

SENATE, No. 2998

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senator Singleton

SYNOPSIS

Requires employers to provide hiring preference to employees who have reached maximum medical improvement following work related injury.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2021)

1 AN ACT concerning employment of injured workers who have
2 reached maximum medical improvement and supplementing
3 chapter 15 of Title 34 of the Revised Statutes (C.34:15-1 et seq.).
4

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

8 1. a. Following a work-related injury, an employer shall
9 provide a hiring preference to an employee who has reached
10 maximum medical improvement and is unable to return to the
11 position at which the employee was previously employed for any
12 existing, unfilled position offered by the employer for which the
13 employee can perform the essential duties of the position.

14 b. For purposes of this section, “employer” means an employer
15 who employs at least 50 persons.

16 c. Nothing in this section requires an employer to create a new
17 position to accommodate an employee who cannot return to the
18 employee’s former position following a work-related injury despite
19 reaching maximum medical improvement or requires an employer
20 to remove another employee from an existing and filled position
21 that would be suitable for the injured employee.

22 d. Nothing in this section shall be construed to impair or affect
23 any right of an individual with a disability to a reasonable
24 accommodation under the “Law Against Discrimination,” P.L.1945,
25 c.169 (C.10:5-1 et seq.).
26

27 2. This act shall take effect immediately.
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29

30 STATEMENT
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32 This bill requires an employer with at least 50 employees to
33 provide a hiring preference to an employee who was injured in a
34 work-related injury, has reached maximum medical improvement,
35 and cannot return to the employee’s former position with that
36 employer. The employer is only required to provide the hiring
37 preference if the employee can perform the essential duties of an
38 existing, unfilled position.

39 The bill does not require an employer to create a new position
40 for the injured employee, nor does it require the employer to
41 remove another employee from an existing but filled position to
42 accommodate the injured employee.