

# ASSEMBLY, No. 5674

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Requires all employers in State to provide paid sick leave to all employees to obtain vaccination against coronavirus disease 2019.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the use of sick leave for the purpose of  
2 obtaining a vaccination against coronavirus disease 2019 and  
3 amending and supplementing various part so the statutory law.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. N.J.S.11A:6-5 is amended to read as follows:

9 11A:6-5. Sick leave. a. Full-time State and political  
10 subdivision employees shall receive a sick leave credit of no less  
11 than one working day for each completed month of service during  
12 the remainder of the first calendar year of service and 15 working  
13 days in every year thereafter. Unused sick leave shall accumulate  
14 without limit.

15 b. (1) In addition to the 15 working days of sick leave provided  
16 under subsection a. of this section, full-time State and political  
17 subdivision employees shall receive a one-time paid sick leave  
18 credit of up to eight hours to be used for the purpose of obtaining a  
19 vaccination against coronavirus disease 2019. If an employee  
20 requires two doses of a vaccine, the employee shall be entitled to a  
21 credit for up to eight hours; otherwise an employee shall be entitled  
22 to a credit for up to four hours. An employer may require an  
23 employee to provide documentation that the leave used was for the  
24 purpose of obtaining the vaccination.

25 (2) In addition to the sick leave credit provided in paragraph (1)  
26 of this subsection, full-time State and political subdivision  
27 employees shall receive a one-time paid sick leave credit of up to  
28 two working days to be used for the purpose of recovering from an  
29 adverse reaction or side effect of taking a vaccine. If an employee  
30 requires two doses of a vaccine, the employee shall be entitled to a  
31 credit for up to two working days; otherwise an employee shall be  
32 entitled to a credit for one working day. An employer may require  
33 the employee to certify, without requiring the employee to provide  
34 supporting documentation, that the employee is unwell and unable  
35 to work to use this credit.

36 Nothing in this paragraph (2) shall prevent an eligible employee  
37 from using other available paid sick leave or unpaid leave for  
38 additional time to recover from the vaccine.

39 (cf: N.J.S.11A:6-5)  
40

41 2. Section 2 of P.L.2018, c.10 (C.34:11D-2) is amended to read  
42 as follows:

43 2. a. Each employer shall provide earned sick leave to each  
44 employee working for the employer in the State. For every 30 hours  
45 worked, the employee shall accrue one hour of earned sick leave,

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 except that an employer may provide an employee with the full  
2 complement of earned sick leave for a benefit year, as required  
3 under this section, on the first day of each benefit year in  
4 accordance with subsection c. or subsection d. of section 3 of this  
5 act. The employer shall not be required to permit the employee to  
6 accrue or use in any benefit year, or carry forward from one benefit  
7 year to the next, more than 40 hours of earned sick leave. Unless  
8 the employee has accrued earned sick leave prior to the effective  
9 date of this act, the earned sick leave shall begin to accrue on the  
10 effective date of this act for any employee who is hired and  
11 commences employment before the effective date of this act and the  
12 employee shall be eligible to use the earned sick leave beginning on  
13 the 120th calendar day after the employee commences employment,  
14 and if the employment commences after the effective date of this  
15 act, the earned sick leave shall begin to accrue upon the date that  
16 employment commences and the employee shall be eligible to use  
17 the earned sick leave beginning on the 120th calendar day after the  
18 employee commences employment, unless the employer agrees to  
19 an earlier date. The employee may subsequently use earned sick  
20 leave as soon as it is accrued.

21 b. An employer shall be in compliance with this section if the  
22 employer offers paid time off, which is fully paid and shall include,  
23 but is not limited to personal days, vacation days, and sick days,  
24 and may be used for the purposes of section 3 of this act in the  
25 manner provided by this act, and is accrued at a rate equal to or  
26 greater than the rate described in this section.

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

32 d. Upon the mutual consent of the employee and employer, an  
33 employee may voluntarily choose to work additional hours or shifts  
34 during the same or following pay period, in lieu of hours or shifts  
35 missed, but shall not be required to work additional hours or shifts  
36 or use accrued earned sick leave. An employer may not require, as  
37 a condition of an employee's using earned sick leave, that the  
38 employee search for or find a replacement worker to cover the  
39 hours during which the employee is using earned sick leave.

