

## 10 MYTHS (& TRUTHS) ABOUT THE N.J. DIVISION ON CIVIL RIGHTS (DCR)

by J. Frank Vespa-Papaleo, Esq.  
Director, New Jersey Division on Civil Rights

---

**MYTH 1:** A private business is not subject to the NJ Law Against Discrimination (LAD).

**TRUTH:** The LAD applies to **all** employers in New Jersey, with very limited exceptions, such as the federal government. (This is different than under federal law, which limits its jurisdictions based on the number of employees.)

---

**MYTH 2:** DCR only investigates and prosecutes private businesses.

**TRUTH:** Half of all DCR investigations are against state, county or municipal government agencies, or local boards of education.

---

**MYTH 3:** DCR investigators only review documents provided by the parties and investigators do not interview employer witnesses.

**TRUTH:** Our teams conduct thousands of field visits and interviews of witnesses who are named by the employer or employee or discovered independently by our investigators.

---

**MYTH 4:** DCR investigations can take a long time—even several years—to complete.

**TRUTH:** In 2002, the average age of a DCR case was 778 days (2 years, 7 months). Today, the average age of a case is only **299 days**, a reduction of 479 days or 1 year and 10 months from the previous time.

---

**MYTH 5:** DCR cases are “small”, involving only low monetary awards or settlements.

**TRUTH:** In the past four years alone, DCR awarded and collected **more than \$16 million** for Complainants, with individual settlements reaching hundreds of thousands of dollars. For example, in a recent case, the Division settled a matter with a school district for more than \$400,000. DCR seeks reimbursement for attorney fees and other expenses in all cases where the Director is a Complainant or otherwise intervenes. Additionally, penalties of up to \$50,000 may be awarded for each violation.

---

---

**MYTH 6:** DCR decisions are made without input from the public.

**TRUTH:** *DCR investigations require communication with both employees and employers. DCR's regulations are drafted **only** after extensive opportunities for public comment, as required by law. Our Employer Advisory Committee and other outreach and training sessions permit the agency to obtain useful feedback directly from tens of thousands of people annually. Finally, DCR receives nearly 20,000 phone, email, website and in-person inquiries annually, from people in nearly every county and municipality.*

---

**MYTH 7:** The agency's process is confusing and takes a long time to work.

**TRUTH:** *DCR's policies and procedures have been dramatically improved and are now available on-line at no cost, at [www.NJCivilRights.org](http://www.NJCivilRights.org). This can make an interaction with our agency quicker and easier. Today, most investigations are completed within 299 days from the date the cases are filed with the agency—and nearly 25% are completed within 100 days of the date filed.*

---

**MYTH 8:** DCR only handles cases filed by private individuals.

**TRUTH:** *There is now a substantial docket of Director-Initiated-Complaints filed monthly, and the Director now intervenes in all cases where a Finding of Probable Cause is issued. In 2002 the Director was a party in only 3 complaints. Today, for example, the DCR Director is a party in approximately 300 matters annually, in order to ensure protection of the underlying public policies contained in the New Jersey Law Against Discrimination and Family Leave Act.*

---

**MYTH 9:** The agency only investigates employment discrimination disputes.

**TRUTH:** *In addition to employment discrimination matters (which are decreasing), DCR investigates and prosecutes discrimination in housing, public accommodations and contracts. In fact, the number of employment cases has dropped from 90% of DCR's new cases in 2002 to 73% in 2006, with a substantial increase in cases alleging discrimination in housing and public accommodations.*

---

**MYTH 10:** If a person's discrimination claim fails, the employer is "off the hook".

**TRUTH:** *It is not uncommon for a complainant's underlying substantive discrimination claim (race, sex, age, etc) to fail, but still lead to a probable cause finding to be issued by DCR for retaliation or reprisal by the employer.*

---