

Local 99 Health & Welfare Fund Legal Services Newsletter

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THE ABC's of EMPLOYMENT DISCRIMINATION Prohibited Practices & Policies

Under the laws enforced by the United States Equal Employment Opportunity Commission [EEOC], it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

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**EMPLOYMENT
DISCRIMINATION
BY TYPE**

Page 2

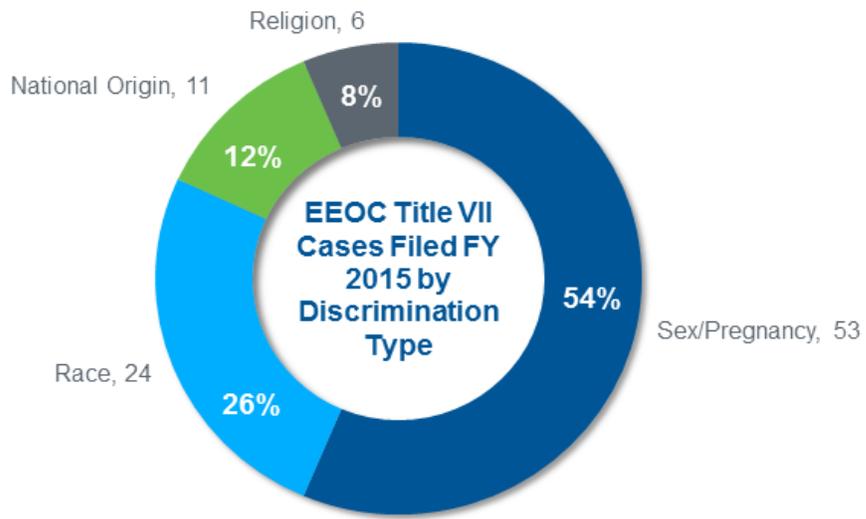
CIVICS QUIZ:

What Movement Tried to
End Racial
Discrimination?

Page 5

**HOW TO FILE AN
EEOC CHARGE OF
DISCRIMINATION**

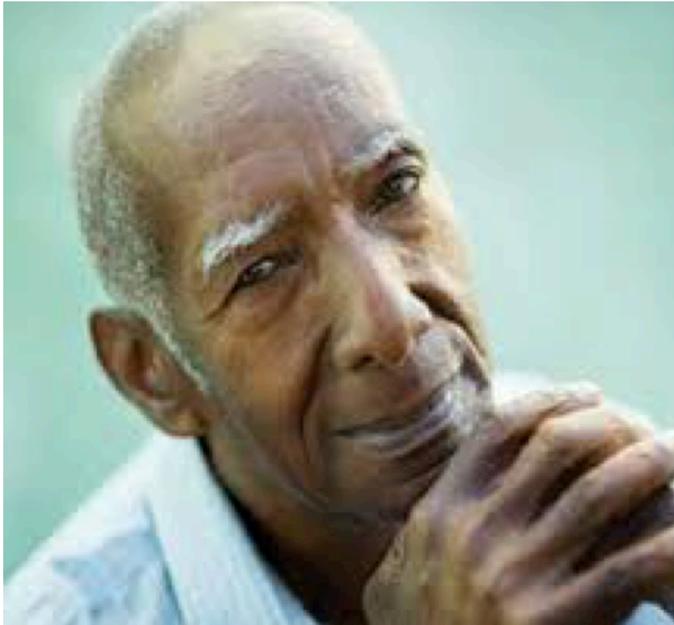
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TYPES OF EMPLOYMENT DISCRIMINATION

