

New Jersey State Legislative Board

RONALD E. SABOL, DIRECTOR

(609) 396-1994 (Office)

(551) 404-2102 (Cell)

NELSON MANZANO, ASST. DIRECTOR

(201) 200-0911

CARLTON WILLIAMS, ALT DIRECTOR

(973) 715-7721



PHILLIP D. SUMMERS, SECRETARY

(609)847-5725

MICHAEL BYRNE, CHAIRPERSON

(201) 384-5308

JOSEPH J. WILLIAMS, VICE CHAIRPERSON

(201) 446-7358

TRACY HAMILTON, BUS CHAIRPERSON

(732) 763-7612



333 WEST STATE STREET, 15F TRENTON, NEW JERSEY 08618

FAX: (609)-396-4945 EMAIL: ronjlsb@gmail.com

ALL SMART-TD MEMBERS

Background on: A-4689

S-3164

After New Jersey Transit was created, a Federal Employee's Liability Act (*F.E.L.A*) case was filed.

1989- FITCHIK vs. NJT

This F.E.L.A case went all the way to the 3rd circuit court.

Decision – NJT is not an arm of the state, it can sue and be sued.

2007 – O.S.H.A – Whistleblower protections were introduced to the railroad industry (*R.S.I.A. 2007*)

2018 – Karns vs. NJT

(Keep in mind that Mr. Karns was not an employee of NJT)

NJT declared sovereign immunity (*11th amendment*) this case has been decided in appellate court.

Decision – NJT is an arm of the state, it can declare sovereign immunity so it cannot be sued.

So as of now, some 50 cases are in **"Stay"** by a federal judge.

As a railroad employee at NJT:

❖ **You have NO –**

- F.E.L.A Protection for on the job injuries.
- O.S.H.A Whistleblower protection.
- No federal discrimination protection.

We at SMART-TD have had our good friend Assembly Transportation Chairman, Dan Benson, **D-14th**, introduce **A-4689**. Senator Linda Greenstein, **D-14th** introduced **S-3164**

WHAT YOU NEED TO DO NOW

1. Call Assemblyman Dan Benson @ [609-631-0198](tel:609-631-0198) and thank him for the introduction of the A-4689 bill.
2. Call Senator Linda Greenstein @ [609-395-9911](tel:609-395-9911) and thank her for introducing the S-3164 bill.
3. Call both your Assemblypersons' (2) and ask them to cosponsor **A-4689**
4. Call your New Jersey State Senator and ask him/her to cosponsor **S-3164**
5. Call Governor Phil Murphy @ [609-292-6000](tel:609-292-6000) and ask **why**, as an NJT employee you do not have F.E.L.A, Whistleblower or discrimination protections.
6. Ask all of your friend & family members to call too!

Don't know who your legislators are? You can find them here @

www.njleg.state.nj.us

ASSEMBLY, No. 4689

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 29, 2018

Sponsored by:

Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)

SYNOPSIS

Waives sovereign immunity of NJ Transit to provide certain protections for NJ Transit employees.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning protections for New Jersey Transit employees
2 and supplementing P.L.1979, c.150 (C.27:25-1 et seq.).

3

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

6

7 1. The New Jersey Transit Corporation, the New Jersey Transit
8 Rail Operations, Inc., and any of their successors and assigns who
9 operate, manage, or develop the railroad system in this State, shall
10 waive any defense of jurisdictional or substantive sovereign
11 immunity arising out of any state or federal claim or cause of action
12 against it or its successors and assigns. In addition, New Jersey
13 Transit Rail Operations, Inc., and any of its successors and assigns
14 who operate, manage or develop the railroad system in this State,
15 shall be subject to the provisions of all federal railroad laws,
16 including the "Railway Labor Act" (45 U.S.C. s.151 et seq.), the
17 "Federal Employers Liability Act" (45 U.S.C. s.51 et seq.), the
18 "Railroad Retirement Act of 1937" (45 U.S.C. s.231 et seq.), the
19 "Railroad Retirement Tax Act" (26 U.S.C. s.3201 et seq.), the
20 "Railroad Unemployment Insurance Act" (45 U.S.C. s.351 et seq.),
21 the Federal railroad safety laws (49 U.S.C. s.20101 et seq.),
22 whistleblower laws, discrimination laws, and the "Interstate
23 Commerce Act" (49 U.S.C. s.10501 et seq.). Such waiver shall be
24 retroactive to any lawsuit currently pending in any state or federal
25 court in New Jersey.

26

27 2. This act shall take effect immediately.

28

29

30 STATEMENT

31

32 This bill provides that New Jersey Transit waives sovereign
33 immunity for claims arising out of the Railway Labor Act, the
34 Federal Employers Liability Act, the Railroad Retirement Act, the
35 Railroad Retirement Tax Act, the Railroad Unemployment
36 Insurance Act, the Federal railroad safety laws, whistleblower laws,
37 discrimination laws, and the Interstate Commerce Act.

38 Employees of New Jersey Transit are not covered by many State
39 laws protecting employees and providing employees with certain
40 rights, including workers' compensation and "whistleblower laws."
41 Federal laws exist to provide certain protections and rights to these
42 employees. However, New Jersey Transit employees who have
43 brought actions against New Jersey Transit under these laws have
44 been unsuccessful in obtaining relief as New Jersey Transit has
45 claimed sovereign immunity as a defense.

46 This bill would waive New Jersey Transit's defense of sovereign
47 immunity against claims arising from federal laws intended to
48 protect these employees and provide certain rights to employees.