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THE COMMISSIONER**Disability Discrimination Grievance Procedure****Proposed New Rules: N.J.A.C. 5B:5**

Authorized By: Vincent Solomano, Commissioner, Department of Veterans Affairs.

Authority: 42 U.S.C. § 12101 et seq.; 28 CFR 35.107; and P.L. 2025, c. 139.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2026-061.

Submit written comments by December 18, 2026, to:

Ms. Victoria Dearden, Director
Fiscal and Administrative Services Division
New Jersey Department of Veterans Affairs
PO Box 340
Trenton, NJ 08625-0340
or electronically at: victoria.dearden@dva.nj.gov

The agency proposal follows:

AGENCY NOTE

The Department of Military and Veterans' Affairs proposed and adopted existing N.J.A.C. 5A:7 effective December 6, 1993. See 25 N.J.R. 1317(a) and 1338(a); 2472(a). The chapter was originally proposed and adopted as part of a larger concerted State effort intended to adopt a grievance procedure for the resolution by each agency of complaints regarding compliance with the Americans with Disabilities Act (ADA).

Effective January 9, 2026, the Department of Military and Veterans' Affairs was divided into the Department of Military Affairs (DMA) and the Department of Veterans Affairs (Department), pursuant to N.J.S.A. 38A:21-1 et seq. As a result of this legislation, existing N.J.A.C. 5A:7 is being proposed as new rules in Title 5B by the Commissioner of the Department (while existing N.J.A.C. 5A:7 will remain as it is currently codified). As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Summary

The proposed new rules establish a procedure for State agencies to follow when someone wishes to complain that the agency has done something that violates the Americans with Disabilities Act, also known as the ADA, 42 U.S.C. §§ 12101 et seq. The ADA prohibits a public entity, including the State agencies proposing to adopt these rules, from discriminating against a qualified individual with a disability, or from excluding that person from participation in, or denying the person the benefits of, the services, programs, or activities of the agency. Regulations of the United States Department (at 28 CFR Part 35) require that such governmental agencies maintain and publish a procedure to be followed when someone wishes to complain of a violation of the law. Through this procedure, anyone, including an employee or applicant for employment, who believes he or she has been discriminated against in any program, and, if appropriate, to investigate the grievance. These rules set a 45-day objective for the completion of the inquiry by the agency and the issuance of a written determination by the head of the agency, or a designee; the rules also set a 20-day limit following the incident complained of in which the individual may file the grievance. The rules also identify by title, with address and telephone number, the EEO Officer of the agency who will be the person to receive the grievances in the first instance. These rules will also include a form for filing a grievance and a Notice of ADA Procedure, a copy of which will be made available to interested persons.

Social Impact

As the injustice of discrimination continues to be visited upon the disabled members of our society solely on account of their disabilities (as of the original publication by DMA in 1993), Congress passed the ADA, which attacks that injustice on many fronts and with many methods. One of these fronts is public entities and one of the methods is the requirement that such public entities undertake an examination of complaints that they

have violated the substantive provisions of the ADA. Persons with disabilities are sometimes excluded from the programs, services, or activities of government agencies out of ignorance on the part of the non-disabled and sometimes out of the lack of an available established mechanism whereby those barriers to participation or enjoyment of benefits can be removed. This proposed grievance procedure will provide the disabled one means to correct such lingering discrimination and to eliminate persisting barriers. The procedure will also assist State agencies to eliminate such discrimination by bringing to the agency's attention instances where such discrimination continues to exist and providing the agency the necessary insight and opportunity to correct them. Both the society at large, the government in particular, and the disabled individuals will benefit from the enactment of these activities of the New Jersey State government and are made available in a nondiscriminatory manner, thus, the remediation of discriminatory conditions will be facilitated quickly and without the cumbersome and sometimes counterproductive formalities of other methods of complaint resolution.

Economic Impact

Although the proposed grievance procedure will result in some minor additional expense to the agency, the result of the inquiries and investigations precipitated by the use of the procedure may have significant economic impacts, both as additional expenses are incurred by the agency in remediating instances of discrimination or eliminating barriers, and as the resulting nondiscriminatory access to the agency's programs, services, and activities results in additional gains for the disabled that have economic value to them.

Federal Standards Statement

The proposed new rules incorporate but do not exceed the ADA, therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed new rules will not result in the creation or loss of jobs in the State.

Agriculture Industry Impact

The proposed new rules will have no impact upon the agriculture industry in the State.

Regulatory Flexibility Analysis

The proposed new rules impose no requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Requirements are imposed on State agencies and persons complaining that an agency has failed to comply with the ADA must provide certain information in their complaint. A regulatory flexibility analysis is, therefore, not required.