AGE



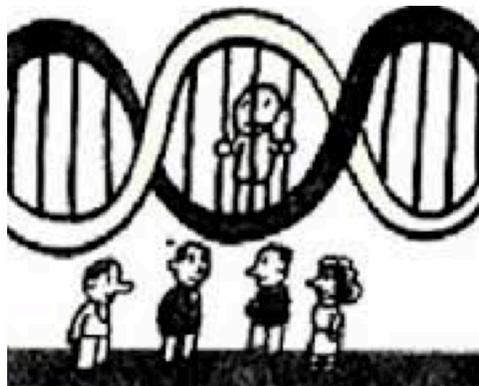
DISABILITY



EQUAL PAY/COMPENSATION



GENETIC INFORMATION



HARASSMENT



RACE/COLOR



RELIGION



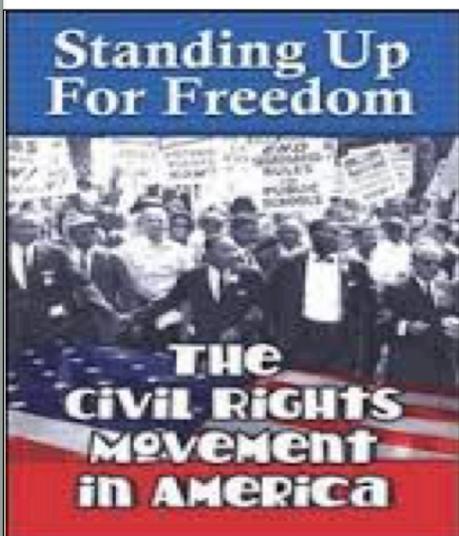
RETALIATION



NATIONAL ORIGIN



PREGNANCY



NATURALIZATION TEST SAMPLE QUESTION:

What movement tried to end racial discrimination?

The Civil Rights Movement

SEXUAL ORIENTATION



SEXUAL HARASSMENT



The law forbids discrimination in every aspect of employment. An employer cannot use neutral employment practices and policies that have a larger negative effect on applicants or employees of a particular race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), or national origin, or on an individual with a disability or class of individuals with disabilities unless those practices or policies are job-related and necessary to the operation of the business. This is also true for applicants or employees age 40 or older if the policies or practices are not based on a reasonable factor other than age.

A discussion of some common prohibited employment policies and practices follows:

JOB ADVERTISEMENTS

It is illegal for an employer to publish a job ad that shows a preference for or discourages someone from applying for a job because of his or her race, color, religion, sex, national origin, age of 40 or more, disability or genetic information. For example, a help-wanted ad that seeks “females” or “recent college graduates” may discourage men and people over 40 from applying in violation of the law.

RECRUITMENT

It is also illegal for an employer to recruit new employees in a way that discriminates against them because of their race, color, religion, sex, national origin, age 40 or more, disability or genetic information. For example, an employer’s reliance on word-of-



mouth recruitment by its mostly Hispanic work force may violate the law if the result is that almost all new hires are Hispanic.

APPLICATION & HIRING

It is illegal for an employer to discriminate against a job applicant because of the prohibited reasons. For example, an employer may not refuse to give employment applications to people of a certain race.

An employer may not base hiring decisions on stereotypes and assumptions about a person based on the prohibited categories.

If an employer requires job applicants to take a test, the test must be necessary and related to the job and the employer may not exclude people of a particular prohibited category. The test must be based on a reasonable factor other than age.

Finally, if a job applicant needs an accommodation (such as a sign language interpreter) to apply for a job, the employer is required to provide the accommodation, so long as the accommodation does not cause the employer significant difficulty or expense.



BACKGROUND CHECKS

As a general rule, the information obtained and requested through the pre-employment process should be limited to those essential for determining if a person is qualified for the job.

Information regarding race, color, sex, national origin, age, and religion are irrelevant in such determinations but are not explicitly forbidden by the law. If asked, these questions must clearly relate to and be justified by some business purpose. Suspect questions about organizations, clubs, societies, and lodges of which an applicant may be a member or any other questions that may indicated the applicant's race, sex, national origin, disability status, age, religion, color or ancestry should be avoided.

Employers should not ask for a photograph of an applicant. If needed for ID purposes, a photo may be obtained after an offer of employment is made and accepted.

Employers are explicitly prohibited from making pre-offer inquiries about disability.

JOB ASSIGNMENTS & PROMOTIONS

It is not legal for an employer to make decisions about job assignments and promotions based on those characteristics prohibited by the law. For instance, preference cannot be given to an employee of a certain race when making shift assignments and an employer may not segregate employees of a particular national origin from other employees or from customers.

Assignment and promotion decisions may not be based on stereotypes and assumptions.



PAY AND BENEFITS

Discrimination in the payment of wages or employee benefits on the basis of an employee's characteristics is illegal. An employer may not pay Hispanic workers less than African-American workers because of their national origin. Men and women in the same workplace must be given equal pay for equal work.

