34:19-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:19-3

("Conscientious Employee Protection Act"--amends)

LAWS OF: 1989 CHAPTER: 220

Bill No: A661

Sponsor(s): Smith & Baer

Date Introduced: Pre-filed

Committee: Assembly: Labor

Senate: Labor, Industry & Profession

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: October 27, 1988

Senate: November 20, 1989

Date of Approval: December 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: [redacted] Yes

Following were printed:

Reports: No

Hearings: No

P.L.1989, CHAPTER 220, *approved December 29, 1989*
1988 Assembly No. 661 *(First Reprint)*

AN ACT to protect employees from retaliatory action by employers and amending P.L. 1986, c. 105.

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

1. Section 3 of P.L. 1986, c. 105 (C. 34:19-3) is amended to read as follows:

3. An employer shall not take any retaliatory action against an employee because the employee does any of the following:

a. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer [1][,] or[1] another employer [1][, or any other person] , with whom there is a business relationship,[1] that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law;

b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer[1][,] or[1] another employer [1][, or any other person] ,with whom there is a business relationship,[1]; or

c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:

(1) is in violation of a law, or a rule or regulation promulgated pursuant to law;

(2) is fraudulent or criminal; or

(3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

(cf: P.L. 1986, c. 105, s. 3)

2. This act shall take effect immediately.

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:
[1] Assembly ALA committee amendments adopted May 23, 1988.

1 LABOR AND EMPLOYMENT
2 Civil Justice
3
4 Amends "Conscientious Employee Protection Act."

ASSEMBLY, No. 661

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblymen SMITH and BAER

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3. An employer shall not take any retaliatory action against an employee because the employee does any of the following:

a. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer, <u>another employer, or any other person</u> that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law;

b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer<u>, another employer, or any other person</u>; or

c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:

(1) is in violation of a law, or a rule or regulation promulgated pursuant to law;

(2) is fraudulent or criminal; or

(3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare <u>or protection of the environment</u>.

2. This act shall take effect immediately.

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Matter underlined <u>thus</u> is new matter.

A661 (1988)

SPONSORS' STATEMENT

This bill amends the "Conscientious Employee Protection Act" to also protect an employee from retaliatory action by an employer when the employee reports violations of law committed by another employer or other person. The purpose of this amendment is to discourage collusion between employers for the purpose of inhibiting disclosure by their employees of violations of law committed by either employer. The bill also includes environmental protection as a major public policy concern protected by the act.

LABOR AND EMPLOYMENT
Civil Justice

Amends "Conscientious Employee Protection Act."

[FIRST REPRINT]

ASSEMBLY, No. 661

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblymen SMITH and BAER

AN ACT to protect employees from retaliatory action by employers and amending P.L. 1986, c. 105.

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

1. Section 3 of P.L. 1986, c. 105 (C. 34:19-3) is amended to read as follows:

3. An employer shall not take any retaliatory action against an employee because the employee does any of the following:

a. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer [1[,]] or[1] another employer [1[, or any other person] , with whom there is a business relationship,[1] that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law;

b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer[1[,] or[1] another employer [1[, or any other person] ,with whom there is a business relationship,[1]; or

c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:

(1) is in violation of a law, or a rule or regulation promulgated pursuant to law;

(2) is fraudulent or criminal; or

(3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

(cf: P.L. 1986, c. 105, s. 3)

2. This act shall take effect immediately.

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:
[1] Assembly ALA committee amendments adopted May 23, 1988.

1 **LABOR AND EMPLOYMENT**
Civil Justice

3

Amends "Conscientious Employee Protection Act."

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 661

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 23, 1988

The Assembly Labor Committee reports favorably, with committee amendments, Assembly Bill No. 661.

As amended, this bill expands the protections provided to employees under the "Conscientious Employee Protection Act," P.L. 1986, c. 105 (C. 34:19-1 et seq.) by prohibiting employers from taking retaliatory action against any employee who:

(1) discloses or threatens to disclose to a public body or a supervisor any activity, policy, or practice of another employer, with whom the employee's employer has a business relationship, if the employee reasonably believes the other employer's activity, policy, or practice to be unlawful;

(2) provides information to, or testifies before, any public body concerning a violation of law by another employer, with whom the employee's employer has a business relationship; or

(3) objects to or refuses to participate in any activity, policy, or practice which the employee reasonably believes to be incompatible with a clear mandate of public policy concerning the protection of the environment.

Under current law, an employee is protected against retaliation only with regard to the disclosure or threatened disclosure of information about his employer and public policies concerning the health, safety or welfare of the public. These protections are available to the employee, though, only if the employee brings the unlawful activity, policy or practice to the attention of the employer, and provides the employer with a reasonable opportunity to correct the unlawful activity, policy or practice.

The aim of the bill is to discourage collusion between employers for the purpose of inhibiting disclosure by their employees of violations of law committed by either employer.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 661

STATE OF NEW JERSEY

DATED: MAY 4, 1989

The Senate Labor, Industry and Professions Committee reports favorably Assembly Bill No. 661 [1R].

This bill expands the protections provided to employees under the "Conscientious Employee Protection Act," P.L.1986, c.105 (C.34:19-1 et seq.), by prohibiting employers from taking retaliatory action against any employee who:

(1) discloses or threatens to disclose to a supervisor or a public body any activity, policy, or practice of another employer, with whom the employee's employer has a business relationship, if the employee reasonably believes the other employer's activity, policy, or practice to be unlawful;

(2) provides information to, or testifies before, any public body concerning a violation of law by another employer, with whom the employee's employer has a business relationship; or

(3) objects to or refuses to participate in any activity, policy, or practice which the employee reasonably believes to be incompatible with a clear mandate of public policy concerning the protection of the environment.

The purpose of the bill is to discourage collusion between employers for the purpose of inhibiting disclosure by their employees of violations of law committed by either employer.

A661

A-21/S-3234, sponsored by Assemblyman Arthur Albohn, R-Morris, and Senator Francis McManimon, D-Mercer. The bill amends the definition of the system of plane coordinates for the official survey base for New Jersey.

A-327/S-1967, sponsored by Assemblyman Rodney Frelinghuysen, R-Morris, and Senators Richard Van Wagner, R-Middlesex, and John Dorsey, D-Middlesex. The bill eliminates this state's taxation of pension income received by non-residents from a public or private pension plan in New Jersey.

A-661, sponsored by Assemblymen Robert Smith, D-Middlesex, and Byron Baer, D-Bergen. The bill extends the "Conscientious Employee Protection Act" to those situations where an employee provides information regarding another employer with whom his employer has a business relationship.

A-934, sponsored by Assemblyman Walter Kern, R-Bergen, and Assemblywoman Joann Smith, R-Monmouth. The bill substitutes the term "council members" for "councilmen" in the Optional Municipal Charter Law.

A-1459, sponsored by Assemblyman J. Edward Kline, R-Atlantic. The bill requires the state to adopt an Emergency Operations Plan, and requires counties and municipalities to adopt emergency plans consistent with the state plan.

A-2104, sponsored by Assemblyman Jackie Mattison, D-Essex. The bill corrects an inaccurate reference to the "Bronze Shields Inc.," in the law providing leaves of absence for certain public employees.

A-3290/S-3796, sponsored by Assemblymen Robert Menendez and Bernard Kenny, both D-Hudson, and Senator John Lynch, D-Middlesex. the bill permits a county or municipality to amend its budget when it receives a special item of revenue from any public or private source.

A-3296, sponsored by Assemblyman Jimmy Zangari, D-Essex. The bill provides that chiropractic services shall be included as medical services covered by the Workers' Compensation Act.

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