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)

AN ACT concerning employment of injured workers who have 1 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 the employee was previously employed for any existing, unfilled 11 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 defined in section 3 of P.L.1999, c.238 (C.34:11-56.50)<sup>1</sup>. 16 17 c. Nothing in this section requires an employer to create a new 18 position to accommodate an employee who cannot return to the employee's former position following a work-related injury despite 19 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. d. <sup>1</sup>This act shall not apply to athletes employed by professional 23 24 sports teams.  $\underline{e}^{1}$  Nothing in this section shall be construed to impair or affect 25 any right of an individual with a disability to a reasonable 26 accommodation under the "Law Against Discrimination," P.L.1945, 27 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 <u>thus</u> is new matter.

Matter enclosed in superscript numerals has been adopted as follows: <sup>1</sup>Senate floor amendments adopted June 3, 2021.