

Right to be Free of Gender Inequity or Bias in Pay, Compensation, Benefits or Other Terms and Conditions of Employment

New Jersey and federal laws prohibit employers from discriminating against an individual with respect to his/her pay, compensation, benefits, or terms, conditions or privileges of employment because of the individual's sex.

FEDERAL LAW

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on, among other things, an individual's sex. Title VII claims must be filed with the United States Equal Employment Opportunity Commission (EEOC) before they can be brought in court. Remedies under Title VII may include an order restraining unlawful discrimination, back pay, and compensatory and punitive damages.

The Equal Pay Act of 1963 (EPA) prohibits discrimination in compensation based on sex. EPA claims can be filed either with the EEOC or directly with the court. Remedies under the EPA may include the amount of the salary or wages due from the employer, plus an additional equal amount as liquidated damages.

Please be mindful that in order for a disparity in compensation based on sex to be actionable under the EPA, it must be for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

There are strict time limits for filing charges of employment discrimination. For further information, contact the EEOC at 800-669-4000 or at www.eeoc.gov.

NEW JERSEY LAW

The New Jersey Law Against Discrimination (LAD) prohibits employment discrimination based on, among other things, an individual's sex. LAD claims can be filed with the New Jersey Division on Civil Rights (NJDCR) or directly in court. Remedies under the LAD may include an order restraining unlawful discrimination, back pay, and compensatory and punitive damages.

Another State law, N.J.S.A. 34:11-56.1 et seq., prohibits discrimination in the rate or method of payment of wages to an employee because of his or her sex. Claims under this wage discrimination law may be filed with the New Jersey Department of Labor and Workforce Development (NJDLWD) or directly in court. Remedies under this law may include the full amount of the salary or wages owed, plus an additional equal amount as liquidated damages.

Please be mindful that under the State wage discrimination law a differential in pay between employees based on a reasonable factor or factors other than sex shall not constitute discrimination.

There are strict time limits for filing charges of employment discrimination. For more information regarding LAD claims, contact the NJDCR at 609-292-4605 or at www.njcivilrights.gov. For information concerning N.J.S.A. 34:11-56.1 et seq., contact the Division of Wage and Hour Compliance within the NJDLWD at 609-292-2305 or at <http://lwd.state.nj.us>.

This notice must be conspicuously displayed.



[Name of School or Parish, or RCAN, as appropriate]
Whistleblower Policy

1. Introduction

[Name of School or Parish, or RCAN, as appropriate] is committed to complying with state statutory requirements that provide appropriate protections for its employees who are whistleblowers. Therefore, [Name of School or Parish, or RCAN, as appropriate] establishes this "Whistleblower Policy" pursuant to New Jersey's Conscientious Employee Protection Act (N.J.S.A. 34:19-1, et seq.).

II. Purpose

The purpose of the Whistleblower Policy is to define whistleblowing in the context of this policy, set forth the steps to be taken by employees making whistleblower complaints and delineate the steps that shall be taken by [Name of School or Parish, or RCAN, as appropriate] to protect employees engaged in whistleblowing, and to establish a procedure for making whistleblowing disclosures.

III. Whistleblower Protection and Definition

In accordance with New Jersey's Conscientious Employee Protection Act, [Name of School or Parish, or RCAN, as appropriate] shall take no retaliatory action against an employee because the employee does any of the following:

- A. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer (or other employer with whom there is a business relationship), that the employee reasonably believes:
 - 1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any person, business or governmental entity, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care; or
 - 2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any person, business or governmental entity;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer (or other employer with whom there is a business relationship), including any violation involving deception of, or misrepresentation to, any person, business or

governmental entity, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into the quality of patient care; or

- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
 - 1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any person, business or governmental entity, or, in the case the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - 2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any person, business or governmental entity; or
 - 3. is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

IV. Procedures for Making Disclosures

- A. Except as otherwise provided for herein, an employee shall make a written disclosure to his or her supervisor or the person designated to receive whistleblower complaints. The contact information for the person designated to receive whistleblower complaints is:

Name:
Address:
E-mail:
Telephone No.:

A written disclosure should include as much specific, factual information as possible to allow for proper assessment of the nature, extent, and urgency of the matter that is the subject of the disclosure.

- B. In cases where the supervisor is contacted by an employee making a disclosure, he or she shall immediately notify the person designated to receive whistleblower complaints.
- C. A confidential investigation will be promptly conducted. At the conclusion of the investigation, appropriate action will be taken where the allegations are verified and/or otherwise substantiated.

V. Written Notice Required Under Certain Circumstances

The protection against retaliatory action shall not apply to an employee who makes a disclosure to any public body unless the employee has first brought the matter to the attention of a supervisor or the person designated to receive whistleblower complaints and has afforded [Name of School or Parish, or RCAN, as appropriate] a reasonable opportunity to correct the matter. In an emergency situation, this requirement of written notice to a supervisor or person designated to receive whistleblower complaints shall be waived when the employee is reasonably certain that the matter is known to one or more supervisors at [Name of School or Parish, or RCAN, as appropriate] or when the employee reasonably fears physical harm as a result of the disclosure.

VI. Distribution and Posting of Notices

[Name of School or Parish, or RCAN, as appropriate] shall post this policy on its web page and include it in any faculty or employee handbook, if applicable. [Name of School or Parish, or RCAN, as appropriate] shall also conspicuously display notices of its employees' protections, obligations, rights and procedures under the Whistleblower Act, shall annually distribute written or electronic notices to all employees, and shall use other appropriate means to keep its employees informed of protection afforded under New Jersey to whistleblowers. Each notice posted or distributed pursuant to this section shall be in English and Spanish. The notices shall include the name of the person that the [Name of School or Parish, or RCAN, as appropriate] has designated to receive written whistleblower notification pursuant to this policy.

[Date]