

SENATE, No. 2279

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 19, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Concerns reinstatement of workers taking family leave during public health emergencies.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning reinstatement of workers taking family leave
2 during public health emergencies and amending P.L.1989, c.261.

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

6
7 1. Section 3 of P.L.1989, c.261 (C.34:11B-3) is amended to
8 read as follows:

9 3. As used in this act:

10 a. "Child" means a biological, adopted, foster child, or resource
11 family child, stepchild, legal ward, or child of a parent, including a
12 child who becomes the child of a parent pursuant to a valid written
13 agreement between the parent and a gestational carrier.

14 b. "Director" means the Director of the Division on Civil
15 Rights.

16 c. "Division" means the Division on Civil Rights in the
17 Department of Law and Public Safety.

18 d. "Employ" means to suffer or permit to work for
19 compensation, and includes ongoing, contractual relationships in
20 which the employer retains substantial direct or indirect control
21 over the employee's employment opportunities or terms and
22 conditions of employment.

23 e. "Employee" means a person who is employed for at least 12
24 months by an employer, with respect to whom benefits are sought
25 under this act, for not less than 1,000 base hours during the
26 immediately preceding 12-month period. Any time, up to a
27 maximum of 90 calendar days, during which a person is laid off or
28 furloughed by an employer due to that employer curtailing
29 operations because of a state of emergency declared after October
30 22, 2012, shall be regarded as time in which the person is employed
31 for the purpose of determining eligibility for leave time under this
32 act. In making the determination, the base hours per week during
33 the layoff or furlough shall be deemed to be the same as the average
34 number of hours worked per week during the rest of the 12-month
35 period.

36 f. "Employer" means a person or corporation, partnership,
37 individual proprietorship, joint venture, firm or company or other
38 similar legal entity which engages the services of an employee and
39 which:

40 (1) (Deleted by amendment, P.L.2019, c.37);

41 (2) (Deleted by amendment, P.L.2019, c.37);

42 (3) **【**With respect to the period of time from the 1,095th day
43 following the effective date of P.L.1989, c.261 (C.34:11B-1 et seq.)
44 through June 30, 2019, employs 50 or more employees for each
45 working day during each of 20 or more calendar workweeks in the

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 then current or immediately preceding calendar year; and ~~1 (Deleted~~
2 ~~by amendment, P.L. , c.)(now pending before the Legislature~~
3 ~~as this bill)~~

4 (4) With respect to any period of time on or after June 30, 2019,
5 employs 30 or more employees for each working day during each of
6 20 or more calendar workweeks in the then current or immediately
7 preceding calendar year, except that, with respect to any period of
8 time after the effective date of P.L. c. (now pending before the
9 Legislature as this bill) in which a state of emergency is declared
10 for the entire State because of a public health emergency,
11 “employer” shall mean an employer who employs one or more
12 employees for each working day during each of 20 or more calendar
13 workweeks in the then current or immediately preceding calendar
14 year.

15 "Employer" includes the State, any political subdivision thereof,
16 and all public offices, agencies, boards or bodies.

17 g. "Employment benefits" means all benefits and policies
18 provided or made available to employees by an employer, and
19 includes group life insurance, health insurance, disability insurance,
20 sick leave, annual leave, pensions, or other similar benefits.

21 h. "Parent" means a person who is the biological parent,
22 adoptive parent, foster parent, resource family parent, step-parent,
23 parent-in-law or legal guardian, having a "parent-child relationship"
24 with a child as defined by law, or having sole or joint legal or
25 physical custody, care, guardianship, or visitation with a child, or
26 who became the parent of the child pursuant to a valid written
27 agreement between the parent and a gestational carrier.

28 i. "Family leave" means leave from employment so that the
29 employee may provide care made necessary by reason of:

30 (1) the birth of a child of the employee, including a child born
31 pursuant to a valid written agreement between the employee and a
32 gestational carrier;

33 (2) the placement of a child into foster care with the employee
34 or in connection with adoption of such child by the employee; or

35 (3) the serious health condition of a family member of the
36 employee.

37 j. "Family member" means a child, parent, parent-in-law,
38 sibling, grandparent, grandchild, spouse, domestic partner, or one
39 partner in a civil union couple, or any other individual related by
40 blood to the employee, and any other individual that the employee
41 shows to have a close association with the employee which is the
42 equivalent of a family relationship.

43 k. "Reduced leave schedule" means leave scheduled for fewer
44 than an employee's usual number of hours worked per workweek
45 but not for fewer than an employee's usual number of hours worked
46 per workday, unless agreed to by the employee and the employer.

47 l. "Serious health condition" means an illness, injury,
48 impairment, or physical or mental condition which requires:

1 (1) inpatient care in a hospital, hospice, or residential medical
2 care facility; or

3 (2) continuing medical treatment or continuing supervision by a
4 health care provider.

5 m. "State of emergency" means a natural or man-made disaster
6 or emergency, including a public health emergency, for which a
7 state of emergency has been declared by the President of the United
8 States or the Governor, or for which a state of emergency has been
9 declared by a municipal emergency management coordinator.
10 (cf: P.L. 2019, c.37, s.1)

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12 2. This act shall take effect immediately.

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STATEMENT

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17 The bill, during a period in which a state of emergency is
18 declared for the entire State because of a public health emergency,
19 extends to employees of employers with less than 30 employees the
20 right to be reinstated to employment after taking family leave, thus
21 ensuring that, during such a period, all workers who pay for family
22 leave insurance (FLI) will be able to able to return to work after
23 taking FLI benefits.