DISCIPLINE AND DISCHARGE

If two employees commit a similar offense, an employer may not discipline them differently because of their personal attributes.

An employer may not lay off the oldest worker because of their age in a layoff situation. Nor may an employer discriminate when deciding which workers to recall after a layoff.

REASONABLE ACCOMMODATION AND DISABILITY

The law requires that an employer provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer. A collectively bargained agreement may also affect an employer's obligation to provide reasonable accommodation.

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STOP WORKPLACE DISCRIMINATION

A reasonable accommodation is any change in the workplace (or in the ways things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. Reasonable accommodation might include, for example, providing a ramp for a wheelchair user or providing a reader or interpreter for a blind or deaf employee or applicant.

The law also requires an employer to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause difficulty or expense for the employer. This means an employer may have to make reasonable adjustments at work that will allow the employee to practice his or her religion, such as allowing an employee to voluntarily swap shifts with a co-worker so that s/he can attend religious services.

TRAINING & APPRENTICESHIP PROGRAMS

It is illegal for a training or apprenticeship program to discriminate on the bases of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. For example, an employer may not deny training opportunities to Muslim employees because of their national origin.

HARASSMENT

It is illegal to harass an employee because of their personal attributes or because they have complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Harassment can take the form of slurs, graffiti, offensive or derogatory comments, or other verbal or physical conduct. Sexual harassment, which can take the form of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature, is also unlawful. Although the law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal if it is so frequent or severe that it creates a hostile or offensive work environment or if it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Harassment can occur outside the workplace if there is a link to the workplace, i.e. an employee while driving another employee to a meeting.

HOW TO FILE A CHARGE OF EMPLOYER DISCRIMINATION

If you believe you have been discriminated against by an employer because of your race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information, or believe that you have been discriminated against because you opposed a prohibited practice of your employer, or for participating in an EEOC matter, then you may file a charge of discrimination with the US Equal Employment Opportunity Commission. In fact, with the exception of an equal pay claim, you **must** file a charge of discrimination with the EEOC before a private employment lawsuit may be filed in court. If your state has an agency that also enforces laws prohibiting employment discrimination, you may also have to file a charge with that agency.

There are strict time limits for filing a charge with the EEOC. Generally, you have 6 months to file the charge. To protect your legal rights, it is always best to contact the EEOC promptly when discrimination is suspected.

Your charge may be filed at the EEOC office closest to where you live but the EEOC office closest to where the alleged discrimination occurred will investigate the charge.

The EEOC offers an online assessment tool that can help you decide if the EEOC is the correct agency to assist you. Google “EEOC assessment tool” to find the website.

The online assessment is not the same as filing a charge, which can only be done in person or by mail. The Newark field office is located at TWO Gateway Center, Suite 1703, 283-299 Market Street in Newark, New Jersey. The telephone number is 1-800-669-4000.

Call before going to the office to confirm office hours and to learn what information you should bring with you.

Within 10 days after your charge is filed you will receive a case number. A notice will be sent to your employer about the charge. You and your employer may be asked to participate in a mediation program. The mediator will try to help you both reach a voluntary settlement.

If no settlement is reached through mediation, the employer will be asked to answer questions about your claim. Then the case will be sent to an investigator. You will be notified that your case has been dismissed if the EEOC does not handle your type of case; if you waited too long to file the charge; or if the EEOC does not believe there is discrimination involved. If your case is not dismissed, then there will be an investigation that takes, on average, 6 months to complete.

If the EEOC does not find a violation of the law after an investigation, you will receive a “Notice-of-Right-to-Sue” letter. You may then file a case in court. If the EEOC does find a violation, the employer will be offered a settlement. If the employer will not settle, then the EEOC may file a lawsuit on your behalf.

For additional information, Google “EEOC” or contact the Local 99 Health & Welfare Legal Services Program office at (973) 735-6464.



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TERMS & CONDITIONS OF EMPLOYMENT

An employer may not discriminate when making any employment decision because of a person's personal attributes. This includes decision about hiring, firing, promotions, and pay. It also means decisions about granting breaks, approving leave, assigning work stations, or setting any other term or condition of employment, however small.



