

## CHAPTER 385

**AN ACT** imposing liability on employers who discharge or discriminate against employees for displaying the American flag.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

C.10:5-12.6 Liability imposed on employers who discharge, discriminate against employee who displays the American flag.

1. No employer, public or private, shall discharge or discriminate against an employee in compensation or in terms, conditions or privileges of employment for displaying the American flag on the employee's person or work station, provided the display does not substantially and materially interfere with the employee's job duties. An employer who discharges or discriminates against an employee as described in this section shall be liable to the employee for damages caused by the discharge or discrimination, including punitive damages, and for reasonable attorney's fees as part of the costs of any action for damages. If the court determines that the action for damages was brought without substantial justification, the court may award costs and reasonable attorney's fees to the employer.

2. This act shall take effect immediately.

Approved January 8, 2002.