



# Workplace Whistleblower

*Perspectives on whistleblower situations that employers frequently face*

## “Bridgewater” Triggers Proposed Expansion of New Jersey Whistleblower Protections

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In an effort to preempt another “Bridgewater” scandal, New Jersey State Senator Loretta Weinberg has sponsored a bill to extend whistleblower protection to employees who disclose incidents of wasted public funds, governmental abuse, or gross mismanagement. On October 9, 2014, the New Jersey Senate’s Labor Committee approved Bill S-768, which, if passed, will significantly expand New Jersey’s Conscientious Employee Protection Act (“CEPA”).

Last year, in a scandal dubbed “Bridgewater” by the media, Governor Chris Christie and his administration were accused of ordering a number of lane closures on the George Washington Bridge. The lane closures caused massive traffic jams that gridlocked Fort Lee, New Jersey (home of the New Jersey side of the bridge) during the morning rush-hour on Monday, September 9, 2013, which was Fort Lee’s first day of school. Christie’s administration was accused of retaliation against the Mayor of Fort Lee, Mark Sokolich, for not supporting Christie in New Jersey’s 2013 gubernatorial election. As co-chair of the Legislative Select Committee on Investigation and a representative of Bergen County (home of Fort Lee), Senator Weinberg was a natural choice to propose legislation intended to preclude another “Bridgewater.”

The proposed bill would expand CEPA, New Jersey’s whistleblower protection statute. CEPA currently protects employees against employer retaliation when they disclose, testify, or refuse to participate in actions by their employer that are criminal or fraudulent, or that risk public safety and health. S-768 broadens employee safeguards by adding protection for employees who report waste of public funds or abuse or gross mismanagement of government authority. The bill defines “abuse of authority” as “a pattern of illegal, malicious, fraudulent, arbitrary or capricious actions” by a government employer “in a manner clearly deviating from the standard of care or competence that a reasonable person would observe in the same situation.” “Gross mismanagement” is defined as requiring negligence or incompetence that has a “substantial adverse affect on the operations, clients, customers or employees” of the government agency.

Passed by the committee with a 3-1 vote, the bill now moves forward to the full Senate for consideration. Although the proposed bill’s direct impact is limited to public employers, quasi-public and private employers should nevertheless be mindful of these efforts to expand CEPA, which pattern efforts across the country to increase protections for whistleblowers.

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