

# Do NJ Employees Need to Prove Discharge Under New Jersey's Whistleblower Law to Obtain Back and Front Pay?

By: Beth Lincow Cole

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The New Jersey Supreme Court will soon release its opinion in an important case concerning whether an [employee](#) can recover front and back pay or other economic damages without evidence of a constructive or actual [job termination](#) under the Conscientious Employee Protection Act (CEPA).

That law is New Jersey's [whistleblower](#) law, which defines retaliatory behavior as "the discharge, suspension or demotion of an employee, or other adverse [employment](#) action taken against an employee in the terms and conditions of [employment](#)." N.J.S.A. § 34:19-2(e).

In *Donelson v. DuPont Chambers Works*, 412 N.J. Super. 17 (App. Div. 2010), the New Jersey Appellate Division ruled that under CEPA, an employee is not entitled to front or back pay or other economic damages in the absence of a constructive or [actual termination](#). Thus, the court found damages may not be collected if an employee leaves voluntarily. The case was argued before the New Jersey Supreme Court on October 30, 2010.

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PA and NJ companies-- When was the last time your employee handbook was reviewed? Outdated policies can be as dangerous as having no policies at all. Call for a handbook tune-up and receive a special discounted flat rate available to our social media connections. Can your company really afford to wait?

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## About Beth Lincow Cole

Employment Law Attorney Beth Lincow Cole has skillfully helped business owners and managers head off the unwanted and unnecessary lawsuits that can arise in the workplace. Drawing on her successful legal experiences both in and outside the courtroom, Beth Lincow Cole understands how to protect employers. By developing solid pre- and post-employment procedures for her clients, she assures that they are legally protected.

Beth Lincow Cole has worked for large regional and national law firms, focusing solely on employment issues, on behalf of management within a wide range of industries. Whether you are a start up company with basic questions about personnel files or a larger company with questions about an employee's Family Medical Leave, Beth Lincow Cole can help. Drawing on her experiences, she counsel's companies in the following practice areas:

- Defense in administrative agency matters such as before the DOL, EEOC, PHRC or NJDCR
- Department of Labor Audits
- Discrimination
- Downsizing/Reduction in Force
- Drug Testing
- Employment Contracts and Severance Agreements
- Employment Law Compliance
- FMLA and other family leave laws
- Independent Contractors/Contingent Workforce

Please contact the firm to find out how the Law Office of Beth Lincow Cole can protect your company.