ASSEMBLY, No. 5563

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 5, 2021

Sponsored by:
Assemblywoman JOANN DOWNEY
District 11 (Monmouth)
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)

SYNOPSIS

Provides paid leave of absence to employees of public institutions of higher education for certain circumstances related to COVID-19.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/20/2021)

AN ACT providing paid leave of absence to employees of public institutions of higher education for certain circumstances relating to COVID-19 and supplementing Title 18A of the New Jersey Statutes.

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

1. a. Notwithstanding any law, rule, or regulation to the contrary, an employee of a public institution of higher education who does not report for in person work as required to perform the duties of the employee's position shall be granted a leave of absence with pay and without loss of rights, privileges, or benefits if the employee provides documentation that verifies the employee is:

(1) diagnosed with COVID-19;

(2) experiencing COVID-19 symptoms and seeking medical diagnosis;

(3) directed or advised by a medical professional, health care professional, or federal, State, or local government entity to self-isolate or quarantine due to a suspicion of exposure to or diagnosis with COVID-19;

(4) undergoing a period of self-quarantine or isolation pursuant to relevant public health guidance due to a suspicion of exposure to or diagnosis with COVID-19; or

(5) residing with or caring for a member of the employee's household or family member, as defined in section 3 of P.L.1989, c.261 (C.34:11B-3), who is experiencing any of the conditions listed in paragraphs (1) through (4) of this subsection.

b. Notwithstanding any law, rule, or regulation to the contrary, an employee of a public institution of higher education who serves as a volunteer or who is called to work by the State in a role that serves the public health and welfare to combat COVID-19 and who, subsequent to such volunteer or State work, presents documentation that they are experiencing any of the conditions listed in paragraphs (1) through (5) of subsection a. of this section shall be granted a leave of absence with pay and without loss of rights, privileges, or benefits. A position that serves the public health and welfare to combat COVID-19 shall include, but not be limited to, an emergency medical technician, firefighter, contact tracer, nurse, or other health care professional.

c. A public institution of higher education shall not grant a leave of absence request submitted pursuant to the provisions of this section if:

(1) the institution offers an employee who provides documentation that verifies the employee is experiencing any of the conditions listed in paragraphs (3) through (5) of subsection a. of this section the option to work remotely; and

(2) the employee refuses the option to work remotely.

d. Notwithstanding any law, rule, or regulation to the contrary, an employee of a public institution of higher education shall receive full pay for any leave of absence that is granted pursuant to the provisions of this act.

e. As used in this section, "COVID-19" means the coronavirus disease 2019, as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China.

2. a. A public institution of higher education shall not require an employee to provide advanced notice before utilizing the leave of absence provided pursuant to section 1 of this act. An institution may require an employee to notify the institution of the leave of absence request, to the extent practicable, within one workday of the initial absence. The request shall be provided in writing and shall include all appropriate medical or other documentation.

b. An employee of a public institution of higher education, or the employee's representative if the employee is unable to do so personally, shall provide the employing institution with notice of the employee's leave of absence request pursuant to the provisions of this act as soon as practicable, but no later than five workdays following the initial absence. The notice shall include the dates for which the leave of absence is requested and a written statement explaining that the employee is unable to report for in person work due to a condition listed in subsections a. or b. of section 1 of this act.

3. An employee of a public institution of higher education who was previously subject to adverse action or any other form of discipline due to excessive absenteeism or abuse of sick leave shall not be disciplined for future absences if the absence or use of sick leave occurred as a result of any of the conditions listed in subsections a. or b. of section 1 of this act.

4. Nothing herein shall be construed to limit, supersede, or preempt the rights, privileges, compensation, remedies, and procedures afforded to an employee of a public institution of higher education under federal or State law or any provision of a collective negotiations agreement entered into by the public institution of higher education and employee.

5. This act shall take effect immediately.

STATEMENT

This bill provides that certain employees of a public institution of higher education would receive a fully paid leave of absence if the absence is related to COVID-19. Certain employees of a public institution of higher education who serve as volunteers or are called to work by the State in a role that serves the public health and welfare to combat COVID-19 would also receive a fully paid leave of absence under the bill.

An employee subject to the provisions of the bill would have to provide documentation that verifies the employee is, or is caring for a household or family member who is:

(1) diagnosed with COVID-19;

(2) experiencing COVID-19 symptoms and seeking medical diagnosis;

(3) directed or advised by a medical professional, health care professional, or federal, State, or local government entity to self-isolate or quarantine due to a suspicion of exposure to or diagnosis with COVID-19; or

(4) undergoing a period of self-quarantine or isolation pursuant to relevant public health guidance due to a suspicion of exposure to or diagnosis with COVID-19.

Under the bill, a public institution of higher education that offers employees the option to work remotely would not be permitted to grant certain leave of absence requests made pursuant to the provisions of the bill of an employee who refuses the option to work remotely.

A public institution of higher education cannot require an employee to provide advanced notice of a leave of absence request under the provisions of the bill, but may require an employee to notify the institution of the leave of absence request, to the extent practicable, within one workday of the initial absence. The request must be provided in writing and include all appropriate medical or other documentation.

An employee must notify the public institution of higher education of a leave of absence request as soon as practicable, but no later than five workdays following the initial absence. The notice must include the dates for which the leave of absence is requested and a written statement explaining the reason the employee is unable to report for in person work.

Under the bill, an employee of a public institution of higher education who was previously subject to discipline due to excessive absenteeism or abuse of sick leave will not be disciplined for future absences if the absences or use of sick leave occurred as a result of a condition outlined in the bill.