

## Two Bills That Would Have Amended the Law Against Discrimination Have Been Withdrawn

October 15, 2008

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On September 22, 2008, two bills that would have amended the New Jersey Law Against Discrimination (NJLAD) were withdrawn after their sole sponsor (former Assemblyman Neil Cohen) resigned. The first bill (A1898) had been a response to the Appellate Division's decision in *Cutler v. Dorn*. After the Appellate Division held that the repeated anti-Semitic comments and pranks in that case did not amount to a "hostile work environment," the Assembly bill tried to amend the NJLAD to make such comments and pranks unlawful. (Subsequently, the New Jersey Supreme Court reversed the Appellate Division and found that the conduct in that case did constitute a hostile work environment, which rendered much of A1898 moot.)

The second withdrawn bill, A1582, would have barred employers from requiring their employees, as a term or condition of their employment, to prospectively waive any rights granted under the NJLAD or any other statute, rule or regulation (such as the right to a jury trial, compensatory damages, full discovery, punitive damages, attorneys' fees, or statute of limitations). The bill, if enacted, would have precluded mandatory arbitration agreements.

It is possible either bill could become sponsored by another Assemblyman and re-introduced by the Assembly in the future.

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