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**NEWSPAPER ARTICLES:**

No

IS 2/8/08

P.L. 2005, CHAPTER 329, *approved January 12, 2006*

Senate, No. 1886

1 **AN ACT** concerning the rights and remedies of employees who  
2 disclose or refuse to participate in certain fraudulent practices of  
3 employers, and amending P.L.1986, c.105 and P.L.1995, c.142.

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

7  
8 1. Section 3 of P.L.1986, c.105, (C.34:19-3) is amended to read as  
9 follows:

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

12 a. Discloses, or threatens to disclose to a supervisor or to a public  
13 body an activity, policy or practice of the employer, or another  
14 employer, with whom there is a business relationship, that the  
15 employee reasonably believes:

16 (1) is in violation of a law, or a rule or regulation promulgated  
17 pursuant to law, including any violation involving deception of, or  
18 misrepresentation to, any shareholder, investor, client, patient,  
19 customer, employee, former employee, retiree or pensioner of the  
20 employer or any governmental entity, or, in the case of an employee  
21 who is a licensed or certified health care professional, reasonably  
22 believes constitutes improper quality of patient care; or

23 (2) is fraudulent or criminal, including any activity, policy or  
24 practice of deception or misrepresentation which the employee  
25 reasonably believes may defraud any shareholder, investor, client,  
26 patient, customer, employee, former employee, retiree or pensioner of  
27 the employer or any governmental entity;

28 b. Provides information to, or testifies before, any public body  
29 conducting an investigation, hearing or inquiry into any violation of  
30 law, or a rule or regulation promulgated pursuant to law by the  
31 employer, or another employer, with whom there is a business  
32 relationship, including any violation involving deception of, or  
33 misrepresentation to, any shareholder, investor, client, patient,  
34 customer, employee, former employee, retiree or pensioner of the  
35 employer or any governmental entity, or, in the case of an employee  
36 who is a licensed or certified health care professional, provides  
37 information to, or testifies before, any public body conducting an  
38 investigation, hearing or inquiry into the quality of patient care; or

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

41 (1) is in violation of a law, or a rule or regulation promulgated

**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.

1 pursuant to law, including any violation involving deception of, or  
2 misrepresentation to, any shareholder, investor, client, patient,  
3 customer, employee, former employee, retiree or pensioner of the  
4 employer or any governmental entity, or, if the employee is a licensed  
5 or certified health care professional, constitutes improper quality of  
6 patient care;

7 (2) is fraudulent or criminal, including any activity, policy or  
8 practice of deception or misrepresentation which the employee  
9 reasonably believes may defraud any shareholder, investor, client,  
10 patient, customer, employee, former employee, retiree or pensioner of  
11 the employer or any governmental entity; or

12 (3) is incompatible with a clear mandate of public policy concerning  
13 the public health, safety or welfare or protection of the environment.  
14 (cf. P.L.1997, c.98, s.2)

15  
16 2. Section 5 of P.L.1986, c.105, (C.34:19-5) is amended to read as  
17 follows:

18 5. Upon a violation of any of the provisions of this act, an  
19 aggrieved employee or former employee may, within one year,  
20 institute a civil action in a court of competent jurisdiction. Upon the  
21 application of any party, a jury trial shall be directed to try the validity  
22 of any claim under this act specified in the suit. All remedies available  
23 in common law tort actions shall be available to prevailing plaintiffs.  
24 These remedies are in addition to any legal or equitable relief provided  
25 by this act or any other statute. The court [may] shall also order,  
26 where appropriate and to the fullest extent possible:

27 a. An injunction to restrain [continued] any violation of this act  
28 which is continuing at the time that the court issues its order;

29 b. The reinstatement of the employee to the same position held  
30 before the retaliatory action, or to an equivalent position;

31 c. The reinstatement of full fringe benefits and seniority rights;

32 d. The compensation for all lost wages, benefits and other  
33 remuneration; and

34 e. The payment by the employer of reasonable costs, and attorney's  
35 fees[;].