The Department has provided no differing standards for small businesses because it believes the requirements to be minimal and not excessively burdensome. Moreover, uniform application of the requirements is necessary to ensure uniformity and consistency in the treatment of veterans and the maintenance of accurate records.

Housing Affordability Impact Analysis

The proposed new rules will have no impact on the affordability of housing in New Jersey and will not evoke a change in the average costs associated with housing because the rules set forth requirements on State agencies and persons complaining that an agency has failed to comply with the ADA.

Smart Growth Development Impact Analysis

The proposed new rules set forth rules pertaining to State agencies and persons complaining that an agency has failed to comply with the ADA. The proposed new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or

parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposed new rules follows:

CHAPTER 5

DISABILITY DISCRIMINATION GRIEVANCE PROCEDURE

SUBCHAPTER 1. DEFINITIONS

5B:5-1.1 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“ADA” means the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq.

“Agency” means the New Jersey Department of Veterans Affairs.

“Designated decision maker” means the Commissioner of the Agency, or his or her designee.

SUBCHAPTER 2. GENERAL PROVISIONS

5B:5-2.1 Purpose

(a) This chapter is adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 CFR 35.107.

(b) The purpose of this chapter is to establish a designated coordinator whose duties shall include ensuring that the Agency complies with and carries out its responsibilities pursuant to the ADA. Those duties shall also include the investigation of any complaint filed with the Agency pursuant to N.J.A.C. 5B:5-4.

5B:5-2.2 Required ADA notice

In addition to any other advice, assistance, or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the Agency’s compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the Agency.

AGENCY NOTICE OF ADA PROCEDURE

The Agency has adopted an internal grievance procedure providing for prompt and equitable resolution of grievances alleging any action prohibited by the U.S. Department of Justice regulations implementing Title 11 of the Americans with Disabilities Act. Title 11 states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination” in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found in the New Jersey Administrative Code, N.J.A.C. 5B:5-1. As those rules indicate, grievances should be addressed to the Agency’s designated EEO Officer, who has been designated to coordinate ADA compliance efforts, at the following address:

EEO Officer
New Jersey Department of Veterans’ Affairs
PO Box 340
Trenton, New Jersey 08625-0340

1. A grievance may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated EEO Officer. In cases of employment-related grievances, the procedures established by the Civil Service Commission, N.J.A.C. 4A:7 will be followed, where applicable.

2. A grievance should be filed promptly within 30 days after the grievant becomes aware of the alleged violation. (Processing of allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, will follow the filing of a grievance. The investigation will be conducted by the Agency’s designated EEO Officer. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.

4. In most cases, a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant no later than 45 days after its filing.

5. The EEO Officer will maintain the files and records of the Agency relating to the grievances filed.

6. The right of a person to a prompt and equitable resolution of the grievance filed pursuant to this chapter will not be impaired by the person’s pursuit of other remedies, such as the filing of an ADA grievance with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. This chapter will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

SUBCHAPTER 3. DESIGNATED EEO OFFICER

5B:5-3.1 Designated EEO Officer

(a) The designated coordinator of ADA compliance and complaint investigation for the Agency is:

EEO Officer
New Jersey Department of Veterans Affairs
PO Box 340
Trenton, New Jersey 08625

(b) All inquiries regarding the Agency’s compliance with the ADA and the availability of an accommodation that would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the Agency should be directed to the designated coordinator identified at (a) above.

(c) All grievances alleging that the Agency has failed to comply with, or has acted in a way that is prohibited by, the ADA should be directed to the designated EEO Officer identified in this section, in accordance with the procedures set forth at N.J.A.C. 5B:5-4.

SUBCHAPTER 4. ADA GRIEVANCE PROCEDURE

5B:5-4.1 Grievance procedure

A grievance alleging that the Agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally, to the designated EEO Officer identified at N.J.A.C. 5B:5-3.1 within 30 days of the grievant becoming aware of the alleged violation. A grievance alleging employment discrimination will be processed pursuant to the rules of the Civil Service Commission, N.J.A.C. 4A:7, if those rules are applicable.

5B:5-4.2 Grievance contents

(a) A grievance submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 5B:5-4.3.

(b) A grievance submitted pursuant to this subchapter shall include the following information:

1. The name of the grievant and/or any alternate contact person designated by the grievant to receive communication or provide information for the grievant;

2. The address and telephone number of the grievant or alternate contact person; and

3. A description of the manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses, if appropriate.

5B:5-4.3 Grievance form

The following form may be utilized for the submission of a grievance pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date: _____
Name of grievant: _____
Address of grievant: _____
Telephone number of grievant: _____

Name, address, and telephone
number of alternate contact
person: _____

Agency alleged to have denied
access: _____
Department: _____
Division: _____
Bureau or office: _____
Location: _____
Incident or barrier: _____

Please describe the particular way in which you believe you have been denied the benefits of any service, program, or activity or have otherwise been subject to discrimination. Please specify dates, times, and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses, and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

A copy of the above form may be obtained by contacting the designated EEO Officer identified at N.J.A.C. 5B:5-3.1.