DRESS CODE

While an employer may require all workers to follow a uniform dress code, even if it conflicts some workers' ethnic beliefs or practices, a dress code must not treat some employees less favorably because of their national origin. A dress code that prohibits certain kinds of ethnic dress, such as traditional African or East Indian attire, but otherwise permits casual dress would treat some employees less favorably because of their national origin.

However, if the dress code conflicts with an employee's religious practices or presents a problem due to an employee's disability, and the employee requests an accommodation, the employer must modify the dress code or permit an exception; unless the change would result in undue hardship to the employer.

FORCED TO RESIGN

It is illegal for an employer to make the work environment so intolerable that a reasonable person would not be able to continue to work there.





New Jersey Voter Registration Application

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Please print clearly in ink. All information is required unless marked optional.

1 Check boxes that apply: <input type="checkbox"/> New Registration <input type="checkbox"/> Address Change <input type="checkbox"/> Political Party Affiliation or Non-affiliation Change <input type="checkbox"/> Name Change <input type="checkbox"/> Signature Update				FOR OFFICIAL USE ONLY Clerk Registration # Office Time Stamp		
2 Are you a U.S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No (If No, DO NOT complete this form)		Will you be 18 years of age by the next election? <input type="checkbox"/> Yes <input type="checkbox"/> No (If No, DO NOT complete this form)				
3 Last Name		First Name	Middle Name or Initial			Suffix (Jr., Sr., III)
4 Date of Birth						
5 NJ Driver's License Number or MVC Non-driver ID Number _____ <input type="checkbox"/> "I swear or affirm that I DO NOT have a NJ Driver's License, MVC Non-driver ID or a Social Security Number."				If you DO NOT have a NJ Driver's License or MVC Non-Driver ID, provide the last 4 digits of your Social Security Number. _____		
6 Home Address (DO NOT use PO Box)		Apt.	Municipality	County	State	Zip Code
7 Mailing Address if different from above		Apt.	Municipality	County	State	Zip Code
8 Last Address Registered to Vote (DO NOT use PO Box)		Apt.	Municipality	County	State	Zip Code
9 Former Name if Making Name Change		a. Day Phone Number (Optional) _____ b. E-Mail Address (Optional) _____				
10 Do you wish to declare a political party affiliation? <input type="checkbox"/> Yes, the party name is _____ (Optional) <input type="checkbox"/> No, I do not wish to be affiliated with any political party.						
11 Gender <input type="checkbox"/> Female <input type="checkbox"/> Male		Declaration - I swear or affirm that: <input checked="" type="checkbox"/> I am a U.S. Citizen <input checked="" type="checkbox"/> I live at the above address <input checked="" type="checkbox"/> I will be at least 18 years old on or before the next election		<input checked="" type="checkbox"/> I will have resided in the State and county at least 30 days before the next election <input checked="" type="checkbox"/> I am not on parole, probation or serving a sentence due to a conviction for an indictable offense under any federal or state laws		<input checked="" type="checkbox"/> I understand that any false or fraudulent registration may subject me to a fine of up to \$15,000, imprisonment up to 5 years, or both pursuant to R.S. 19:34-1
Signature: Sign or mark and date on lines below x _____ Date _____				If applicant is unable to complete this form, print the name and address of individual who completed this form. Name _____ Date _____ Address _____		

Important Instructions for sections 5, 6 and 10

5) Registrants who are submitting this form by mail and are registering to vote for the first time: If you do not have any of the information required by section 5, or the information you provide cannot be verified, you will be asked to provide a COPY of a current and valid photo ID, or a document with your name and current address on it to avoid having to provide identification at the polling place.

Note: ID Numbers are Confidential and will not be released by any governmental agency. Any person who uses such numbers illegally shall be subject to criminal penalties.

6) If you are homeless, you may complete section 6 by providing a contact point or the location where you spend most of your time.

10) You may declare a political affiliation or you may declare to be unaffiliated, regardless of any prior party affiliation. Completing section 10 is OPTIONAL and will not affect the acceptance of your voter registration application.

