

News From The Senate Democrats

**GREENSTEIN, DIEGNAN'S 'NEW JERSEY TRANSIT CORPORATION  
EMPLOYEE PROTECTION ACT' ADVANCES**

TRENTON – Legislation sponsored by Senator Linda Greenstein and Senator Patrick Diegnan, which would restore New Jersey Transit employee protections, cleared the Senate Transportation Committee yesterday.

"This legislation equips New Jersey Transit's railroad employees with a voice," said Senator Greenstein (D-Mercer / Middlesex). "Currently, federal protections are absent at New Jersey Transit due to their ability to assert sovereign immunity. This needs to change and it is imperative to protect the voice of railroad workers when unjust circumstances arise."

In a case unrelated to workers' rights, a recent U.S. Third Circuit Court of Appeals ruling declared the New Jersey Transit Corporation "an arm of the state" and thereby entitled to claim sovereign immunity under the 11th Amendment to the U.S. Constitution. Sovereign immunity prevents a state government or its political subdivisions, departments and agencies from being sued without its consent. Prior to this ruling, New Jersey Transit rail employees were subject exclusively to preemptive federal railroad laws.

The bill, [S3164](#), would restore federal protections for injuries suffered on the job, unemployment, retirement, whistleblowing, and discrimination, and would prohibit NJ Transit from raising a defense of sovereign immunity in those specific instances.

"New Jersey Transit employees should have recourse to the rights that they have always enjoyed under federal law, especially injury compensation and civil rights protections," said Senator Diegnan (D-Middlesex). "This bill preserves the status quo and is a win-win for the State and its workers."

The bill was released from committee by a vote of 5-0, and now heads to the full Senate for further consideration.