

**Testimony Before NJ Senate Committee on Labor on S-2839 –
Extending whistleblower protections to employee disclosure of
governmental mismanagement, waste and abuse.**

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By: Hanan M. Isaacs, Esq.

Mr. Chairman, Members of the Senate Committee on Labor: Good morning.

My name is Hanan Isaacs. I am a trial lawyer. I have over 30 years of experience as a practicing attorney in Princeton, NJ, and my firm focuses largely on employment law matters for plaintiffs.

I am honored to have the opportunity to speak before you today on behalf of the National Employment Lawyers' Association – NJ Chapter. We are a non-profit association representing hundreds of New Jersey lawyers for plaintiffs. The National Association has thousands of members nationwide.

Just last Monday, June 6, 2011, on Page One of The New York Times, a headline titled "A Disabled Boy's Death, and a Troubled System" caught my attention, and it really deserves everyone's attention.

This article shows a failed “whistleblower” system in which government employees could not get the attention of the New York State Disabled Persons authorities, resulting in the asphyxiation death of a 13-year-old autistic child and the physical injury of many other disabled children and adults. The State of New York funds a health care facility for children with developmental disabilities that receives \$1.4 million PER CHILD PER YEAR, but in 2007 a 13 year old autistic boy, Jonathan Carey, was killed by a supervisory employee who sat on the child until he died from asphyxiation.

Sadly - and equally frustrating - is that this young boy’s death could have been prevented. During interviews with the New York Times, facility employees stated that abuse and neglect are commonplace and some of these employees had previously complained of colleagues’ irresponsible behavior within the facility. Complainants who reported wrongdoing to their superiors were ignored but more often retaliated against.

As one employee stated in the aforementioned newspaper article, “There’s abuse going on all of the time . . . [management doesn’t] report anything . .

. [t]hey hide everything and cover for each other.” The lack of accountability displayed by employees and management at State-run facilities often results in the misuse of taxpayer dollars and resources. In the case of Jonathan Carey’s death, non-enforcement of whistleblowers’ anti-retaliation policies resulted in an unexamined work environment where complaints of irresponsible and poorly trained staff fell through the cracks.

Through the years, taxpayers contribute to faulty systems that fail to provide quality services, as was the case in the New York facility where Jonathan Carey died. Despite the government’s constant funding, unchecked management and staff failed to meet patients’ most basic rights; failed to provide for disabled people; and failed to properly manage vast amounts of taxpayers’ money.

Taxpayers must demand efficient tools from state lawmakers that will protect public employees who denounce wrongdoing. It is up to the taxpayers to ask for greater fiscal responsibility and management; this is why NELA-NJ supports expanded whistleblower protection for government employees, especially in health care facilities. This is also where the State

Legislature has a chance to ensure the proper use of taxpayer dollars while also protecting the livelihood of state healthcare workers and the lives of facility patients.

I believe that public employees and taxpayers are on the same side here; greater protection for whistleblowers will lead to better use of taxpayers' money by allocating funds toward better facilities, superior staff, more training, and by attracting and retaining better employees. This ensures proper use of resources, and reduces wrongful deaths or injuries to those our Government has vowed to protect. Taxpayers need employees to bring forward evidence or concerns of misconduct without fearing retaliation.

Finally, there has to be an effective management of whistleblower reports so that the process goes through the right channels to facilitate proper reporting, thus saving funds and resources. If reports are discarded or ignored it only causes taxpayers to spend more money by allowing employers to cut costs that will eventually lead to poorer standards of care,

injuries, or deaths; this is why we want expanded protection, but expanded protection needs effective management.

Employees who complain of irresponsible staff behavior and abuse should be afforded maximum protection in their heroic reporting of wrongful behavior. Senator Weinberg's bill, S-2839, will extend "whistleblower" protections to employee disclosures of governmental mismanagement, waste, and abuse, beyond what is currently covered by the New Jersey Conscientious Employees' Protection Act.

New Jersey does not need the wrongful death of a Christopher Carey to wake us up. We are already awake. This bill requires favorable reporting out by this Committee, passage by the Legislature, and signature by the Governor. Our citizens, taxpayers, and children deserve and expect no less.