

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2886

STATE OF NEW JERSEY

DATED: MARCH 14, 2022

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2886.

As reported by the committee, Assembly Bill No. 2886 establishes employment protections for paid first responders who are diagnosed with certain cases of work-related post-traumatic stress disorder (PTSD).

Under the bill, an employer would be prohibited from discharging, harassing, or otherwise discriminating against an employee, or threatening to do so, with respect to the compensation, terms, conditions, duties, or privileges of employment on the basis that the employee took or requested any leave related to a qualifying diagnosis of PTSD. Under the bill, a PTSD diagnosis qualifies if it is made by a licensed physician or licensed mental health professional and, as determined by the practitioner, the post-traumatic stress disorder arose:

(1) as a direct result of the employee experiencing or witnessing a traumatic event during and within the scope of the performance of regular or assigned duties of the employee; or

(2) due to vicarious trauma experienced by the employee as a direct result of the performance of regular or assigned duties of the employee.

The bill provides that if an employer violates its provisions, an employee or former employee would be authorized to institute a civil action in the Superior Court for relief. All remedies available in common law tort actions would be available to a prevailing plaintiff. Additionally, the bill provides that a court would be authorized to order any or all of the following relief:

(1) an assessment of a civil fine of \$5,000 and \$10,000 for each subsequent violation;

(2) an injunction to restrain the continued violation of any of the provisions of the bill;

(3) reinstatement of the employee to the same position or to a position equivalent to that which the employee held prior to unlawful discharge or retaliatory action;

(4) reinstatement of full fringe benefits and seniority rights;

(5) compensation for any lost wages, benefits and other remuneration;

(6) payment of reasonable costs and attorney's fees.

The bill defines a “first responder” to include a law enforcement officer, paid firefighter, or paid member of a duly incorporated first aid, emergency, ambulance, or rescue squad association.

“Law enforcement officer” is defined in the bill as a person employed as a permanent full-time member of any federal, State, county or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State or of the United States and statutorily required to successfully complete a training course approved by the Police Training Commission or certified by the commission as being substantially equivalent to an approved course.