

CHAPTER 228

AN ACT concerning employment of injured workers who have reached maximum medical improvement and supplementing chapter 15 of Title 34 of the Revised Statutes (C.34:15-1 et seq.).

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

C.34:15-147 Offering of hiring preference to employee unable to return to previous position due to returning from a work-related injury.

1. a. Following a work-related injury, an employer shall provide a hiring preference to an employee who has reached maximum medical improvement and is unable to return to the position at which the employee was previously employed for any existing, unfilled position offered by the employer for which the employee can perform the essential duties of the position.

b. For purposes of this section, “employer” means an employer who employs at least 50 persons, but shall not include a contractor as defined in section 3 of P.L.1999, c.238 (C.34:11-56.50).

c. Nothing in this section requires an employer to create a new position to accommodate an employee who cannot return to the employee’s former position following a work-related injury despite reaching maximum medical improvement or requires an employer to remove another employee from an existing and filled position that would be suitable for the injured employee.

d. This act shall not apply to athletes employed by professional sports teams.

e. Nothing in this section shall be construed to impair or affect any right of an individual with a disability to a reasonable accommodation under the “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.).

2. This act shall take effect immediately.

Approved September 24, 2021.