

## RESOLUTION 2025-237

### RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, OPPOSING A-2145 AND S-2373 THAT WILL SIGNIFICANTLY INCREASE WORKERS' COMPENSATION LEGAL AND MEDICAL COSTS:

**WHEREAS:** The legislature is currently considering A-2145 and S-2373 allegedly to protect public safety workers suffering from post-traumatic stress disorder (PTSD).

**WHEREAS:** This protection already exists and claims involving PTSD are routinely adjudicated in the workers' compensation system.

**WHEREAS:** It is also well established in NJSA 34:15–39.1 that employers may not discharge, harass, or otherwise discriminate or retaliate against an employee on the basis of a health-related matter, including post-traumatic stress disorder.

**WHEREAS:** Our Supreme Court ruled in Lally v Copygraphics (85 NJ 668 1981) that an employee who is retaliated against for pursuing a workers' compensation claim has recourse both before the Commissioner of Labor and Workforce Development and in civil court.

**WHEREAS:** Under the current law, the plaintiff's attorney receives a fee in workers' compensation matters of 25% of the award not including medical bills.

**WHEREAS:** Under A–2145 and S-2373, the attorney will receive a fee of one-third of the entire claim including medical bills.

**WHEREAS:** Under current law, medical providers are paid based on a fee schedule negotiated with a network of providers, typically about 50% of the rate paid by someone not covered by insurance.

**WHEREAS:** Under A–3245 and S-2373, the determination that a first responder has suffered job related PTSD can be made by any licensed physician or licensed mental health professional, even if the medical provider has no experience treating PTSD.

**WHEREAS:** This provision effectively eliminates any incentive for providers to join a network panel, and

**WHEREAS:** A-2145 and S-2373 will pose a significant cost increase for taxpayers, municipalities, counties, and the state at a time New Jersey workers compensation rates are the highest in the nation.

**HOW THEREFORE BE IT RESOLVED THAT:** the Barnegat Township Committee is opposed to the adoption of A-2145 and S-2373.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to the legislative delegation of the 9<sup>th</sup> district, along with the Governor, Senate President and Assembly Speaker.

### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey hereby certify that the foregoing resolution was duly adopted by the Township Committee of said Township at their regular meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 1<sup>st</sup> day of July 2025

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Donna M. Manno, RMC  
Municipal Clerk