

34:15-147
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2021 **CHAPTER:** 228

NJSA: 34:15-147 (Requires employers to provide hiring preference to employees who have reached maximum medical improvement following work-related injury.)

BILL NO: A2617 (Substituted for S2998 (1R))

SPONSOR(S) Murphy, Carol A. and others

DATE INTRODUCED: 2/13/2020

COMMITTEE: **ASSEMBLY:** Labor

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/24/2021

SENATE: 6/21/2021

DATE OF APPROVAL: 9/24/2021

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

A2617

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S2998 (1R)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE:

No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

RH/CL

Title 34.
Chapter 15.
Article 12. (New)
Hiring Preference
§1
C.34:15-147

P.L. 2021, CHAPTER 228, *approved September 24, 2021*
Assembly, No. 2617 (*First Reprint*)

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

14 b. For purposes of this section, “employer” means an employer
15 who employs at least 50 persons ¹, but shall not include a contractor as
16 defined in section 3 of P.L.1999, c.238 (C.34:11-56.50)¹.

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

23 d. ¹This act shall not apply to athletes employed by professional
24 sports teams.

25 e.¹ Nothing in this section shall be construed to impair or affect
26 any right of an individual with a disability to a reasonable
27 accommodation under the “Law Against Discrimination,” P.L.1945,
28 c.169 (C.10:5-1 et seq.).
29

30 2. This act shall take effect immediately.
31
32

33
34 Requires employers to provide hiring preference to employees
35 who have reached maximum medical improvement following work
36 related injury.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 3, 2021.

CHAPTER 228

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

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

C.34:15-147 Offering of hiring preference to employee unable to return to previous position due to returning from a work-related injury.

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

b. For purposes of this section, “employer” means an employer who employs at least 50 persons, but shall not include a contractor as defined in section 3 of P.L.1999, c.238 (C.34:11-56.50).

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

d. This act shall not apply to athletes employed by professional sports teams.

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

2. This act shall take effect immediately.

Approved September 24, 2021.

ASSEMBLY, No. 2617

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

**Assemblymen Verrelli, Conaway, Space, Wirths, Assemblywomen Downey
and Swain**

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: 5/20/2021)

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.
28
29

30 STATEMENT
31

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.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2617

STATE OF NEW JERSEY

DATED: JANUARY 25, 2021

The Assembly Labor Committee reports favorably Assembly Bill No. 2617.

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

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

As reported, this bill is identical to Senate Bill No. 2998 of the 2020-2021 session.

STATEMENT TO
ASSEMBLY, No. 2617

with Senate Floor Amendments
(Proposed by Senator LAGANA)

ADOPTED: JUNE 3, 2021

These floor amendments:

- (1) exclude from the definition of employer any contractor as that term is defined in section 3 of P.L.1999, c.238 (C.34:11-56.50); and
- (2) provide that the bill does not apply to athletes employed by professional sports teams.

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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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.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2998

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2020

The Senate Labor Committee reports, favorably, Senate Bill No. 2998.

This bill requires any employer who has 50 or more employees to provide a hiring preference to an employee who was injured in a work-related injury, has reached maximum medical improvement, and cannot return to the employee's former position with that employer. The employer is only required to provide the hiring preference if the employee can perform the essential duties of an existing, unfilled position.

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

STATEMENT TO

SENATE, No. 2998

with Senate Floor Amendments
(Proposed by Senator LAGANA)

ADOPTED: JUNE 3, 2021

These floor amendments:

- (1) exclude from the definition of employer any contractor as that term is defined in section 3 of P.L.1999, c.238 (C.34:11-56.50); and
- (2) provide that the bill does not apply to athletes employed by professional sports teams.

Governor Murphy Takes Action on Legislation

09/24/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

S-225/A-679 (Diegnan, Turner/Vainieri Huttie, Mukherji, Jasey) – Provides that student-athlete who sustains concussion must return to regular school activities prior to return to competition; requires school districts to implement six-step return-to-competition process

S-985/A-3789 (Singleton/Moen, Zwicker, Jasey) – Provides that public institutions of higher education may only reduce student's institutional financial aid upon receipt of private scholarship under certain circumstances

S-2826/A-4594 (Ruiz, Cunningham/Quijano, Lampitt, Reynolds-Jackson) – Directs DOE to establish five-year pilot program for issuance of limited certificate of eligibility with advanced standing and limited certificate of eligibility for certain teacher candidates

S-3618/ACS for A-5778 (Pennacchio, Oroho, A.M. Bucco/Tucker, Houghtaling, Wirths, Burzichelli) – Makes supplemental appropriation of \$10 million for grants for certain lake management activities for recreation and conservation purposes

S-3780/A-5785 (Lagana, Sarlo/Mazzeo) – Permits prosecutors to enroll in Prosecutors Part of PERS

A-1091/S-2056 (Murphy, Vainieri Huttie, Wirths/Beach, Oroho) – Requires Division of Travel and Tourism to advertise and promote tours of breweries in the State

A-2617/S-2998 (Murphy, Benson, Reynolds-Jackson/Lagana, Gopal) – Requires employers to provide hiring preference to employees who have reached maximum medical improvement following work related injury

A-4205/S-2506 (Greenwald, Lampitt, Conaway/Gopal, Turner) – Enters New Jersey into Psychology Interjurisdictional Compact

A-4881/S-3744 (Greenwald, Mazzeo/Beach) – Prohibits appeal of land use decision related to holding meeting electronically

A-5142/S-3373 (Wimberly, Jasey, Holley/Singleton, Turner) – Protects homeowner in foreclosure from excessively low intervening offer

A-5683/S-3869 (Reynolds-Jackson, Wimberly/Turner, Pou) – Modifies Garden State Growth Zone tax exemption program