

ASSEMBLY, No. 2843

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Assemblywomen Swain, Vainieri Huttie and Assemblyman Tully

SYNOPSIS

Requires employers to provide paid leave to employees to vote in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/17/2020)

1 AN ACT concerning paid leave for voting and supplementing Title
2 34 of the Revised Statutes.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. Each employer shall provide two hours of paid leave
8 annually to each employee working for the employer in the State for
9 the purpose of voting at a general election in the State. The
10 employer shall not be required to permit the employee to carry
11 forward from one benefit year to the next the leave for voting if the
12 employee did not exercise the right to use some or all of the two
13 hours to vote.

14 b. An employer shall be in compliance with this section if the
15 employer offers paid time off, which is fully paid, and may be used
16 at the beginning or the end of an employee's work shift on the day
17 of a general election in the State. An employee seeking to use paid
18 leave to vote at a general election in the State shall provide an
19 employer with two business days' notice of the necessity for leave.
20 An employer shall display conspicuous notice of its employees'
21 rights and obligations pursuant to the provisions of this act at least
22 10 days prior to a general election in the State.

23 c. The employer shall pay the employee for voting leave at the
24 same rate of pay with the same benefits as the employee normally
25 earns, except that the pay rate shall not be less than the minimum
26 wage required for the employee pursuant to section 5 of P.L.1966,
27 c.113 (C.34:11-56a4).

28 d. As used in this act:

29 "Employee" means an individual engaged in service to an
30 employer in the business of the employer for compensation.

31 "Employee" does not include:

32 (1) an employee performing service in the construction industry
33 that is under contract pursuant to a collective bargaining agreement;

34 (2) a per diem health care employee; or

35 (3) a public employee who is provided with leave for voting with
36 full pay or a paid holiday on the day of a general election in the
37 State pursuant to any other law, rule, or regulation of this State.

38 "Employer" means any person, firm, business, educational
39 institution, nonprofit agency, corporation, limited liability company
40 or other entity that employs employees in the State, including a
41 temporary help service firm. In the case of a temporary help service
42 firm placing an employee with client firms, earned sick leave shall
43 accrue on the basis of the total time worked on assignment with the
44 temporary help service firm, not separately for each client firm to
45 which the employee is assigned. "Employer" does not include a
46 public employer that is required to provide its employees with leave
47 for voting with full pay or a paid holiday on the day of a general

1 election in the State pursuant to any other law, rule or regulation of
2 this State.

3 e. Any failure of an employer to make available paid leave to
4 vote as required by this act, or any other violation of this act, shall
5 be regarded as a failure to meet the wage payment requirements of
6 the "New Jersey State Wage and Hour Law," P.L.1966, c.113
7 (C.34:11-56a et seq.), or other violation of that act, as the case may
8 be, and remedies, penalties, and other measures provided by that
9 act, R.S.34:11-58, and section 10 of P.L.1999, c.90 (C.2C:40A-2)
10 for failure to pay wages or other violations of that act shall be
11 applicable, including, but not limited to, penalties provided
12 pursuant to sections 23 and 25 of that act (C.34:11-56a22 and
13 34:11-56a24), and civil actions by employees pursuant to section 26
14 of that act (C.34:11-56a25).

15

16 2. This act shall take effect immediately.

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19 STATEMENT

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21 This bill requires an employer to provide two hours of paid leave
22 annually to each employee working for the employer in the State for
23 the purpose of voting at a general election in the State.
24 Specifically, an employer is required to offer paid time off, which is
25 fully paid, and may be used at the beginning or the end of an
26 employee's work shift on the day of a general election in the State.

27 Under the bill, an employee is required to notify an employer of
28 the necessity for leave to vote two business days in advance of a
29 general election in the State, and an employer is required to provide
30 notice to employees of the employees' rights and obligations under
31 this bill at least ten days prior to a general election in the State.

32 The bill does not apply to:

33 (1) an employee performing service in the construction industry
34 that is under contract pursuant to a collective bargaining agreement;

35 (2) a per diem health care employee; or

36 (3) a public employee who is provided with leave for voting with
37 full pay or a paid holiday on the day of a general election in the
38 State pursuant to any other law, rule, or regulation of this State.