

FACT SHEET

Visual Impairment and Discrimination: Your Rights Under the New Jersey Law Against Discrimination

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What Does NJ Law Say about Discrimination Due to Visual Impairment?

The New Jersey Law Against Discrimination (LAD) makes it unlawful for employers, housing providers, or the owner, operator or employee of a place of public accommodation to discriminate against people with disabilities. If you are treated differently or harassed because of your visual impairment, you have the legal right to do something about it.

You may not:

- Be denied a job or promotion because of your visual impairment
- Be treated differently or harassed because of your visual impairment
- Be denied a reasonable accommodation in a place of employment, public accommodation, or housing.

There are some exceptions to the state's anti-discrimination law. They are explained in this fact sheet.

What Does This Mean To You?

Employment

Employers are required to give every applicant an equal chance at being hired for a job, regardless of their disabilities. During employment, an employer must make reasonable accommodations to an employee's disability to allow the person to perform the functions of the job.

Examples of reasonable accommodations are acquiring or modifying equipment, qualified readers, Brailled materials or large type documents job restructuring, modified work schedules, job reassignment.

Housing

Anyone selling, renting, leasing or showing real property (e.g. a house, apartment, condo, co-op, etc.) may not discriminate against any person because they are visually impaired. This means that they cannot change the price, or terms or conditions of sale, rental or lease because a person has a visual impairment.

What's more, if reasonable modifications to the living quarters are necessary to allow the person with the visual impairment to fully enjoy the premises, then these must be permitted. However, the cost of these modifications is the responsibility of the person with the visual impairment.

Public Accommodations

Public accommodations are places, individuals, or entities that offer goods & services to the general public. Some examples of public accommodations are public schools, movie theaters, stores, restaurants, camps, child care facilities, doctors' and lawyers' offices, and hospitals.

Places such as these which are open to the public may not treat a person with a disability less favorably than others, such as refusing to admit a student to a school or after school program because he or she has a visual impairment, or charging a different price for a service.

Additionally, the LAD requires places of public accommodation to take reasonable steps to make sure that a person with a visual impairment can enjoy the goods, services and facilities that are available to everyone else.

Such accommodations are *required*, however, the accommodation only has to be *reasonable*.

- Providing a reasonable accommodation means that doing so will not cause the provider *undue hardship*.
- *Undue hardship* means, for example, that the accommodation is very costly to buy, operate or maintain, or if it changes the nature of business.

What is the Difference Between the NJ LAD and the Federal ADA for People with a Visual Impairment?

Visual impairment is protected as a disability under the LAD.

The LAD covers more people than the federal Americans with Disabilities Act (ADA). The ADA protects people with a permanent or long-term disability, which substantially limits one or more major life activities. The LAD,

however, also protects people with certain temporary disabilities.

The LAD covers those who have had a disability in the past, people who are expected to develop a disability in the future, as well as those who are perceived to have a disability. In other words, if someone does not have a certain disability but they are subjected to discrimination by people who mistakenly believe that they do have a disability, the LAD also protects them.

Exceptions to the LAD

- The LAD does not apply to the terms or conditions of a pension or insurance plan, or other employee benefit programs.
- The LAD does not apply to educational facilities operated or maintained by bona fide religious or sectarian institutions. However, a child-care or after-school program that accepts state or federal funding is required to comply with anti-discrimination laws even if the program is operated or maintained by a bona fide religious or sectarian institution.
- The LAD does not apply to private clubs where membership is not open to the general public.

Are Schools Required to Provide Braille Reading Materials or Other Accommodations?

According to New Jersey law, schools are considered public accommodations, and therefore must fulfill reasonable requests to help visually impaired students learn. There is, however, no clear-cut answer for what is reasonable for a school to provide for a visually impaired student. The Division on Civil Rights recommends that you consult with the school directly and also speak with the NJ Commission for the Blind and Visually Impaired. It is the position of the Division on Civil Rights that

generally, public schools should provide Braille machines and other assistive technology to students who are blind or visually impaired.

Examples of Reasonable Accommodations Under the LAD

Qualified readers, Brailled materials and versions of books, books and materials on audio cassettes, large print materials and/or other specialized equipment or devices.

Of course, all public accommodations are required to allow for service animals and may not refuse service to an individual because they are accompanied by a service animal.

What Can I Do?

If you believe that you have been the victim of unlawful discrimination, please visit or phone us at the NJ Division on Civil Rights office closest to where you live or where the discrimination occurred. Our addresses and phone numbers are at the end of this fact sheet. Our services are free.

When you come to us, an initial evaluation will determine if your claim is covered under the law. If it is, the Division will then conduct an investigation into your allegations. If the investigation shows enough evidence to support your complaint, and your complaint cannot be settled, a hearing will be held in the Office of Administrative Law.

The Division is only able to investigate your complaint if it is filed within 180 days of the last act of alleged discrimination.

You may also have the right to file a lawsuit under the LAD in state Superior Court, with or without the assistance of an attorney. A Superior Court action must be filed within two years from the act of discrimination.

It is against the law for anyone to retaliate against you because you have complained to us.

For more information, contact the office nearest your work or home or visit us at our Web site at www.NJCivilRights.org.

Contact Information

Atlantic City

26 Pennsylvania Avenue, 3rd Floor
Atlantic City, NJ 08401

(609) 441-3100 (Phone)
(609) 441-3578 (Fax)
(609) 441-7648 (TTY)

Camden

One Port Center
2 Riverside Drive, Suite 402, 4th Floor
Camden, NJ 08103

(856) 614-2550 (Phone)
(856) 614-2568 (Fax)
(856) 614-2574 (TTY)

Jersey City

Housing Resource Center
574 Newark Avenue
Jersey City, NJ 07306
Every Wednesday, Walk-in Office Only

Newark

31 Clinton Street, 3rd Floor / P.O. Box 46001
Newark, NJ 07102

(973) 648-2700 (Phone)
(973) 648-4405 (Fax)
(973) 648-4678 (TTY)

Paterson

100 Hamilton Plaza, 8th Floor
Paterson, NJ 07501

(973) 977-4500 (Phone)
(973) 977-4511 (Fax)
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Trenton

140 East Front Street, 6th Floor / P.O. Box 090
Trenton, NJ 08625-0090

(609) 292-4605 (Phone)
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