

# NEW JERSEY STATE AFL-CIO

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December 7, 2020

Dear Members of the Senate Health, Human Services & Senior Citizens Committee:

### RE: Oppose S-2865 (Singer)

The New Jersey State AFL-CIO opposes legislation seeking to penalize nurses and other health care workers under certain circumstance related to the disclosure of COVID outbreaks at their place of employment. We respectfully ask you to vote “no” on this bill. At a time when these workers are on the front lines in fighting the virus, often putting their own health and lives at risk, this legislation adds undue stress to them at the worst possible time. Although the New Jersey State AFL-CIO recognizes the importance of communicating this type of information, the requirement to do so under this bill is misguided and ineffective and may have an adverse impact on health care workers out of no fault of their own.

This legislation requires employees working in multiple facilities to report outbreaks in their facility to another health care facility at which they are employed under the penalty of license suspension and/or \$1,000.00 fine. Although acquiring this information is important, this should be a function of management at these facilities and should be funneled through existing channels for reporting (such as the Department of Health COVID dashboard) and not through employees that may not even be aware of the existence of such an outbreak.

Particularly problematic is section 1 a(2) that may result in a health care professional being fined and/or suspend for not disclosing a COVID outbreak even if they are not aware of it. Specifically, this section states:

*“any outbreak of an infectious disease occurring at a general acute care hospital, psychiatric hospital, nursing facility, group home, or assisted living facility at which the individual is employed or provides services, which disclosure shall be made as soon as practicable after the individual knows or reasonably should know of the outbreak.”*

The bold and underlined language is extremely problematic and has negative legal implications that may produce strife between employees and managers asserting unreasonable reporting requirements. Furthermore, the burden of proof determining if the employee “knows or reasonably should know” will be difficult if not impossible to prove under certain circumstances and could be used punitively against health care workers. For these reasons, we respectfully ask you to oppose this legislation.

Sincerely,

Charles Wowkanech  
President

Laurel Brennan  
Secretary-Treasurer

CW:LB:jd  
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*“The Voice for Working Families in New Jersey”*