5B:5-4.4 Investigation

(a) Upon receipt of a grievance submitted pursuant to this subchapter, the designated EEO Officer will notify the grievant of the receipt of the grievance and the initiation of an investigation into the matter. The designated EEO Officer will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the grievance unless a later date is agreed to by the grievant.

(b) Upon completion of the investigation, the designated EEO Officer shall prepare a report for review by the designated decision maker for the Agency. The designated decision maker shall render a written decision within 45 days of receipt of the grievance, if practicable, or unless a later date is agreed to by the grievant, which decision shall be transmitted to the grievant and/or the alternate contact person if so designated by the grievant.

(a)

THE COMMISSIONER

DIVISION OF VETERANS SERVICES

Veterans' and Disabled Veterans' Preference and Designation of Veterans' Status for Pension Purposes

Proposed New Rules: N.J.A.C. 5B:7

Authorized By: Vincent Solomeno, Commissioner, Department of Veterans Affairs.

Authority: N.J.S.A. 11A:5-1.1, 18A:66-2.2, and 43:15A-6.1; and P.L. 2000, c. 127, P.L. 2000, c. 146, P.L. 2001, c. 127, P.L. 2003, c. 197, P.L. 2007, c. 11, and P.L. 2025, c. 139.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2026-062.

Submit written comments by December 18, 2026, to:

Ms. Victoria Dearden, Director
Fiscal and Administrative Services Division
New Jersey Department of Veterans Affairs
PO Box 340
Trenton, NJ 08625-0340
or electronically at: victoria.dearden@dva.nj.gov

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5A:9, which was promulgated by the Department of Military and Veterans' Affairs, expired on December 12, 2020. Effective January 9, 2026, the Department of Military and Veterans' Affairs was divided into the Department of Military Affairs and the Department of Veterans Affairs (Department), pursuant to N.J.S.A. 38A:21-1 et seq. As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

The expired rules are proposed herein as new rules with changes related to the promulgation of the rules by the Department, including updating cross-references, agency names, addresses, and technical changes (to update standard Office of Administrative Law standards). Other changes are discussed in the description of each subchapter below.

State, local, and municipal administrators' understanding of veterans' preference is within the context of selection and placement of candidates for employment. However, veterans' preference impacts local property taxes along with the State-administered pensions and educational benefits.

Veterans' preference in the areas of selection and placement within the State and local civil service system is the most familiar. Eligible veterans who pass open competitive examinations are placed at the top of the rosters in the order of disabled veterans and veterans. This is known as the absolute preference. This benefit is also available to surviving spouses or spouses whose eligible veteran is unable to work. With regard to promotional examinations (for those who are already employees of State, county, or municipality), there is no distinction between disabled veterans and other veterans; names appear in order of score, with ties going to veterans. When a veteran is the highest ranking, first-interested eligible, a non-veteran may not be appointed unless there is cause to remove the veteran. In layoff situations, veterans' preference acts as the first tie-breaker when State seniority is equal.

Veterans' preference in New Jersey's State-administered retirement system allows a veteran to purchase an additional five years of qualifying military service. In addition, veteran members of the Public Employee's Retirement System (PERS) and the Teachers' Pension and Annuity Fund (TPAF) can retire with an annual pension benefit equal to one-half the salary on which pension contributions were made in any consecutive 12-month period that provides the largest benefit to the member. In TPAF, qualifying veterans who are 55 or older, with more than 25 years of service, may retire at the one-half salary provision. Also, TPAF-qualifying veterans may retire at age 60 or older with 20 years of service. In PERS, eligible veterans who are 62 or older with 20 years or more service may retire at the one-half salary provision. Through both systems, eligible veterans may retire at age 60 or older with 35 or more years of service computed on the last year's salary.

Following is a summary of the proposed new rules:

N.J.A.C. 5B:7-1.1 sets forth the purpose and scope of the chapter.

N.J.A.C. 5B:7-1.2 sets forth the service requirements for veterans' preference and veterans' status for pension purposes.

N.J.A.C. 5B:7-1.3 sets forth the requirements for disabled veterans' preference.

N.J.A.C. 5B:7-1.4 sets forth the application requirements for determination as a veteran or disabled veteran pursuant to N.J.S.A. 11A:5-1 et seq., for Civil Service Commission purposes and for designation of veterans' status for pension purposes pursuant to the various pension funds.