

LEGAL DEFINITIONS¹

AFFECTIONAL OR SEXUAL ORIENTATION²

Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, having a history thereof or being perceived, presumed or identified by others as having such an orientation.

- Heterosexuality means affectional, emotional or physical attraction or behavior which is primarily directed towards persons of the other gender;
- Homosexuality means affectional, emotional or physical attraction or behavior which is primarily directed towards persons of the same gender;
- Bisexuality means affectional, emotional or physical attraction or behavior which is directed towards persons of either gender.

AGE An individual's years of age, which for purposes of New Jersey law, can be anyone 18 years of age or over.

ANCESTRY and ETHNICITY

Refers to a person's ethnic origin or descent, heritage or place of birth of a person's parents or ancestors before their arrival in the United States.

ATYPICAL HEREDITARY CELLULAR OR BLOOD TRAIT

The sickle cell trait, hemoglobin C trait, thalassemia trait, TaySachs trait, or cystic fibrosis trait.

CIVIL UNION STATUS³

The legally recognized union of two eligible individuals of the same sex. Parties to a civil union shall receive the same benefits and protections and be subject to the same responsibilities as spouses in a marriage.

COLOR Discrimination which occurs when individuals are treated differently than others who are similarly situated, because of the color of their skin. This kind of discrimination can occur in conjunction with race discrimination or it can occur in the absence of race discrimination

¹ All Legal Definitions have been taken from the New Jersey Department of Personnel, Division of Equal Employment Opportunity & Affirmative Action's Standard Operating Procedures, dated January 2003, unless otherwise noted.

² New Jersey Law Against Discrimination, N.J.S.A. 10:5-5(hh)

³ New Jersey P.L. 2006, c.103

when members of the same race are treated differently because of their skin color.

DISABILITY

Physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

DOMESTIC PARTNERSHIP STATUS⁴

Two persons of the same sex or two persons who are each 62 years of age or older and not of the same sex, who have registered as domestic partners pursuant to P.L. 2003, c. 246. All persons in domestic partnerships are entitled to certain rights and benefits that are accorded to married couples under the laws of New Jersey, including statutory protection through the Law Against Discrimination against various forms of discrimination based on domestic partnership status, such as employment, housing and credit discrimination; visitation rights for a hospitalized domestic partner and the right to make medical or legal decisions for an incapacitated partner; and an additional exemption from the personal income tax and the transfer inheritance tax on the same basis as a spouse.

FAMILIAL STATUS

Being the natural parent of a child, the adoptive parent of a child, the foster parent of a child, having a "parent and child relationship" with a child as defined by state law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child, or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

⁴ NJ Domestic Partnership Act, P.L. 2003, c.246

GENDER IDENTITY or EXPRESSION⁵

Having or perceived as having a gender related identity or expression whether or not stereotypically associated with a person’s assigned sex at birth.

GENETIC INFORMATION

The information about genes, gene products, or inherited characteristics that may derive from an individual or family member.

LIABILITY FOR SERVICE IN THE ARMED FORCES OF THE UNITED STATES

Subject to being ordered as an individual or member of an organized unit into active service in the Armed Forces of the United States by reason of membership in the National Guard, Naval Militia, or a reserve component of the Armed Forces of the United States, or subject to being inducted into such armed forces through a system of national selective service.

NATIONAL ORIGIN and NATIONALITY

The country of an individual’s birth.

RELIGION and CREED

All aspects of religious observance, practice and belief or non-belief.

SEX/GENDER

The classification of an individual as male or female.

MARITAL STATUS

The legal status of being married, single, separated, divorced or widowed.

RACE

An individual’s classification into one of the following categories⁶:

- White not of Hispanic Origin means persons having origins in any of the original peoples of Europe, North Africa, or the Middle East;
- Black not of Hispanic Origin means persons having origins in any of the Black racial groups of Africa;
- Hispanic means persons of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish culture or origin, regardless of race;
- American Indian or Alaskan Native means persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition; and

⁵ N.J.S.A. 10:5-5(gg)

⁶ N.J.A.C. 4A:7-1.1(d)

- Asian or Pacific Islander means persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.

HOSTILE WORK ENVIRONMENT

A situation in which complained-of conduct alters the conditions of employment and creates an abusive environment. A hostile environment may be created for an employee even if the harassing conduct was not directed to that employee. That is, if an employee's co-worker is the target, the environment may nonetheless be abusive to others who are indirectly exposed. Hostile work environment must be linked to a protected category as set forth in the policy. For example, discriminatory conduct which occurred because of the victim's sex, including hostile work environment and sexual harassment. This means the offensive conduct would not have occurred otherwise but for his or her gender.

RETALIATION

An adverse action taken against a person because he/she filed an allegation of discrimination/harassment or participated in a discrimination complaint investigation.

SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (i) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (ii) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

THIRD PARTY HARASSMENT

Unwelcome behavior involving any of the protected categories that is not directed at an individual but exists in the workplace and interferes with an individual's ability to do his or her job.

ZERO TOLERANCE

The New Jersey State Policy Prohibiting Discrimination in the Workplace is a zero tolerance policy which means that the State

and its agencies reserve the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.