

10:5-12.6

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 385
NJSA: 10:5-12.6 (Penalizing on-the-job flag display: Employers' liability)
BILL NO: S2587 (Substituted for A4012)

SPONSOR(S): Robertson and Cardinale

DATE INTRODUCED: November 8, 2001

COMMITTEE: **ASSEMBLY:** ----

SENATE: Labor

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2002

SENATE: January 7, 2002

DATE OF APPROVAL: January 8, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (1st reprint enacted)

(Amendments during passage denoted by superscript numbers)

S2587

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A4012

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

(Bill and Sponsors Statement identical to S2587)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

(Identical to Senate Statement to S2587)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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NEWSPAPER ARTICLES: No

SENATE, No. 2587

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 8, 2001

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

SYNOPSIS

Imposes liability on employers who discharge or discriminate against employees for displaying American flag.

CURRENT VERSION OF TEXT

As introduced.



S2587 ROBERTSON

2

1 AN ACT imposing liability on employers who discharge or discriminate
2 against employees for displaying the American flag.

3

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

6

7 1. No employer, public or private, shall discharge or discriminate
8 against an employee in compensation or in terms, conditions or
9 privileges of employment for displaying the American flag on the
10 employee's person or work station, provided the display physically
11 does not substantially or materially interfere with the employee's job
12 duties. An employer who discharges or discriminates against an
13 employee as described in this section shall be liable to the employee
14 for damages caused by the discharge or discrimination, including
15 punitive damages, and for reasonable attorney's fees as part of the
16 costs of any action for damages. If the court determines that the
17 action for damages was brought without substantial justification, the
18 court may award costs and reasonable attorney's fees to the employer.

19

20 2 This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill imposes liability on employers who subject employees to
26 discharge or discrimination for displaying on a work station or wearing
27 the American flag, provided the display physically does not
28 substantially or materially interfere with the employee's duties. The bill
29 permits recovery for damages caused by the discipline or discharge as
30 well as punitive damages and attorney's fees.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2587

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 26, 2001

The Senate Labor Committee reports favorably and with committee amendments Senate Bill No. 2587.

This bill, as amended by the committee, imposes liability on employers who subject employees to discharge or discrimination for displaying on a work station or wearing the American flag, provided the display does not substantially and materially interfere with the employee's duties. The bill permits recovery for damages caused by the discrimination or discharge as well as punitive damages and attorney's fees.

The committee amended the bill to remove the provision that the display physically interfere with the employee's duties, and to add the provision that the display both substantially and materially interfere with the employee's duties, before an employer may be excused from liability under the bill.

[First Reprint]

SENATE, No. 2587

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 8, 2001

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

Senator GERALD CARDINALE

District 39 (Bergen)

Co-Sponsored by:

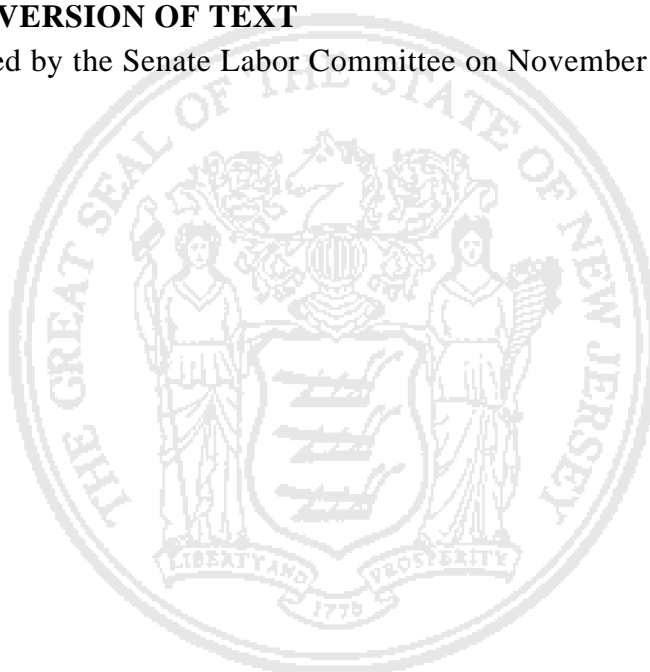
Senator O'Toole, Assemblymen Gregg and Merkt

SYNOPSIS

Imposes liability on employers who discharge or discriminate against employees for displaying American flag.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on November 26, 2001, with amendments.



