expressing milk
23 for breastfeeding, or medical conditions related to pregnancy,
24 childbirth, or breastfeeding, including recovery from childbirth.

25 For the purposes of this subsection, in determining whether an
26 accommodation would impose undue hardship on the operation of
27 an employer's business, the factors to be considered include: the
28 overall size of the employer's business with respect to the number
29 of employees and interns, number and type of facilities, and size of
30 budget; the type of the employer's operations, including the
31 composition and structure of the employer's workforce; the nature
32 and cost of the accommodation needed, taking into consideration
33 the availability of tax credits, tax deductions, and outside funding;
34 and the extent to which the accommodation would involve waiver
35 of an essential requirement of a job as opposed to a tangential or
36 non-business necessity requirement.

37 t. For an employer to pay any of its employees who is a
38 member of a protected class at a rate of compensation, including
39 benefits, which is less than the rate paid by the employer to
40 employees who are not members of the protected class for
41 substantially similar work, when viewed as a composite of skill,
42 effort and responsibility. An employer who is paying a rate of
43 compensation in violation of this subsection shall not reduce the
44 rate of compensation of any employee in order to comply with this
45 subsection. An employer may pay a different rate of compensation
46 only if the employer demonstrates that the differential is made
47 pursuant to a seniority system, a merit system, or the employer
48 demonstrates:

1 (1) That the differential is based on one or more legitimate, bona
2 fide factors other than the characteristics of members of the
3 protected class, such as training, education or experience, or the
4 quantity or quality of production;

5 (2) That the factor or factors are not based on, and do not
6 perpetuate, a differential in compensation based on sex or any other
7 characteristic of members of a protected class;

8 (3) That each of the factors is applied reasonably;

9 (4) That one or more of the factors account for the entire wage
10 differential; and

11 (5) That the factors are job-related with respect to the position
12 in question and based on a legitimate business necessity. A factor
13 based on business necessity shall not apply if it is demonstrated that
14 there are alternative business practices that would serve the same
15 business purpose without producing the wage differential.

16 Comparisons of wage rates shall be based on wage rates in all of
17 an employer's operations or facilities. For the purposes of this
18 subsection, "member of a protected class" means an employee who
19 has one or more characteristics, including race, creed, color,
20 national origin, nationality, ancestry, age, marital status, civil union
21 status, domestic partnership status, affectional or sexual orientation,
22 genetic information, pregnancy, sex, gender identity or expression,
23 disability or atypical hereditary cellular or blood trait of any
24 individual, or liability for service in the armed forces, for which
25 subsection a. of this section prohibits an employer from refusing to
26 hire or employ or barring or discharging or requiring to retire from
27 employment or discriminating against the individual in
28 compensation or in terms, conditions or privileges of employment.
29 (cf: P.L.2018, c.9, s.2)

30

31 8. Section 1 of P.L.2001, c.385 (C.10:5-12.6) is amended to
32 read as follows:

33 1. No employer, public or private, shall discharge or
34 discriminate against an employee or intern in compensation or in
35 terms, conditions or privileges of employment or internship for
36 displaying the American flag on the employee's or intern's person
37 or work station, provided the display does not substantially and
38 materially interfere with the employee's or intern's job duties. An
39 employer who discharges or discriminates against an employee or
40 intern as described in this section shall be liable to the employee or
41 intern for damages caused by the discharge or discrimination,
42 including punitive damages, and for reasonable attorney's fees as
43 part of the costs of any action for damages. If the court determines
44 that the action for damages was brought without substantial
45 justification, the court may award costs and reasonable attorney's
46 fees to the employer.

47 (cf: P.L.2001, c.385, s.1)

1 9. Section 1 of P.L.1986, c.105 (C.34:19-1) is amended to read
2 as follows:

3 1. This act shall be known and may be cited as the
4 "Conscientious Employee and Intern Protection Act."
5 (cf: P.L.1986, c.105, s.1)
6

7 10. Section 2 of P.L.1986, c.105 (C.34:19-2) is amended to read
8 as follows:

9 2. As used in **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.):

10 a. "Employer" means any individual, partnership, association,
11 corporation or any person or group of persons acting directly or
12 indirectly on behalf of or in the interest of an employer with the
13 employer's consent and shall include all branches of State
14 Government, or the several counties and municipalities thereof, or
15 any other political subdivision of the State, or a school district, or
16 any special district, or any authority, commission, or board or any
17 other agency or instrumentality thereof.