36 [f. Punitive damages; or

37 g. An] In addition, the court or jury may order: the assessment of  
38 a civil fine of not more than [\$1,000.00] \$10,000 for the first  
39 violation of the act and not more than [\$5,000.00] \$20,000 for each  
40 subsequent violation, which shall be paid to the State Treasurer for  
41 deposit in the General Fund; ~~punitive damages; or both a civil fine and~~  
42 punitive damages. In determining the amount of punitive damages, the  
43 court or jury shall consider not only the amount of compensatory  
44 damages awarded to the employee, but also the amount of all damages  
45 caused to shareholders, investors, clients, patients, customers,  
46 employees, former employees, retirees or pensioners of the employer,

1 or to the public or any governmental entity, by the activities, policies  
2 or practices of the employer which the employee disclosed, threatened  
3 to disclose, provided testimony regarding, objected to, or refused to  
4 participate in.

5 (cf: P.L.1990, c.12, s.4)

6  
7 3. Section 6 of P.L.1995, c.142 (C.2A:15-5.14) is amended to read  
8 as follows:

9 6. a. Before entering judgment for an award of punitive damages,  
10 the trial judge shall ascertain that the award is reasonable in its amount  
11 and justified in the circumstances of the case, in light of the purpose  
12 to punish the defendant and to deter that defendant from repeating  
13 such conduct. If necessary to satisfy the requirements of this section,  
14 the judge may reduce the amount of or eliminate the award of punitive  
15 damages.

16 b. No defendant shall be liable for punitive damages in any action  
17 in an amount in excess of five times the liability of that defendant for  
18 compensatory damages or \$350,000, whichever is greater.

19 c. The provisions of subsection b. of this section shall not apply to  
20 causes of action brought pursuant to P.L.1993, c.137 (C.2A:53A-21  
21 et seq.), P.L.1945, c.169 (C.10:5-1 et seq.), P.L.1989, c.303  
22 (C.26:5C-5 et seq.), [or] P.L.1992, c.109 (C.2A:61B-1) or P.L.1986,  
23 c.105, (C.34:19-1 et seq.), or in cases in which a defendant has been  
24 convicted pursuant to R.S.39:4-50 or section 2 of P.L.1981, c.512  
25 (C.39:4-50.4a).

26 (cf: P.L.1995, c.142, s.6)

27  
28 4. This act shall take effect immediately.

## 31 STATEMENT

32  
33 This bill enhances the scope and strengthens the enforcement  
34 provisions of the "Conscientious Employee Protection Act" (CEPA)  
35 P.L.1986, c.105 (C.34:19-1 et seq.), with special emphasis on  
36 protecting any employee who discloses to a supervisor or a public  
37 body, or refuses to participate in, any deception or misrepresentation  
38 which may defraud shareholders, investors, clients, patients,  
39 customers, employees, former employees, retirees or pensioners of the  
40 employer, or governmental entities.

41 The bill expressly includes, among the fraudulent or criminal  
42 employer actions which an employee may disclose and refuse to  
43 participate in, any activity, policy, or practice of deception or  
44 misrepresentation which the employee reasonably believes may defraud  
45 any of the employer's shareholders, investors, clients, patients,  
46 customers, employees, former employees, retirees or pensioners, or

1 any governmental entity.

2 The bill requires, rather than permits, that the remedies ordered by  
3 a court in a civil action for a violation of the act include, to the fullest  
4 extent possible, all of the following:

- 5 1. An injunction against any continuing violation of the act;
- 6 2. Reinstatement of the employee to the same, or comparable,  
7 employment with full fringe benefits and seniority rights;
- 8 3. Compensation for all lost remuneration; and
- 9 4. Payment of reasonable costs and lawyers fees.

10 As is currently the case under CEPA, the court may also order civil  
11 fines and punitive damages. The bill amends that law to raise the  
12 maximum civil fine for a first violation from \$1,000 to \$10,000 and for  
13 subsequent violations from \$5,000 to \$20,000, and to direct the court,  
14 when determining the amount of any punitive damages to be ordered,  
15 to consider not only the amount of compensatory damages awarded to  
16 the employee, but also the amount of damage caused by employer  
17 actions to shareholders, investors, clients, patients, customers,  
18 employees, former employees, retirees or pensioners of the employer,  
19 or to governmental entities or the public. Finally, the bill exempts  
20 punitive damages awarded under CEPA from the maximum limit set  
21 by the "Punitive Damages Act," P.L.1995, c.142 (C.2A:15-5.9 et  
22 seq.), which is the greater of \$350,000 or five times the awarded  
23 compensatory damages.

