



NEW JERSEY LEGISLATURE

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April 16, 2019

Christopher Myers, Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Dear Mr. Myers:

The rule changes to the State Policy and Procedures Prohibiting Discrimination in the Workplace being proposed by the Civil Service Commission would in fact make it harder for survivors to report harassment and assault. Specifically, the proposed language would change the confidentiality clause from a "may" result in disciplinary action or termination to a "will" result in disciplinary action or termination.

*"Failure to comply with this confidentiality directive [may] **will** result in administrative and/or disciplinary action, up to and including termination of employment."*

This proposed change would in effect silence survivors who work for the State who report harassment or assault. It would prevent them from discussing their situation in or out of the office. It would prevent them from telling a friend or talking to another survivor. And most incredibly in light of recent events, it would mean that a survivor who reports harassment or assault in a situation where the accused party remains employed, the survivor would be barred from warning his or her colleagues, or discussing the abuse at all.

When the Legislature adopted a new Anti-Discrimination and Anti-Harassment policy in September 2018, we worked very hard to strike a balance between protecting the privacy of all parties involved in the process while ensuring that the policy's provisions would not have a chilling effect on those coming forward with complaints and on potential witnesses cooperating with an investigation.

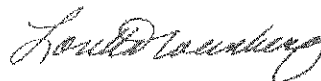
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This proposed change would also fly in the face of Senate bill 121, which Governor Murphy signed into law in March 2019, which prevents New Jersey employers from entering into non-disclosure agreements with accusers, thus preventing accusers from ever revealing the details of harassment or discrimination claims, including the amount of money paid to settle the matter. The entire purpose of this law is to prevent the use of a policy that keeps workplace disputes under wraps and masks the pervasiveness of sexual harassment in the workplace – these proposed changes would completely undo this.

These proposed changes are an affront to survivors everywhere. Instead of building from the lessons learned over the past several years throughout the nation and right here in New Jersey, the administration has chosen to pursue a policy that would punish survivors for speaking out. Accordingly, I urge you to reject these proposed changes to the State's policy Prohibiting Discrimination in the Workplace.

In place of the Civil Service Commission's current recommendations, I urge the adoption of language consistent with the Legislature's policy. Specifically, that someone who believes that they have been the subject of discrimination or harassment be encouraged to report the issue promptly, that investigation promptly determine if any interim steps must be taken, and that confidentiality be maintained to the extent possible throughout the investigatory process and that to ensure the protection of the complainant, his or her consent is obtained prior to the release of information related to the incident or its investigation.

Sincerely,



Loretta Weinberg
Senate Majority Leader