18 b. (1) "Employee" means any individual who performs services
19 for and under the control and direction of an employer for wages or
20 other remuneration.

21 (2) "Intern" means an individual who performs services for an
22 employer on a temporary basis whose work: (a) provides training or
23 supplements training given in an educational environment such that
24 the employability of the individual performing the work may be
25 enhanced; (b) provides experience for the benefit of the individual
26 performing the work; and (c) is performed under the supervision of
27 existing staff. The term "intern" shall include individuals without
28 regard to whether the employer pays them a salary or wage.

29 c. "Public body" means:

30 (1) the United States Congress, and State legislature, or any
31 popularly-elected local governmental body, or any member or
32 employee thereof;

33 (2) any federal, State, or local judiciary, or any member or
34 employee thereof, or any grand or petit jury;

35 (3) any federal, State, or local regulatory, administrative, or
36 public agency or authority, or instrumentality thereof;

37 (4) any federal, State, or local law enforcement agency,
38 prosecutorial office, or police or peace officer;

39 (5) any federal, State or local department of an executive branch
40 of government; or

41 (6) any division, board, bureau, office, committee or
42 commission of any of the public bodies described in the above
43 paragraphs of this subsection.

44 d. "Supervisor" means any individual with an employer's
45 organization who has the authority to direct and control the work
46 performance of the affected employee or intern, who has authority
47 to take corrective action regarding the violation of the law, rule or
48 regulation of which the employee or intern complains, or who has

1 been designated by the employer on the notice required under
2 section 7 of **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.).

3 e. "Retaliatory action" means the discharge, suspension or
4 demotion of an employee or intern, or other adverse employment
5 action taken against an employee or intern in the terms and
6 conditions of the employment or internship.

7 f. "Improper quality of patient care" means, with respect to
8 patient care, any practice, procedure, action or failure to act of an
9 employer that is a health care provider which violates any law or
10 any rule, regulation or declaratory ruling adopted pursuant to law,
11 or any professional code of ethics.

12 (cf: P.L.1997, c.98, s.1)

13
14 11. Section 3 of P.L.1986, c.105 (C.34:19-3) is amended to read
15 as follows:

16 3. An employer shall not take any retaliatory action against an
17 employee or intern because the employee or intern does any of the
18 following:

19 a. Discloses, or threatens to disclose to a supervisor or to a
20 public body an activity, policy or practice of the employer, or
21 another employer, with whom there is a business relationship, that
22 the employee or intern reasonably believes:

23 (1) is in violation of a law, or a rule or regulation promulgated
24 pursuant to law, including any violation involving deception of, or
25 misrepresentation to, any shareholder, investor, client, patient,
26 customer, employee, former employee, intern, former intern, retiree
27 or pensioner of the employer or any governmental entity, or, in the
28 case of an employee or intern who is a licensed or certified health
29 care professional, reasonably believes constitutes improper quality
30 of patient care; or

31 (2) is fraudulent or criminal, including any activity, policy or
32 practice of deception or misrepresentation which the employee or
33 intern reasonably believes may defraud any shareholder, investor,
34 client, patient, customer, employee, former employee, intern,
35 former intern, retiree or pensioner of the employer or any
36 governmental entity;

37 b. Provides information to, or testifies before, any public body
38 conducting an investigation, hearing or inquiry into any violation of
39 law, or a rule or regulation promulgated pursuant to law by the
40 employer, or another employer, with whom there is a business
41 relationship, including any violation involving deception of, or
42 misrepresentation to, any shareholder, investor, client, patient,
43 customer, employee, former employee, intern, former intern, retiree
44 or pensioner of the employer or any governmental entity, or, in the
45 case of an employee or intern who is a licensed or certified health
46 care professional, provides information to, or testifies before, any
47 public body conducting an investigation, hearing or inquiry into the
48 quality of patient care; or

1 c. Objects to, or refuses to participate in any activity, policy or
2 practice which the employee or intern reasonably believes:

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

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

16 (3) is incompatible with a clear mandate of public policy
17 concerning the public health, safety or welfare or protection of the
18 environment.

