

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 3827

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Labor Committee reports favorably, with committee amendments, Senate Bill No. 3827.

This bill requires employers to provide paid earned sick leave to employees in the State to address employee leave issues that have resulted from the coronavirus disease 2019 pandemic. The leave provided under the bill is to be provided in addition to the earned sick leave that is required by P.L.2018, c.10 (C.34:11D-1 et seq.).

The bill requires employers to provide additional earned sick leave to each employee if the employee is unable to work, either onsite or remotely, for reasons for leave described in paragraphs of subsection e. of section 6 of the bill numbered as follows:

1. The employee is subject to a federal, State, or local quarantine or isolation order related to coronavirus disease 2019;
2. The employee has been advised by a healthcare provider to self-quarantine due to concerns related to the virus;
3. The employee has symptoms of the virus and seeks a medical diagnosis, the employee who has been exposed to the virus is seeking or awaiting the results of a diagnostic test, the employee's employer has requested that test or diagnosis, or an employee immunized for the virus is recovering from any condition related to the immunization;
4. The employee is caring for an individual who is subject to any of the above;
5. The employee is caring for a child or family member because a school or place of care has been closed, or the care provider of the child or family member is unavailable, due to virus-related precautions; or
6. The employee is experiencing a substantially similar condition specified by federal authorities.

An employee who works 40 or more hour per week is entitled to 80 hours of paid leave, and the hours of paid leave for an employee who works less than 40 hours per week are adjusted to reflect their shorter workweek.

The rate of pay for sick leave used pursuant to paragraphs 1., 2., or 3. is the employee's normal rate of pay plus the employee's normal benefits, but not less than the State minimum wage, up to a maximum of \$511 per day and \$5,110 in the aggregate.

The rate of pay for sick leave used pursuant to paragraphs 4., 5., or 6. is two-thirds of the employee's normal rate of pay plus the employee's normal benefits, but not less than the State minimum wage, up to a maximum of \$200 per day and \$2,000 in the aggregate.

Employees, after the effective date of the bill, may, but are not required to, use other paid sick leave to which they are entitled before using the leave provided by the bill. Employees may obtain paid sick leave benefits under the bill retroactively for the period from January 1, 2021 until the effective date of the bill, but the amount of retroactive benefits would be reduced by any paid sick leave benefits provided by the employer during that period.

Eligible employees will be entitled to use paid sick leave under the bill until September 30, 2021, or until the last date of which use of emergency paid sick leave could qualify their employer for the payroll credit for emergency paid sick leave pursuant to section 3131 of the Internal Revenue Code, whichever is later.

The amendments adopted by the committee require employees who use three or more consecutive days of paid sick leave to provide written documentation that the taking the leave is in compliance the requirements of the bill and specify what information is required to be in the documentation.