24 This bill is intended to enhance the scope and strengthens the  
25 enforcement provisions of the CEPA, and is not intended to diminish,  
26 reduce or curtail the rights or remedies available to employees under  
27 that act in any way.

28

29

30

31

32 Enhances rights and remedies of employees who disclose or refuse to  
33 participate in fraudulent employer practices.

**SENATE, No. 1886**

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

INTRODUCED OCTOBER 4, 2004

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman NEIL M. COHEN**

**District 20 (Union)**

**Assemblyman HERBERT CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

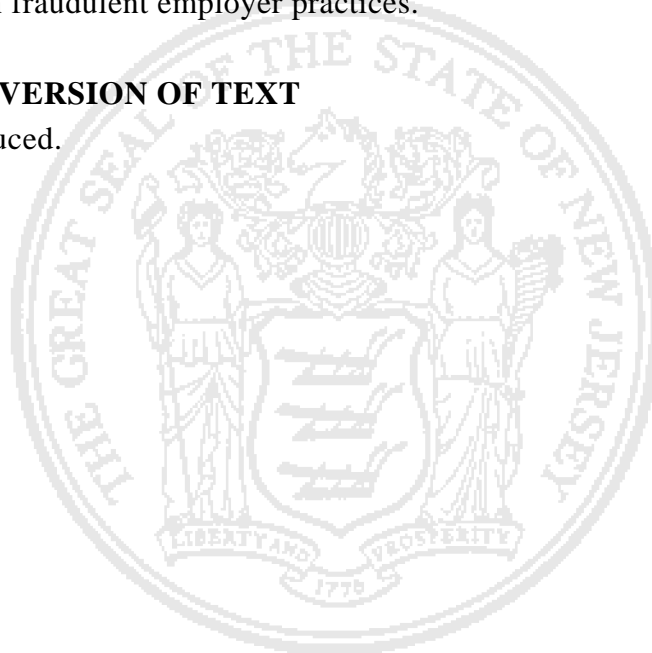
**Assemblywoman Greenstein, Assemblymen Eagler and Stack**

**SYNOPSIS**

Enhances rights and remedies of employees who disclose or refuse to participate in fraudulent employer practices.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/10/2006)**

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18 misrepresentation to, any shareholder, investor, client, patient,  
19 customer, employee, former employee, retiree or pensioner of the  
20 employer or any governmental entity, or, in the case of an employee  
21 who is a licensed or certified health care professional, reasonably  
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22 These remedies are in addition to any legal or equitable relief provided  
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30 d. The compensation for all lost wages, benefits and other  
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32 e. The payment by the employer of reasonable costs, and attorney's  
33 fees[;].

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20 (C.26:5C-5 et seq.), [or] P.L.1992, c.109 (C.2A:61B-1) or P.L.1986,  
21 c.105, (C.34:19-1 et seq.), or in cases in which a defendant has been  
22 convicted pursuant to R.S.39:4-50 or section 2 of P.L.1981, c.512  
23 (C.39:4-50.4a).

24 (cf: P.L.1995, c.142, s.6)

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#### STATEMENT

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31 This bill enhances the scope and strengthens the enforcement  
32 provisions of the "Conscientious Employee Protection Act" (CEPA)  
33 P.L.1986, c.105 (C.34:19-1 et seq.), with special emphasis on  
34 protecting any employee who discloses to a supervisor or a public  
35 body, or refuses to participate in, any deception or misrepresentation  
36 which may defraud shareholders, investors, clients, patients,  
37 customers, employees, former employees, retirees or pensioners of the  
38 employer, or governmental entities.