40 e. If an employee is transferred to a separate division, entity, or  
41 location, but remains employed by the same employer, then the  
42 employee shall be entitled to all earned sick leave accrued at the  
43 prior division, entity, or location, and shall be entitled to use the  
44 accrued earned sick leave as provided in this act. If an employee is  
45 terminated, laid off, furloughed, or otherwise separated from  
46 employment with the employer, any unused accrued earned sick  
47 leave shall be reinstated upon the re-hiring or reinstatement of the  
48 employee to that employment, within six months of termination,

1 being laid off or furloughed, or separation, and prior employment  
2 with the employer shall be counted towards meeting the eligibility  
3 requirements set forth in this section. When a different employer  
4 succeeds or takes the place of an existing employer, all employees  
5 of the original employer who remain employed by the successor  
6 employer are entitled to all of the earned sick leave they accrued  
7 when employed by the original employer, and are entitled to use the  
8 earned sick leave previously accrued immediately.

9 f. An employer may choose the increments in which its  
10 employees may use earned sick leave, provided that the largest  
11 increment of earned sick leave that an employee may be required to  
12 use for each shift for which earned sick leave is used shall be the  
13 number of hours the employee was scheduled to work during that  
14 shift.

15 g. (1) In addition to the 40 hours of earned sick leave provided  
16 under subsection a. of this section, each employee shall receive a  
17 one-time paid sick leave credit of up to eight hours to be used for  
18 the purpose of obtaining a vaccination against coronavirus disease  
19 2019, which shall be considered preventive care under section 3 of  
20 P.L.2018, c.10 (C.34:11D-3). If an employee requires two doses of  
21 a vaccine, the employee shall be entitled to a credit for up to eight  
22 hours; otherwise an employee shall be entitled to a credit for up to  
23 four hours. An employer may require an employee to provide  
24 documentation that the leave used was for the purpose of obtaining  
25 the vaccination.

26 (2) In addition to the sick leave credit provided in paragraph (1)  
27 of this subsection, full-time State and political subdivision  
28 employees shall receive a one-time paid sick leave credit of up to  
29 two working days to be used for the purpose of recovering from an  
30 adverse reaction or side effect of taking a vaccine. If an employee  
31 requires two doses of a vaccine, the employee shall be entitled to a  
32 credit for up to two working days; otherwise an employee shall be  
33 entitled to a credit for one working day. An employer may require  
34 the employee to certify, without requiring the employee to provide  
35 supporting documentation, that the employee is unwell and unable  
36 to work to use this credit.

37 Nothing in this paragraph (2) shall prevent an eligible employee  
38 from using other available paid sick leave or unpaid leave for  
39 additional time to recover from the vaccine.

40 (cf: P.L.2018, c.10, s.2)

41  
42 3. (New section) a. Notwithstanding any law, rule or  
43 regulation to the contrary, for officers or employees of a school  
44 board, or any agency or instrumentality thereof, in addition to any  
45 paid sick leave provided by law, each officer or employee shall  
46 receive a one-time paid sick leave credit of up to eight hours to be  
47 used for the purpose of obtaining a vaccination against coronavirus  
48 disease 2019. If an employee or officer requires two doses of a

1 vaccine, the employee or officer shall be entitled to a credit for up  
2 to eight hours; otherwise an employee or officer shall be entitled to  
3 a credit for up to four hours. A board may require an employee or  
4 officer to provide documentation that the leave used was for the  
5 purpose of obtaining the vaccination.

6 b. In addition to the sick leave credit provided in subsection a. of  
7 this section, officers or employees of a school board, or any agency  
8 or instrumentality thereof, shall receive a one-time paid sick leave  
9 credit of up to two working days to be used for the purpose of  
10 recovering from an adverse reaction or side effect of taking a  
11 vaccine. If an employee or officer requires two doses of a vaccine,  
12 the employee or officer shall be entitled to a credit for up to two  
13 working days; otherwise an employee or officer shall be entitled to  
14 a credit for one working day. An employer may require the  
15 employee to certify, without requiring the employee to provide  
16 supporting documentation, that the employee is unwell and unable  
17 to work to use this credit.

18 Nothing in this subsection b. shall prevent an eligible employee  
19 or officer from using other available paid sick leave or unpaid leave  
20 for additional time to recover from the vaccine.

21  
22 4. (New section) a. Notwithstanding any law, rule or  
23 regulation to the contrary, for officers or employees of a political  
24 subdivision of the State, or any agency, authority or instrumentality  
25 thereof, that has not adopted the provisions of Title 11A, Civil  
26 Service, of the New Jersey Statutes, in addition to any paid sick  
27 leave provided by law, each officer or employee shall receive a one-  
28 time paid sick leave credit of up to eight hours to be used for the  
29 purpose of obtaining a vaccination against coronavirus disease  
30 2019. If an employee or officer requires two doses of a vaccine, the  
31 employee or officer shall be entitled to a credit for up to eight  
32 hours; otherwise an employee or officer shall be entitled to a credit  
33 for up to four hours. An employer may require the employee or  
34 officer to provide documentation that the leave used was for the  
35 purpose of obtaining the vaccination.