19 (cf: P.L.2005, c.329, s.1)

20

21 12. Section 4 of P.L.1986, c.105 (C.34:19-4) is amended to read
22 as follows:

23 4. The protection against retaliatory action provided by **[this**
24 **act]** P.L.1986, c.105 (C.34:19-1 et seq.) pertaining to disclosure to
25 a public body shall not apply to an employee or intern who makes a
26 disclosure to a public body unless the employee or intern has
27 brought the activity, policy or practice in violation of a law, or a
28 rule or regulation promulgated pursuant to law to the attention of a
29 supervisor of the employee or intern by written notice and has
30 afforded the employer a reasonable opportunity to correct the
31 activity, policy or practice. Disclosure shall not be required where
32 the employee or intern is reasonably certain that the activity, policy
33 or practice is known to one or more supervisors of the employer or
34 where the employee or intern reasonably fears physical harm as a
35 result of the disclosure provided, however, that the situation is
36 emergency in nature.

37 (cf: P.L.1986, c.105, s.4)

38

39 13. Section 5 of P.L.1986, c.105 (C.34:19-5) is amended to read
40 as follows:

41 5. Upon a violation of any of the provisions of **[this act]**
42 P.L.1986, c.105 (C.34:19-1 et seq.), an aggrieved employee or
43 former employee, or intern or former intern may, within one year,
44 institute a civil action in a court of competent jurisdiction. Upon
45 the application of any party, a jury trial shall be directed to try the
46 validity of any claim under **[this act]** P.L.1986, c.105 (C.34:19-1 et
47 seq.) specified in the suit. All remedies available in common law
48 tort actions shall be available to prevailing plaintiffs. These

1 remedies are in addition to any legal or equitable relief provided by
2 **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.) or any other statute.
3 The court shall also order, where appropriate and to the fullest
4 extent possible:

5 a. An injunction to restrain any violation of **【this act】**
6 P.L.1986, c.105 (C.34:19-1 et seq.) which is continuing at the time
7 that the court issues its order;

8 b. The reinstatement of the employee or intern to the same
9 position held before the retaliatory action, or to an equivalent
10 position;

11 c. The reinstatement of full fringe benefits and seniority rights;

12 d. The compensation for all lost wages, benefits and other
13 remuneration; and

14 e. The payment by the employer of reasonable costs, and
15 attorney's fees.

16 In addition, the court or jury may order: the assessment of a civil
17 fine of not more than \$10,000 for the first violation of **【this act】**
18 P.L.1986, c.105 (C.34:19-1 et seq.) and not more than \$20,000 for
19 each subsequent violation, which shall be paid to the State
20 Treasurer for deposit in the General Fund; punitive damages; or
21 both a civil fine and punitive damages. In determining the amount
22 of punitive damages, the court or jury shall consider not only the
23 amount of compensatory damages awarded to the employee or
24 intern, but also the amount of all damages caused to shareholders,
25 investors, clients, patients, customers, employees, former
26 employees, interns, former interns, retirees or pensioners of the
27 employer, or to the public or any governmental entity, by the
28 activities, policies or practices of the employer which the employee
29 or intern disclosed, threatened to disclose, provided testimony
30 regarding, objected to, or refused to participate in.

31 (cf: P.L.2005, c.329, s.2)

32
33 14. Section 6 of P.L.1986, c.105 (C.34:19-6) is amended to read
34 as follows:

35 6. A court, upon notice of motion in accordance with the Rules
36 Governing the Courts of the State of New Jersey, may also order
37 that reasonable attorneys' fees and court costs be awarded to an
38 employer if the court determines that an action brought by an
39 employee or intern under **【this act】** P.L.1986, c.105 (C.34:19-1 et
40 seq.) was without basis in law or in fact. However, an employee or
41 intern shall not be assessed attorneys' fees under this section if, after
42 exercising reasonable and diligent efforts after filing a suit, the
43 employee or intern files a voluntary dismissal concerning the
44 employer, within a reasonable time after determining that the
45 employer would not be found to be liable for damages.

