

SENATE, No. 2935

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MAY 18, 2015

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Provides employee time off for events regarding education of their children.

CURRENT VERSION OF TEXT

As introduced.



S2935 WEINBERG

2

1 AN ACT providing certain employees time off for events regarding
2 the education of their children and supplementing Title 34 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. Any employee of an employer who employs 25 or more
9 employees at a single location shall permit any employee who is a
10 parent of a child attending kindergarten, grades 1 through 12, or a
11 licensed childcare facility to take off up to 40 hours each year, but
12 not exceeding eight hours in any calendar month, to participate in
13 activities of the school or childcare facility of the child, including,
14 but not limited to, theatrical or sporting events and parent-teacher
15 conferences or other meetings regarding the child's education,
16 including meetings regarding any special education needs of the
17 child, if the employee gives reasonable prior notice to the employer
18 of the planned absence of the employee. Time taken off pursuant to
19 this section may be taken in increments as short as two hours.

20 b. If both parents of the child are employed by the same
21 employer at the same location, the entitlement under subsection a.
22 of this section for a planned absence applies only to the parent who
23 first gives notice to the employer, unless the employer chooses to
24 approve time off for both parents simultaneously.

25 For the purposes of this act, "parent" means a biological parent,
26 adoptive parent, resource family parent, step-parent, parent-in-law,
27 grandparent, or legal guardian having a "parent-child relationship"
28 with a child as defined by law, or having sole or joint legal or
29 physical custody, care, guardianship, or visitation with a child.

30
31 2. The employee shall utilize available paid vacation, personal
32 leave, or compensatory time for purposes of the planned absence
33 authorized by this act, unless otherwise provided by a collective
34 bargaining agreement in effect upon the effective date of this act.
35 An employee may utilize the time off provided by this act whether
36 or not paid time is available. The entitlement of any employee
37 under this act shall not be diminished by any collective bargaining
38 agreement entered into after the effective date of this act. Nothing
39 in this act shall be construed as diminishing any benefits or rights
40 provided under a current or future collective bargaining agreement,
41 employer policy, or local ordinance which are more favorable to the
42 employee than those provided by this act.

43 If all permanent, full-time employees of an employer are
44 accorded paid vacation during the same period of time, the
45 employer shall not be required to permit an employee to utilize that
46 accrued vacation benefit at any other time for purposes of a planned
47 absence authorized by this act.

1 3. If requested by the employer, the employee shall provide
2 documentation obtained from the school or licensed childcare
3 facility as proof of participation in school or childcare facility
4 activities on a specific date and time.

5
6 4. An employer shall not discharge, threaten, harass or
7 otherwise discriminate against an employee with respect to the
8 compensation, terms, conditions or privileges of employment for
9 taking or requesting any leave to which the employee is entitled
10 pursuant to this act.

11
12 5. Upon a violation of any provision of this act, an employee
13 may institute a civil action in the Superior Court for relief. All
14 remedies available in common law tort actions shall be available to
15 a prevailing plaintiff. The court may also order any or all of the
16 following relief:

17 a. Compensation for any lost wages, benefits and other
18 remuneration caused by a violation of the act, and, if the violation is
19 willful, a civil penalty of three times the amount of the lost
20 remuneration;

21 b. Reinstatement of the employee to the same, or equivalent,
22 position held by the employee before any discharge with
23 reinstatement of full fringe benefits and seniority rights;

24 c. An injunction to restrain any continued violation; and

25 d. Payment of reasonable costs and attorney's fees.

26 Any action brought under this section shall be commenced
27 within one year of the date of the alleged violation.

28

29 6. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill requires any employer of 25 or more employees
35 working at a single location to permit any employee who is a
36 parent, grandparent, or guardian of a child attending a school or
37 childcare facility to take off up to 40 hours each year, not exceeding
38 eight hours in any calendar month, to participate in activities of the
39 child's school or childcare facility, if the employee gives reasonable
40 notice of the planned absence and any requested documentation of
41 the participation. If both parents of a child work at the same
42 location, the bill's entitlement to time off applies only to the parent
43 who first gives notice to the employer.

44 The employee is required to use available paid vacation, personal
45 leave, or compensatory time during the time off, unless otherwise
46 provided by a collective bargaining agreement in effect when the
47 bill was enacted. An employee may utilize the time off provided by
48 the bill whether or not paid time is available. An employee's rights

S2935 WEINBERG

1 under the bill are not to be diminished by any collective bargaining
2 agreement entered into after the effective date of the bill. The bill
3 does not diminish any benefits or rights provided under any current
4 or future collective bargaining agreement, employer policy, or local
5 ordinance which are more favorable to the employee.

6 The bill prohibits employer retaliation against an employee for
7 requesting or taking time off provided by the bill.

8 The bill permits an employee subjected to any violation of the
9 bill to institute a civil action in the Superior Court. In addition to
10 remedies available in common law tort actions, the court may order
11 any or all of the following relief:

- 12 1. Compensation for lost wages, benefits and other
13 remuneration caused by the violation, and, if the violation is willful,
14 a civil penalty of three times the amount of the lost remuneration;
- 15 2. Reinstatement to the same, or an equivalent, position with
16 full fringe benefits and seniority rights;
- 17 3. An injunction against any continued violation; and
- 18 4. Reasonable costs and attorney's fees.