(Sponsorship Updated As Of: 1/8/2002)

S2587 [1R] ROBERTSON, CARDINALE

2

1 AN ACT imposing liability on employers who discharge or discriminate
2 against employees for displaying the American flag.

3

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

6

7 1. No employer, public or private, shall discharge or discriminate
8 against an employee in compensation or in terms, conditions or
9 privileges of employment for displaying the American flag on the
10 employee's person or work station, provided the display ¹[physically]¹
11 does not substantially ¹[or] and¹ materially interfere with the
12 employee's job duties. An employer who discharges or discriminates
13 against an employee as described in this section shall be liable to the
14 employee for damages caused by the discharge or discrimination,
15 including punitive damages, and for reasonable attorney's fees as part
16 of the costs of any action for damages. If the court determines that
17 the action for damages was brought without substantial justification,
18 the court may award costs and reasonable attorney's fees to the
19 employer.

20

21 2 This act shall take effect immediately.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLA committee amendments adopted November 26, 2001.

ASSEMBLY, No. 4012

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED DECEMBER 6, 2001

Sponsored by:

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Assemblyman RICK MERKT

District 25 (Morris)

SYNOPSIS

Imposes liability on employers who discharge or discriminate against employees for displaying American flag.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2002)

1 AN ACT imposing liability on employers who discharge or discriminate
2 against employees for displaying the American flag.

3

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

6

7 1. No employer, public or private, shall discharge or discriminate
8 against an employee in compensation or in terms, conditions or
9 privileges of employment for displaying the American flag on the
10 employee's person or work station, provided the display does not
11 substantially and materially interfere with the employee's job duties.
12 An employer who discharges or discriminates against an employee as
13 described in this section shall be liable to the employee for damages
14 caused by the discharge or discrimination, including punitive damages,
15 and for reasonable attorney's fees as part of the costs of any action for
16 damages. If the court determines that the action for damages was
17 brought without substantial justification, the court may award costs
18 and reasonable attorney's fees to the employer.

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STATEMENT

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25 This bill imposes liability on employers who subject employees to
26 discharge or discrimination for displaying on a work station or wearing
27 the American flag, provided the display does not substantially and
28 materially interfere with the employee's duties. The bill permits
29 recovery for damages caused by the discipline or discharge as well as
30 punitive damages and attorney's fees.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4012

STATE OF NEW JERSEY

DATED: DECEMBER 20, 2001

The Assembly Labor Committee reports favorably Assembly Bill No. 4012.

This bill imposes liability on employers who subject employees to discharge or discrimination for displaying on a work station or wearing the American flag, provided the display does not substantially and materially interfere with the employee's duties. The bill permits recovery for damages caused by the discipline or discharge as well as punitive damages and attorney's fees.

P.L. 2001, CHAPTER 385, *approved January 8, 2002*
Senate, No. 2587 (*First Reprint*)

1 **AN ACT** imposing liability on employers who discharge or discriminate
2 against employees for displaying the American flag.

3

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

6

7 1. No employer, public or private, shall discharge or discriminate
8 against an employee in compensation or in terms, conditions or
9 privileges of employment for displaying the American flag on the
10 employee's person or work station, provided the display ¹[physically]¹
11 does not substantially ¹[or] and¹ materially interfere with the
12 employee's job duties. An employer who discharges or discriminates
13 against an employee as described in this section shall be liable to the
14 employee for damages caused by the discharge or discrimination,
15 including punitive damages, and for reasonable attorney's fees as part
16 of the costs of any action for damages. If the court determines that
17 the action for damages was brought without substantial justification,
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19 employer.

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21 2 This act shall take effect immediately.

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26 Imposes liability on employers who discharge or discriminate against
27 employees for displaying American flag.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLA committee amendments adopted November 26, 2001.

CHAPTER 385

AN ACT imposing liability on employers who discharge or discriminate against employees for displaying the American flag.

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

C.10:5-12.6 Liability imposed on employers who discharge, discriminate against employee who displays the American flag.

1. No employer, public or private, shall discharge or discriminate against an employee in compensation or in terms, conditions or privileges of employment for displaying the American flag on the employee's person or work station, provided the display does not substantially and materially interfere with the employee's job duties. An employer who discharges or discriminates against an employee as described in this section shall be liable to the employee for damages caused by the discharge or discrimination, including punitive damages, and for reasonable attorney's fees as part of the costs of any action for damages. If the court determines that the action for damages was brought without substantial justification, the court may award costs and reasonable attorney's fees to the employer.

2. This act shall take effect immediately.

Approved January 8, 2002.