39 The bill expressly includes, among the fraudulent or criminal  
40 employer actions which an employee may disclose and refuse to  
41 participate in, any activity, policy, or practice of deception or  
42 misrepresentation which the employee reasonably believes may defraud  
43 any of the employer's shareholders, investors, clients, patients,  
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45 any governmental entity.

46 The bill requires, rather than permits, that the remedies ordered by

1 a court in a civil action for a violation of the act include, to the fullest  
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- 3 1. An injunction against any continuing violation of the act;
- 4 2. Reinstatement of the employee to the same, or comparable,  
5 employment with full fringe benefits and seniority rights;
- 6 3. Compensation for all lost remuneration; and
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8 As is currently the case under CEPA, the court may also order civil  
9 fines and punitive damages. The bill amends that law to raise the  
10 maximum civil fine for a first violation from \$1,000 to \$10,000 and for  
11 subsequent violations from \$5,000 to \$20,000, and to direct the court,  
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14 the employee, but also the amount of damage caused by employer  
15 actions to shareholders, investors, clients, patients, customers,  
16 employees, former employees, retirees or pensioners of the employer,  
17 or to governmental entities or the public. Finally, the bill exempts  
18 punitive damages awarded under CEPA from the maximum limit set  
19 by the "Punitive Damages Act," P.L.1995, c.142 (C.2A:15-5.9 et  
20 seq.), which is the greater of \$350,000 or five times the awarded  
21 compensatory damages.

22 This bill is intended to enhance the scope and strengthens the  
23 enforcement provisions of the CEPA, and is not intended to diminish,  
24 reduce or curtail the rights or remedies available to employees under  
25 that act in any way.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### SENATE, No. 1886

# STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Assembly State Government Committee reports favorably Senate, No. 1886.

This bill enhances the scope and strengthens the enforcement provisions of the "Conscientious Employee Protection Act" (CEPA) P.L.1986, c.105 (C.34:19-1 et seq.), with special emphasis on protecting any employee who discloses to a supervisor or a public body, or refuses to participate in, any deception or misrepresentation which may defraud shareholders, investors, clients, patients, customers, employees, former employees, retirees or pensioners of the employer, or governmental entities.

The bill expressly includes, among the fraudulent or criminal employer actions which an employee may disclose and refuse to participate in, any activity, policy, or practice of deception or misrepresentation which the employee reasonably believes may defraud any of the employer's shareholders, investors, clients, patients, customers, employees, former employees, retirees or pensioners, or any governmental entity.

The bill requires, rather than permits, that the remedies ordered by a court in a civil action for a violation of the act include, to the fullest extent possible, all of the following:

1. An injunction against any continuing violation of the act;
2. Reinstatement of the employee to the same, or comparable, employment with full fringe benefits and seniority rights;
3. Compensation for all lost remuneration; and
4. Payment of reasonable costs and lawyers fees.

As is currently the case under CEPA, the court may also order civil fines and punitive damages. The bill amends that law to raise the maximum civil fine for a first violation from \$1,000 to \$10,000 and for subsequent violations from \$5,000 to \$20,000, and to direct the court, when determining the amount of any punitive damages to be ordered, to consider not only the amount of compensatory damages awarded to the employee, but also the amount of damage caused by employer actions to shareholders, investors, clients, patients, customers, employees, former employees, retirees or pensioners of the employer, or to governmental entities or the public. Finally, the bill exempts punitive damages awarded under CEPA from the maximum limit set by the "Punitive Damages Act," P.L.1995, c.142 (C.2A:15-5.9 et seq.),

which is the greater of \$350,000 or five times the awarded compensatory damages.

The bill states that the court must order, to the fullest extent possible, an injunction against continuing violations, reinstatement to employment, compensation for lost pay and costs of the case, but only where appropriate. The bill thus takes into consideration that not all of these measures are always applicable, as, for example, in a case where the employer retaliation did not include a termination of employment.

This bill is intended to enhance the scope and strengthens the enforcement provisions of the CEPA, and is not intended to diminish, reduce or curtail the rights or remedies available to employees under that act in any way.

Senate, No. 1886 is the same as Assembly, No. 764 of 2004.