46 (cf: P.L.1986, c.105, s.6)

1 15. Section 7 of P.L.1986, c.105 (C.34:19-7) is amended to read
2 as follows:

3 7. An employer shall conspicuously display, **【and】** annually
4 distribute to all employees, and distribute to all interns at the time
5 of their initial engagement in an internship, written or electronic
6 notices of its employees' and interns' protections, obligations, rights
7 and procedures under **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.),
8 and use other appropriate means to keep its employees and interns
9 so informed. Each notice posted or distributed pursuant to this
10 section shall be in English, Spanish and at the employer's
11 discretion, any other language spoken by the majority of the
12 employer's employees and interns. The notice shall include the
13 name of the person or persons the employer has designated to
14 receive written notifications pursuant to section 4 of **【this act】**
15 P.L.1986, c.105 (C.34:19-1-4). The Commissioner of Labor and
16 Workforce Development shall make available to employers a text of
17 a notice fulfilling the requirements of this section and provide
18 copies of the notice suitable for display and distribution to any
19 employers who request the copies, charging them as much as is
20 needed to pay the costs of the department. The commissioner shall
21 also provide notices printed in a language other than English and
22 Spanish, at the request of the employer.

23 The requirement that an employer **【annually】** distribute to all
24 employees and interns written notices of the protections,
25 obligations, rights and procedures provided to the employees and
26 interns by the provisions of P.L.1986, c.105 (C.34:19-1 et seq.)
27 shall not apply to any employer who has less than 10 employees and
28 interns.

29 (cf: P.L.2004, c.148, s.1)

30

31 16. Section 8 of P.L.1986, c.105 (C.34:19-8) is amended to read
32 as follows:

33 8. Nothing in **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.)
34 shall be deemed to diminish the rights, privileges, or remedies of
35 any employee or intern under any other federal or State law or
36 regulation or under any collective bargaining agreement or
37 employment contract; except that the institution of an action in
38 accordance with **【this act】** P.L.1986, c.105 (C.34:19-1 et seq.) shall
39 be deemed a waiver of the rights and remedies available under any
40 other contract, collective bargaining agreement, State law, rule or
41 regulation or under the common law.

42 (cf: P.L.1986, c.105, s.8)

43

44 17. Section 1 of P.L.2006, c.53 (C.34:19-9) is amended to read
45 as follows:

46 1. For the purposes of **【this act】** P.L.2006, c.53 (C.34:19-9 et
47 seq.):

1 "Employer" means a person engaged in business who has
2 employees or interns, including the State and any political
3 subdivision or other instrumentality of the State.

4 "Employee" means any person engaged in service to an employer
5 for wages, salary or other compensation.

6 "Intern" means an intern as defined in paragraph (2) of
7 subsection b. of section 2 of P.L.1986, c.105 (C.34:19-2).

8 "Political matters" include political party affiliation and
9 decisions to join or not join or participate in any lawful political,
10 social, or community organization or activity.

11 (cf: P.L.2006, c.53, s.1)

12
13 18. Section 2 of P.L.2006, c.53 (C.34:19-10) is amended to read
14 as follows:

15 2. No employer or employer's agent, representative or designee
16 may, except as provided in section 3 of **【this act】** P.L.2006, c.53
17 (C.34:19-11), require its employees or interns to attend an
18 employer-sponsored meeting or participate in any communications
19 with the employer or its agents or representatives, the purpose of
20 which is to communicate the employer's opinion about religious or
21 political matters.

22 **【This act】** P.L.2006, c.53 (C.34:19-9 et seq.) shall not be
23 construed as prohibiting an employer from permitting its employees
24 or interns to voluntarily attend employer-sponsored meetings or
25 providing other communications to the employees or interns, if the
26 employer notifies the employees or interns that they may refuse to
27 attend the meetings or accept the communications without penalty.
28 (cf: P.L.2006, c.53, s.2)

29
30 19. Section 3 of P.L.2006, c.53 (C.34:19-11) is amended to read
31 as follows:

32 3. a. An employer or its agent, representative or designee may
33 communicate to employees and interns information about religious
34 or political matters that the employer is required by law to
35 communicate, but only to the extent required by law.

