

[First Reprint]

ASSEMBLY, No. 2886

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 28, 2022

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

SYNOPSIS

Provides employment protections for paid first responders diagnosed with post-traumatic stress disorder under certain conditions.

CURRENT VERSION OF TEXT

As amended by the General Assembly on March 24, 2022.



(Sponsorship Updated As Of: 3/24/2022)

1 AN ACT concerning paid first responders and post-traumatic stress
2 disorder and supplementing Title 34 of the Revised Statutes.

3

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

6

7 1. This act shall be known as the "New Jersey First Responders
8 Post-Traumatic Stress Disorder Protection Act.”

9

10 2. As used in this act:

11 "Employee" means a first responder holding a position of paid
12 employment with an employer.

13 "Employer" means an entity that employs paid first responders.

14 "First responder" means a law enforcement officer¹**[,]** ;¹ paid
15 firefighter¹**[, or]** ;¹ paid member of a duly incorporated first aid,
16 emergency, ambulance, or rescue squad association ¹; paid
17 emergency medical technician; paid paramedic; or paid 9-1-1 first
18 responder dispatcher¹.

19 "Law enforcement officer" means a person employed as a
20 permanent full-time member of any federal, State, county or
21 municipal law enforcement agency, department, or division of those
22 governments who is statutorily empowered to act for the detection,
23 investigation, arrest, conviction, detention, or rehabilitation of
24 persons violating the criminal laws of this State or of the United
25 States and statutorily required to successfully complete a training
26 course approved by the Police Training Commission pursuant to
27 P.L.1961, c.56 (C.52:17B-66 et seq.), or certified by the
28 commission as being substantially equivalent to an approved
29 course.

30

31 3. a. An employer shall not discharge, harass, or otherwise
32 discriminate or retaliate or threaten to discharge, harass, or
33 otherwise discriminate or retaliate against an employee with respect
34 to the compensation, terms, conditions, duties, or privileges of
35 employment on the basis that the employee took or requested any
36 leave related to a qualifying diagnosis of post-traumatic stress
37 disorder. Following a period of leave related to a qualifying
38 diagnosis of post-traumatic stress disorder, an employer shall
39 reinstate an employee whose fitness to return to work has been
40 documented by a licensed physician or licensed mental health
41 professional to the position and duties held by the employee prior to
42 the leave.

43 b. A diagnosis of post-traumatic stress disorder is qualified
44 under subsection a. of this section if:

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:

¹Assembly floor amendments adopted March 24, 2022.

- 1 (1) the diagnosis is made by a licensed physician or licensed
2 mental health professional; and
- 3 (2) as determined by the licensed physician or licensed mental
4 health professional, the post-traumatic stress disorder arose:
- 5 (a) as a direct result of the employee experiencing or witnessing
6 a traumatic event during and within the scope of the performance of
7 regular or assigned duties of the employee; or
- 8 (b) due to vicarious trauma experienced by the employee as a
9 direct result of the performance of regular or assigned duties of the
10 employee.
- 11
- 12 4. a. An employee or former employee may institute a civil
13 action in the Superior Court for relief upon a violation of any of the
14 provisions of section 3 of this act. All remedies available in
15 common law tort actions shall be available to a prevailing plaintiff.
16 The court may also order any or all of the following relief:
- 17 (1) an assessment of a civil fine of \$5,000 for the first violation
18 of any of the provisions of section 3 of this act and \$10,000 for each
19 subsequent violation;
- 20 (2) an injunction to restrain the continued violation of any of the
21 provisions of section 3 ¹or section 4¹ of this act;
- 22 (3) reinstatement of the employee to the same position or to a
23 position equivalent to that which the employee held prior to
24 unlawful discharge or retaliatory action;
- 25 (4) reinstatement of full fringe benefits and seniority rights;
- 26 (5) compensation for any lost wages, benefits, and other
27 remuneration; ¹or¹
- 28 (6) payment of reasonable costs and attorney's fees.
- 29 b. An action brought under this section shall commence within
30 one year of the date of the alleged violation.
- 31 c. A private cause of action provided for in this section shall be
32 the sole remedy for a violation of this act.
- 33
- 34 5. This act shall take effect immediately.