

ASSEMBLY, No. 3951

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:

Assemblyman BRIAN BERGEN

District 25 (Morris and Somerset)

SYNOPSIS

Provides civil immunity for employer for damages arising from employee's injury or death related to exposure to coronavirus disease 2019 ("COVID-19") during public health emergency and state of emergency declared by Governor in Executive Order 103 of 2020.

CURRENT VERSION OF TEXT

As introduced.



A3951 BERGEN

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1 AN ACT concerning immunity for employers for certain injuries or
2 death incurred during public health emergency and state of
3 emergency declared by the Governor in Executive Order 103 of
4 2020.

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6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

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9 1. a. As used in this act:

10 "Employer" means a person, firm, corporation, partnership, or
11 sole proprietor, or any other entity that is actively engaged in a
12 business, industry, profession, trade, or other enterprise in New
13 Jersey, whether for profit or not for profit. "Employer" includes
14 "public employer."

15 "Public employer" means the State of New Jersey and any
16 county, municipality, school district, or other political subdivision
17 thereof, and any agency, authority, or instrumentality of the
18 foregoing.

19 b. Notwithstanding the provisions of any law, rule, or
20 regulation to the contrary, an employer shall not be liable to an
21 employee for civil damages for injury or death related to an act or
22 omission by the employer that allegedly resulted in the employee's
23 exposure to coronavirus disease 2019 ("COVID-19") during the
24 public health emergency and state of emergency declared by the
25 Governor in Executive Order 103 of 2020. The immunity granted
26 pursuant to this act shall not apply to acts or omissions constituting
27 gross negligence, recklessness, or willful misconduct.

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29 2. This act shall take effect immediately and shall expire upon
30 rescission of Executive Order No. 103 of 2020 by the Governor.

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STATEMENT

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34 This bill would provide civil immunity for employers for
35 damages arising from an employee's injury or death related to
36 exposure to coronavirus disease 2019 ("COVID-19") during the
37 public health emergency and state of emergency declared by the
38 Governor in Executive Order 103 of 2020.

39 The bill provides that, notwithstanding the provisions of any law,
40 rule, or regulation to the contrary, an employer would not be liable
41 to an employee for civil damages for injury or death related to an
42 act or omission by the employer that allegedly resulted in the
43 employee's exposure to coronavirus disease 2019 ("COVID-19")
44 during the public health emergency and state of emergency declared
45 by the Governor in Executive Order 103 of 2020. The immunity
46 granted pursuant to the bill would not apply to acts or omissions
47 constituting gross negligence, recklessness, or willful misconduct.