36 b. Nothing in **【this act】** P.L.2006, c.53 (C.34:19-9 et seq.) shall
37 prohibit:

38 (1) A religious organization from requiring its employees or
39 interns to attend an employer-sponsored meeting or to participate in
40 any communications with the employer or its agents or
41 representatives, the purpose of which is to communicate the
42 employer's religious beliefs, practices or tenets;

43 (2) A political organization or party from requiring its
44 employees or interns to attend an employer-sponsored meeting or to
45 participate in any communications with the employer or its agents
46 or representatives, the purpose of which is to communicate the
47 employer's political tenets or purposes; or

(3) An educational institution from requiring a student or instructor to attend lectures on political or religious matters that are part of the regular course work at the institution.

(cf: P.L.2006, c.53, s.3)

20. Section 4 of P.L.2006, c.53 (C.34:19-12) is amended to read as follows:

4. No employer or employer's agent, representative or designee shall discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize any employee or intern because the employee or intern, or a person acting on behalf of the employee or intern, makes a good faith report, verbally or in writing, of a violation or suspected violation of **【this act】** P.L.2006, c.53 (C.34:19-9 et seq.).

(cf: P.L.2006, c.53, s.4)

21. Section 5 of P.L.2006, c.53 (C.34:19-13) is amended to read as follows:

5. Any aggrieved employee or intern may enforce the provisions of **【this act】** P.L.2006, c.53 (C.34:19-9 et seq.) by means of a civil action brought no later than ninety days after the date of the alleged violation in a court of competent jurisdiction. The court shall award a prevailing employee or intern all appropriate relief, including any of the following which are applicable to the violation:

a. A restraining order against any continuing violation;

b. The reinstatement of the employee or intern to the employee's or intern's former position or an equivalent position and the reestablishment of any employee benefits and seniority rights;

c. The payment of any lost wages, benefits or other remuneration; and

d. The payment of reasonable attorneys' fees and costs of the action.

In addition, the court may award the prevailing employee or intern punitive damages not greater than treble damages, or an assessment of a civil fine of not more than \$1,000 for a first violation of **【the act】** P.L.2006, c.53 (C.34:19-9 et seq.) and not more than \$5,000 for each subsequent violation, which shall be paid to the State Treasurer for deposit in the General Fund.

(cf: P.L.2006, c.53, s.5)

22. Section 6 of P.L.2006, c.53 (C.34:19-14) is amended to read as follows:

6. Nothing in **【this act】** P.L.2006, c.53 (C.34:19-9 et seq.) shall be construed to limit an employee's or intern's right to bring a common law tort cause of action against an employer, including an action for wrongful termination, or to diminish or impair the rights of a person under any collective bargaining agreement.

(cf: P.L.2006, c.53, s.6)

23. This act shall take effect on the first day of the third month next following enactment, and apply to any violation against an intern occurring on or after the effective date.

STATEMENT

This bill, designated the “New Jersey Intern Protection Act,” provides legal protections and remedies for persons engaged in paid or unpaid internships with employers. It does so by adding interns to the provisions of the “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.), the “Conscientious Employee Protection Act,” P.L.1986, c.105 (C.34:19-1 et seq.), and P.L.2006, c.53 (C.34:19-9 et seq.), sometimes referred to as the Worker Freedom From Employer Intimidation Act.

The bill, for the purposes of all three laws, defines an intern as an individual who performs services for an employer on a temporary basis whose work:

(1) Provides or supplements training given in an educational environment to enhance the individual's employability;

(2) Provides experience for the benefit of the individual; and

(3) Is performed under the supervision of the employer's staff.

The term “intern” includes individuals without regard to whether the employer pays them a salary or wage.

Interns would have recognized and enforceable legal protections from various forms of employer discrimination, retaliatory acts, and intimidation relative to religious and political matters in the workplace, and the State would also have the authority, under the “Law Against Discrimination” P.L.1945, c.169 (C.10.5-1 et seq.), to bring actions against employers. Nothing in the bill would reduce remedies available to the intern under any applicable federal law, other State law, or the common law.