36 b. In addition to the sick leave credit provided in subsection a. of  
37 this section, officers or employees of a political subdivision of the  
38 State, or any agency, authority or instrumentality thereof, that has  
39 not adopted the provisions of Title 11A, Civil Service, of the New  
40 Jersey Statutes, shall receive a one-time paid sick leave credit of up  
41 to two working days to be used for the purpose of recovering from  
42 an adverse reaction or side effect of taking a vaccine. If an  
43 employee or officer requires two doses of a vaccine, the employee  
44 or officer shall be entitled to a credit for up to two working days;  
45 otherwise an employee or officer shall be entitled to a credit for one  
46 working day. An employer may require the employee to certify,  
47 without requiring the employee to provide supporting

1 documentation, that the employee is unwell and unable to work to  
2 use this credit.

3 Nothing in this subsection b. shall prevent an eligible employee  
4 or officer from using other available paid sick leave or unpaid leave  
5 for additional time to recover from the vaccine.

6  
7 5. (New section) a. As used in this section, "independent State  
8 authority" means a public authority, board, commission,  
9 corporation, or other agency or instrumentality of the State,  
10 including a regional authority, and shall include a college or  
11 university.

12 b. Notwithstanding the provisions of any other law to the  
13 contrary, in addition to any paid sick leave provided by law, public  
14 employees of an independent State authority who are not subject to  
15 the provisions of Title 11A (Civil Service) of the New Jersey  
16 Statutes shall receive a one-time paid sick leave credit of up to eight  
17 hours to be used for the purpose of obtaining a vaccination against  
18 coronavirus disease 2019. If an employee requires two doses of a  
19 vaccine, the employee shall be entitled to a credit for up to eight  
20 hours; otherwise an employee shall be entitled to a credit for four  
21 hours. An employer may require an employee to provide  
22 documentation that the leave used was for the purpose of obtaining  
23 the vaccination.

24 c. In addition to the sick leave credit provided in subsection b.  
25 of this section, public employees of an independent State authority  
26 who are not subject to the provisions of Title 11A (Civil Service) of  
27 the New Jersey Statutes shall receive a one- paid sick leave credit of  
28 up to two working days to be used for the purpose of recovering  
29 from an adverse reaction or side effect of taking a vaccine. If an  
30 employee requires two doses of a vaccine, the employee shall be  
31 entitled to a credit for up to two working days; otherwise an  
32 employee shall be entitled to a credit for one working day. An  
33 employer may require the employee to certify, without requiring the  
34 employee to provide supporting documentation, that the employee  
35 is unwell and unable to work to use this credit.

36 Nothing in this subsection c. shall prevent an eligible employee  
37 from using other available paid sick leave or unpaid leave for  
38 additional time to recover from the vaccine.

39  
40 6. This act shall take effect immediately.

41

42

43 STATEMENT

44

45 This bill requires all public and private employers in the State to  
46 provide employees with a one-time paid sick leave credit of up to  
47 eight hours to be used for the purpose of obtaining a vaccination  
48 against coronavirus disease 2019. If an employee requires two

1 doses of a vaccine, the employee shall be entitled to a credit for up  
2 to eight hours; otherwise an employee shall be entitled to a credit  
3 for four hours. An employer may require an employee to provide  
4 documentation that the leave used was for the purpose of obtaining  
5 the vaccination.

6 In addition to the sick leave credit provided to obtain a vaccine  
7 against coronavirus disease 2019, all public and private employees  
8 will receive a one-time paid sick leave credit of up to two working  
9 days to be used for the purpose of recovering from an adverse  
10 reaction or side effect of taking a vaccine. If an employee requires  
11 two doses of a vaccine, the employee will be entitled to a credit for  
12 up to two working days; otherwise an employee shall be entitled to  
13 a credit for one working day. An employer may require the  
14 employee to certify, without requiring the employee to provide  
15 supporting documentation, that the employee is unwell and unable  
16 to work to use this credit.

17 Nothing in the bill will prevent an eligible employee from using  
18 other available paid sick leave or unpaid leave for additional time to  
19 recover from the vaccine.

20 The leave provided by this bill is in addition to sick leave  
21 currently provided by law.