Need More Information? Check boxes below if you would like to receive more information about:

voting by mail
 becoming a poll worker

polling place accessibility
 voting if you have a disability, including visual impairment

available election materials in this alternative language:

For further information visit Elections.NJ.gov or call toll-free 1-877-NJVOTER (1-877-658-6837)



New Jersey Voter Registration Information

You can register to vote if:

- You are a United States citizen
- You will be 18 years of age by the next election
- You will be a resident of the State and county 30 days before the election
- You are **NOT** currently serving a sentence, probation or parole because of a felony conviction

Registration Deadline: 21 days before an election

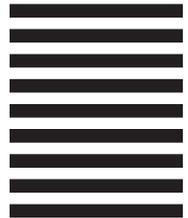
Your County Commissioner of Registration will notify you if your application is accepted.
If it is not accepted, you will be notified on how to complete and/or correct the application.

Questions? visit Elections.NJ.gov or call toll-free 1-877-NJVOTER (1-877-658-6837)

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NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 206 TRENTON NJ

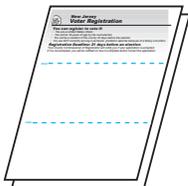
POSTAGE WILL BE PAID BY ADDRESSEE

DIVISION OF ELECTIONS
PO BOX 304
TRENTON NJ 08625-9983

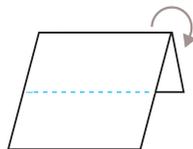


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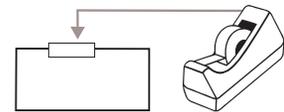
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together as shown



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2 fold bottom up



3 Tape top shut

HERE TAP **3**



Nueva Jersey

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Solicitud de Inscripción de Votantes

Escriba claramente con tinta. Se requiere toda la información a menos que esté marcada como opcional.

Formulario de inscripción de votantes con secciones 1-11 y campos para firma y dirección.

Instrucciones importantes para las secciones 5, 6 y 10

- 5) A los votantes que presenten este formulario por correo...
6) Si usted no tiene domicilio fijo...
10) Puede declarar una afiliación política o puede declarar no estar afiliado...

¿Necesita más información? Marque las casillas a continuación si desea recibir más información acerca de:

- votar por correo, trabajar en los lugares de votación, accesibilidad del lugar de votación, votar si tiene alguna discapacidad, materiales electorales disponibles en este otro idioma.

Para obtener más información visite Elections.NJ.gov o llame a la línea gratis 1-877-NJVOTER (1-877-658-6837)

NJ Division of Elections - 6/22/12



Nueva Jersey Información de Inscripción de Votantes

Usted puede inscribirse para votar si:

- Es ciudadano de los Estados Unidos.
- Va a tener 18 años de edad para la próxima elección.
- Va a ser residente del Estado y del condado 30 días antes de la elección.
- NO está actualmente cumpliendo una condena, bajo fianza ni ha sido condenado por un delito mayor.

Plazo de inscripción: 21 días antes de una elección

El Comisionado del Condado de Inscripción le notificará si se acepta su solicitud.

Si no se acepta, se le notificará cómo completarla y/o corregirla.

¿Tiene alguna pregunta? Visite Elections.NJ.gov o llame a la línea gratis 1-877-NJVOTER (1-877-658-6837)

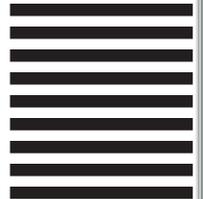
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NECESSARY
IF MAILED
IN THE
UNITED STATES

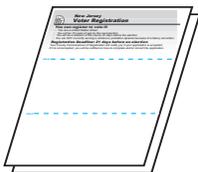
BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 206 TRENTON NJ
POSTAGE WILL BE PAID BY ADDRESSEE

DIVISION OF ELECTIONS
PO BOX 304
TRENTON NJ 08625-9983

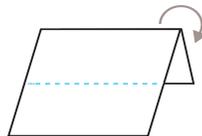


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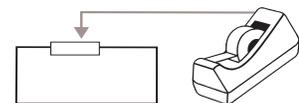
Poner ambas páginas
junto como se muestra



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3 Tape top shut

3 CINTA AQUI

Local 99 Legal Services Program

The Local 99 Health & Welfare Fund established the Legal Services Program in 1999 to assist its participants in the protection of their personal legal rights and to deal with and avoid legal problems.

The Legal Services Program provides and advice and consultation for specific types of legal problems under **NEW JERSEY** law only. No representation in legal proceedings is available.

Participants are entitled to meet without charge with an attorney to review documents. A single attorney letter or telephone call is included. Complementary wills and powers of attorney are also provided.

HOW TO CONTACT US:

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