

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2354

with committee amendments

# STATE OF NEW JERSEY

DATED: OCTOBER 27, 2014

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 2354.

This bill, as amended, requires each employer to provide earned sick leave to each employee it employs in the State, except for construction employees that are under contract pursuant to a collective bargaining agreement. The employee accrues one hour of earned sick leave for every 30 hours worked. The employer is not required to permit the employee to accrue at any one time, or carry forward from one year to the next, more than 40 hours of earned sick leave if the employer has less than 10 employees in the State, or more than 72 hours of earned sick leave if the employer has 10 or more employees. Unless the employee accrued earned sick leave with the employer before the effective date of the bill, the leave accrues beginning on that date or on the 90th day after the employee is hired, unless the employer agrees to an earlier date.

The employer is required to pay the employee for earned sick leave at the same rate of pay with the same benefits as the employee normally earns, except that the pay rate may not be less than the State minimum wage. Earned sick leave may be used for:

1. Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
2. Time needed for the employee to care for a family member during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or preventive medical care for the family member; or
3. Absence needed due to circumstances resulting from the employee or a family member being a victim of domestic or sexual violence, if the leave is to obtain medical attention, counseling, relocation, legal or other services.

The bill prohibits retaliatory personnel actions against an employee for the use or requested use of earned sick leave or for filing of a complaint for an employer violation. The bill sets requirements for record keeping and for notifying workers of their rights under the bill. It provides for penalties and other remedies for non-compliance with

the requirements of the bill, based on the penalties and remedies for non-compliance with the “New Jersey State Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.).

The bill specifies that it is intended to set minimum standards for earned sick leave, but not to prevent any employer policies, collective bargaining agreements or other laws or ordinances which set higher standards. With respect to employees covered by a collective bargaining agreement in effect at the time of the effective date of the bill, no provision of the bill will apply until the expiration of the collective bargaining agreement.

#### COMMITTEE AMENDMENTS

The committee adopted the following amendments to the bill:

1. Define “benefit year” as the period of 12 consecutive months established by an employer in which an employee shall accrue and use earned sick leave as prescribed in the bill, provided that once the starting date of the benefit year is established by the employer it can not be changed unless the employer petitions the Commissioner of Labor and Workforce Development.

2. Revise the term “domestic violence” to be “domestic or sexual violence” and clarify that “domestic or sexual violence” means stalking, any sexually violent offense, or domestic violence.

3. Exempts, from the definition of “employee,” construction employees that are under contract pursuant to a collective bargaining agreement.

4. Provides that with respect to employees covered by a collective bargaining agreement in effect at the time of the effective date of the bill, no provision of the bill will apply until the expiration of the collective bargaining agreement.

5. Provide, for an employee hired prior to the effective date of the bill, that the accrual of earned sick leave will begin on the effective date of the bill; and provide, for an employee hired after the effective date of the bill, that the accrual of earned sick leave will begin on the 90th day after the hiring of the employee.