# SENATE LABOR COMMITTEE

## STATEMENT TO

### SENATE, No. 1886

# STATE OF NEW JERSEY

DATED: OCTOBER 14, 2004

The Senate Labor Committee reports favorably Senate Bill No. 1886.

This bill enhances the scope and strengthens the enforcement provisions of the "Conscientious Employee Protection Act" (CEPA) P.L.1986, c.105 (C.34:19-1 et seq.), with special emphasis on protecting any employee who discloses to a supervisor or a public body, or refuses to participate in, any deception or misrepresentation which may defraud shareholders, investors, clients, patients, customers, employees, former employees, retirees or pensioners of the employer, or governmental entities.

The bill expressly includes, among the fraudulent or criminal employer actions which an employee may disclose and refuse to participate in, any activity, policy, or practice of deception or misrepresentation which the employee reasonably believes may defraud any of the employer's shareholders, investors, clients, patients, customers, employees, former employees, retirees or pensioners, or any governmental entity.

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1. An injunction against any continuing violation of the act;
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seq.), which is the greater of \$350,000 or five times the awarded compensatory damages.

The bill states that the court must order, to the fullest extent possible, an injunction against continuing violations, reinstatement to employment, compensation for lost pay and costs of the case, but only where appropriate. The bill thus takes into consideration that not all of these measures are always applicable, as, for example, in a case where the employer retaliation did not include a termination of employment.

This bill is intended to enhance the scope and strengthens the enforcement provisions of the CEPA, and is not intended to diminish, reduce or curtail the rights or remedies available to employees under that act in any way.

# ASSEMBLY, No. 764

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman NEIL M. COHEN**

**District 20 (Union)**

**Assemblyman HERBERT CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

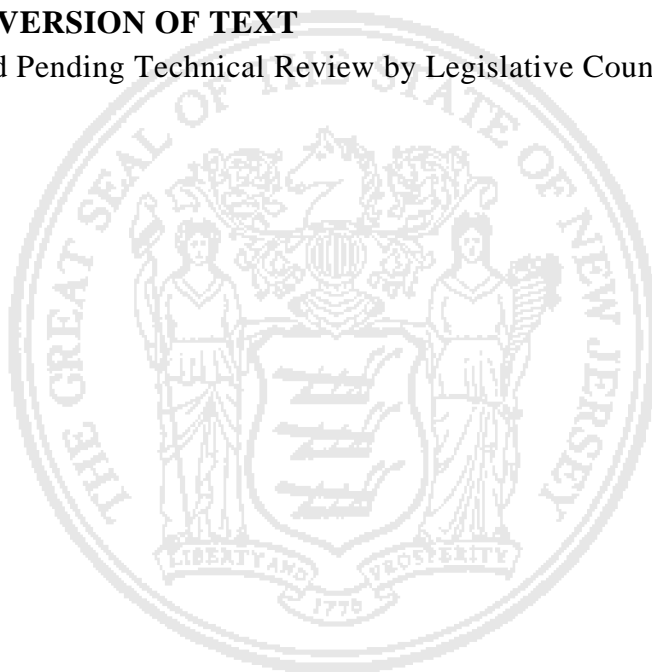
**Assemblywoman Greenstein and Assemblyman Eagler**

**SYNOPSIS**

Enhances rights and remedies of employees who disclose or refuse to participate in fraudulent employer practices.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.





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3 or certified health care professional, constitutes improper quality of  
4 patient care;

5 (2) is fraudulent or criminal, including any activity, policy or  
6 practice of deception or misrepresentation which the employee  
7 reasonably believes may defraud any shareholder, investor, client,  
8 patient, customer, employee, former employee, retiree or pensioner of  
9 the employer or any governmental entity; or

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

13 (cf. P.L.1997, c.98, s.2)

14

15 2. Section 5 of P.L.1986, c.105, (C.34:19-5) is amended to read as  
16 follows:

17 5. Upon a violation of any of the provisions of this act, an  
18 aggrieved employee or former employee may, within one year,  
19 institute a civil action in a court of competent jurisdiction. Upon the  
20 application of any party, a jury trial shall be directed to try the validity  
21 of any claim under this act specified in the suit. All remedies available  
22 in common law tort actions shall be available to prevailing plaintiffs.  
23 These remedies are in addition to any legal or equitable relief provided  
24 by this act or any other statute. The court [may] shall also order,  
25 where appropriate and to the fullest extent possible:

26 a. An injunction to restrain any [continued] violation of this act  
27 which is continuing at the time that the court issues its order;

28 b. The reinstatement of the employee to the same position held  
29 before the retaliatory action, or to an equivalent position;

30 c. The reinstatement of full fringe benefits and seniority rights;

31 d. The compensation for all lost wages, benefits and other  
32 remuneration; and

33 e. The payment by the employer of reasonable costs, and attorney's  
34 fees[;].

35 [f. Punitive damages; or

36 g. An] In addition, the court or jury may order: the assessment of  
37 a civil fine of not more than [\$1,000.00] \$10,000 for the first  
38 violation of the act and not more than [\$5,000.00] \$20,000 for each  
39 subsequent violation, which shall be paid to the State Treasurer for  
40 deposit in the General Fund; ~~punitive damages; or both a civil fine and~~  
41 punitive damages. In determining the amount of punitive damages, the  
42 court or jury shall consider not only the amount of compensatory  
43 damages awarded to the employee, but also the amount of all damages  
44 caused to shareholders, investors, clients, patients, customers,  
45 employees, former employees, retirees or pensioners of the employer,  
46 or to the public or any governmental entity, by the activities, policies

1 or practices of the employer which the employee disclosed, threatened  
2 to disclose, provided testimony regarding, objected to, or refused to  
3 participate in.

4 (cf: P.L.1990, c.12, s.4)

5  
6 3. Section 6 of P.L.1995, c.142 (C.2A:15-5.14) is amended to read  
7 as follows:

8 6. a. Before entering judgment for an award of punitive damages,  
9 the trial judge shall ascertain that the award is reasonable in its amount  
10 and justified in the circumstances of the case, in light of the purpose  
11 to punish the defendant and to deter that defendant from repeating  
12 such conduct. If necessary to satisfy the requirements of this section,  
13 the judge may reduce the amount of or eliminate the award of punitive  
14 damages.

15 b. No defendant shall be liable for punitive damages in any action  
16 in an amount in excess of five times the liability of that defendant for  
17 compensatory damages or \$350,000, whichever is greater.

18 c. The provisions of subsection b. of this section shall not apply to  
19 causes of action brought pursuant to P.L.1993, c.137 (C.2A:53A-21  
20 et seq.), P.L.1945, c.169 (C.10:5-1 et seq.), P.L.1989, c.303  
21 (C.26:5C-5 et seq.), [or] P.L.1992, c.109 (C.2A:61B-1) or P.L.1986,  
22 c.105, (C.34:19-1 et seq.), or in cases in which a defendant has been  
23 convicted pursuant to R.S.39:4-50 or section 2 of P.L.1981, c.512  
24 (C.39:4-50.4a).

25 (cf: P.L.1995, c.142, s.6)

26  
27 4. This act shall take effect immediately.  
28  
29

30 STATEMENT

31  
32 This bill enhances the scope and strengthens the enforcement  
33 provisions of the "Conscientious Employee Protection Act" (CEPA)  
34 P.L.1986, c.105 (C.34:19-1 et seq.), with special emphasis on  
35 protecting any employee who discloses to a supervisor or a public  
36 body, or refuses to participate in, any deception or misrepresentation  
37 which may defraud shareholders, investors, clients, patients,  
38 customers, employees, former employees, retirees or pensioners of the  
39 employer, or governmental entities.

40 The bill expressly includes, among the fraudulent or criminal  
41 employer actions which an employee may disclose and refuse to  
42 participate in, any activity, policy, or practice of deception or  
43 misrepresentation which the employee reasonably believes may defraud  
44 any of the employer's shareholders, investors, clients, patients,  
45 customers, employees, former employees, retirees or pensioners, or  
46 any governmental entity.

