

SENATE BILL NO. 2351

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Senate Bill No. 2351 without my approval.

This bill would prohibit an employer from terminating, dismissing, or suspending an employee who fails to report to work because the employee is serving as an emergency medical responder during a state of emergency. In order for an employee to obtain the job protections outlined in the bill, the employee would be required to provide their employer with at least an hour's notice and, upon returning to employment, documentation demonstrating that the employee was engaged in, and necessary for, the rendering of emergency medical services. Although the bill would apply broadly to all employers, it specifically would prohibit law enforcement and fire departments from limiting the ability of first responders to serve as medical responders during an emergency.

I commend the bill's sponsors for their efforts to ensure that our emergency medical responders are not jeopardizing other employment when they are called upon to serve their communities. Our emergency medical responders are on the frontlines of the State's COVID-19 response. When they are needed in times of crisis, they should have full confidence that they will not be fired or penalized because of their time away from work.

Importantly, current law already provides protections for volunteer emergency responders during states of emergency. P.L.2009, c.202 prohibits an employer from terminating, dismissing or suspending an employee for failing to report to work because the employee is serving as a volunteer emergency responder during

a state of emergency declared by the President or the Governor, or because the employee is actively engaged in responding to an emergency alarm. The law's protections extend to active members of a volunteer fire company, volunteers of a first aid, rescue or ambulance squad, and members of any county or municipal volunteer Office of Emergency Management whose duties include responding to a fire or emergency call. The law contains notice and documentation requirements identical to those outlined in Senate Bill No. 2351.

This bill expands upon the employment protections outlined in P.L.2009, c.202 in two ways. First, it would extend the job protections to paid members of a first aid, rescue, or ambulance squad. While I do not necessarily object to expanding the job protections in current law to cover paid emergency medical responders, I am concerned that the bill, which would create a new section of law rather than amending P.L.2009, c.202, could cause confusion and potentially undermine the existing job protections for volunteer responders.

The second change to current law would prohibit a law enforcement agency or fire department from limiting the ability of any law enforcement officer or paid or volunteer firefighter to serve as an emergency medical responder during a declared state of emergency. I share the sponsors' concern for ensuring a robust emergency medical response during times of crisis. When ambulance and rescue squads are not fully staffed, response times increase, and medical care suffers.

While I commend the sponsors' efforts to preserve the ranks of emergency medical responders, I do not agree with the bill's premise that medical first responders are more essential in an

emergency than police and fire first responders. The COVID-19 pandemic has placed unprecedented stress on all of New Jersey's first responders. While this bill would support the staffing levels of emergency medical responders, it would do so at the expense of law enforcement and fire departments. The work ranks of police and corrections have been ravaged by the COVID-19 virus. I am particularly concerned about how this bill could exacerbate staffing shortages that may result if New Jersey is hit by a second wave of the virus in the fall or winter. Moreover, because the bill is not limited to the COVID-19 emergency, I am concerned about the unintended consequences it could have on the State's ability to effectively respond to the unique challenges and circumstances presented by future public health emergencies and states of emergency.

Accordingly, I herewith return Senate Bill No. 2351 without my approval.

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor