

**STATE OF NEW JERSEY
DEPARTMENT OF CHILDREN AND FAMILIES**

DEPARTMENT POLICY: DCF.P8.10-2007

EFFECTIVE DATE: August 31, 2007

SUBJECT: **Nondiscrimination/Americans with Disabilities Act**

I. PURPOSE

The purpose of this policy is to notify Provider Agencies of prohibitions against discrimination, sexual harassment, third-party harassment; retaliation; Affirmative Action guidelines; and the need for reasonable accommodation for those persons with disabilities who are service consumers, volunteers or employees of entities that provide contracted services to the New Jersey Department of Children and Families.

II. SCOPE

This policy applies to all contracted entities.

III. DEFINITIONS

Minority defines minority persons as those that are categorized and listed in the Glossary of Terms within this policy manual.

Sexual Harassment with or without sexual conduct is defined as unwanted sexual advances, requests for sexual favors, hostile work environment harassment, quid pro quo harassment, and any other verbal or physical contact that is or can be construed of a sexual nature.

Third-Party Harassment is unwelcome behavior involving any of the protected categories as defined in the Law Against Discrimination (N.J.S.A. 10:5-1 et.seq.) that is not directed at an individual but exists in the workplace and interferes with an individual's ability to do the job.

Retaliation is when a complainant or witness is subjected to adverse effects for their involvement in the complaint process.

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IV. POLICY

The State of New Jersey is committed to contracting with vendors that are dedicated to providing services to clients, and work environments for employees and volunteers that are free from discrimination, Sexual Harassment, or Third-Party Harassment. Under this policy, all forms of discrimination/harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, religion, color, national origin/nationality, ancestry, age, gender/sex (including pregnancy), marital/civil union status, familial status, affectional or sexual orientation, gender identity or expression, domestic partnership status, civil union, atypical hereditary cellular or blood trait, genetic information, AIDS and HIV status, disability, (including perceived disability, physical, mental, and/or intellectual disabilities), or liability for service in the Armed Forces of the United States of America.

A. Nondiscrimination

1. The Provider Agency must comply with all applicable federal, State and local laws, rules and regulations, including but not limited to the following: federal Civil Rights Act of 1964 (as amended); Law Against Discrimination (LAD) (N.J.S.A, 10:5-1 et. seq.); and the American Disabilities Act of 1990 (ADA Title I); associated executive orders pertaining to affirmative action and nondiscrimination on public contracts; and the federal Equal Employment Opportunity Act.
2. Provider Agencies must adopt procedures to ensure the resolution of any complaint of discrimination. Such procedures must incorporate appropriate due process standards and provide for a prompt and equitable resolution of the complaint. The procedures must also include provisions for handling acts of retaliation as well as incidences where the complainant knowingly filed false claims of discrimination.
3. Provider Agencies must publicly display a statement notifying applicants for services or employment that they do not discriminate against all listed groups as stated in the LAD. This statement must also be included in all publications and related materials referring to Contract services. To this end, Provider Agencies must use either:
 - a. statement which at a minimum includes assurances of nondiscrimination as noted in Section A above; or

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b. the following model statement:

"This agency does not discriminate against any applicant for services, volunteer or paid employment, nor against any volunteer/employee or recipient of service because of race, creed, religion, color, national origin/nationality, ancestry, age, gender/sex (including pregnancy) marital/civil union status, familial status, affectional or sexual orientation, gender identity or expression, domestic partnership status, atypical hereditary cellular or blood trait, genetic information, AIDS and HIV status, disability (including perceived disability), physical, mental, and/or intellectual disabilities, or liability for service in the Armed Forces of the United States of America. Any complaint of discrimination regarding volunteer or paid employment or the provision of services shall be referred to (Indicate the appropriate Provider Agency person, with title, address and telephone number.)"

B. Persons with Disabilities

1. The Provider Agency must comply with all applicable federal, State and local laws, rules and regulations, including but not limited to the following: Section 504 of the federal Rehabilitation Act of 1973 pertaining to nondiscrimination on the basis of disability and regulations thereunder; and the Americans with Disabilities Act .
2. The Provider Agency must make reasonable accommodation and program access for all individuals with disabilities. This may include steps such as, but not exclusive to: job restructuring, modification of equipment, ancillary aids and services to individuals with disabilities, removal of physical barriers or providing the services by an alternate means or location.
3. Provider agencies should contact the ADA Coordinator within the Departmental Component for further information.

C. Affirmative Action

All entities that contract with the Department must provide Equal Employment Opportunity (EEO) regardless of creed, religion, color, national origin/nationality, ancestry, age, gender/sex (including pregnancy) marital/civil union status, familial status, affectional or sexual orientation, gender identity or expression, domestic partnership status, atypical hereditary cellular or blood trait, genetic information, AIDS and HIV status, disability (including perceived disability, physical, mental, and/or intellectual disabilities), or liability for service in the Armed Forces of the United States of America.

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This policy and mandate includes but is not limited to, recruitment, selection, hiring, training, promotion, transfer, termination, facility accessibility, and reasonable accommodation.

EEO also includes policies, procedures, and programs for the recruitment, retention and promotion of the protected classes as listed in the Law Against Discrimination (N.J.S.A. 10:5-1 et.seq.)

Commissioner