1       The bill requires, rather than permits, that the remedies ordered by  
2 a court in a civil action for a violation of the act include, to the fullest  
3 extent possible, all of the following:

- 4       1. An injunction against any continuing violation of the act;
- 5       2. Reinstatement of the employee to the same, or comparable,  
6 employment with full fringe benefits and seniority rights;
- 7       3. Compensation for all lost remuneration; and
- 8       4. Payment of reasonable costs and lawyers fees.

9       As is currently the case under CEPA, the court may also order civil  
10 fines and punitive damages. The bill amends that law to raise the  
11 maximum civil fine for a first violation from \$1,000 to \$10,000 and for  
12 subsequent violations from \$5,000 to \$20,000, and to direct the court,  
13 when determining the amount of any punitive damages to be ordered,  
14 to consider not only the amount of compensatory damages awarded to  
15 the employee, but also the amount of damage caused by employer  
16 actions to shareholders, investors, clients, patients, customers,  
17 employees, former employees, retirees or pensioners of the employer,  
18 or to governmental entities or the public. Finally, the bill exempts  
19 punitive damages awarded under CEPA from the maximum limit set  
20 by the "Punitive Damages Act," P.L.1995, c.142 (C.2A:15-5.9 et  
21 seq.), which is the greater of \$350,000 or five times the awarded  
22 compensatory damages.

23       This bill is intended to enhance the scope and strengthens the  
24 enforcement provisions of the CEPA, and is not intended to diminish,  
25 reduce or curtail the rights or remedies available to employees under  
26 that act in any way.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 764

# STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Assembly State Government Committee reports favorably Assembly, No. 764.

This bill enhances the scope and strengthens the enforcement provisions of the "Conscientious Employee Protection Act" (CEPA) P.L.1986, c.105 (C.34:19-1 et seq.), with special emphasis on protecting any employee who discloses to a supervisor or a public body, or refuses to participate in, any deception or misrepresentation which may defraud shareholders, investors, clients, patients, customers, employees, former employees, retirees or pensioners of the employer, or governmental entities.

The bill expressly includes, among the fraudulent or criminal employer actions which an employee may disclose and refuse to participate in, any activity, policy, or practice of deception or misrepresentation which the employee reasonably believes may defraud any of the employer's shareholders, investors, clients, patients, customers, employees, former employees, retirees or pensioners, or any governmental entity.

The bill requires, rather than permits, that the remedies ordered by a court in a civil action for a violation of the act include, to the fullest extent possible, all of the following:

1. An injunction against any continuing violation of the act;
2. Reinstatement of the employee to the same, or comparable, employment with full fringe benefits and seniority rights;
3. Compensation for all lost remuneration; and
4. Payment of reasonable costs and lawyers fees.

As is currently the case under CEPA, the court may also order civil fines and punitive damages. The bill amends that law to raise the maximum civil fine for a first violation from \$1,000 to \$10,000 and for subsequent violations from \$5,000 to \$20,000, and to direct the court, when determining the amount of any punitive damages to be ordered, to consider not only the amount of compensatory damages awarded to the employee, but also the amount of damage caused by employer actions to shareholders, investors, clients, patients, customers, employees, former employees, retirees or pensioners of the employer, or to governmental entities or the public. Finally, the bill exempts punitive damages awarded under CEPA from the maximum limit set by the "Punitive Damages Act," P.L.1995, c.142 (C.2A:15-5.9 et

seq.), which is the greater of \$350,000 or five times the awarded compensatory damages.

The bill states that the court must order, to the fullest extent possible, an injunction against continuing violations, reinstatement to employment, compensation for lost pay and costs of the case, but only where appropriate. The bill thus takes into consideration that not all of these measures are always applicable, as, for example, in a case where the employer retaliation did not include a termination of employment.

This bill is intended to enhance the scope and strengthens the enforcement provisions of the CEPA, and is not intended to diminish, reduce or curtail the rights or remedies available to employees under that act in any way.

Assembly, No. 764 is the same as Senate, No. 1886 of 2004.

This bill was prefiled for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.