

**ASSEMBLY, No. 4852**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED SEPTEMBER 23, 2024

**Sponsored by:**

**Assemblywoman HEATHER SIMMONS**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

Establishes workplace policies on employees' right to disconnect from work.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning employer policies on employees' right to  
2 disconnect from work and supplementing P.L.1965, c.173  
3 (C.34:11-4.1 et seq.).

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

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8 1. a. As used in this section:

9 "Emergency" means an unforeseen situation that threatens an  
10 employee, customer, or the public; disrupts or shuts down operations;  
11 or causes physical or environmental damage.

12 "Employer" means the State and political subdivisions of the State  
13 and private employers.

14 "Nonworking hours" means hours before and after an employee's  
15 assigned hours of work, whether stated in the employee's job  
16 description or stated otherwise.

17 "Pattern of violation" means three or more documented instances  
18 of violating the right to disconnect.

19 "Right to disconnect" means, except as provided in subsection b.,  
20 an employee has the right to ignore communications from the  
21 employer during nonworking hours.

22 "Scheduling" means changes to a schedule within 24 hours.

23 b. An employer shall establish a workplace policy that provides  
24 employees with the right to disconnect from communications from  
25 the employer during nonworking hours. Nonworking hours shall be  
26 established by written agreement between an employer and  
27 employee. An employer may contact an employee during  
28 nonworking hours for an emergency or for scheduling.

29 c. The policy shall not include any provision which reduces  
30 rights provided to workers pursuant to law, including, but not limited  
31 to, all rights to be compensated for work performed, including, but  
32 not limited to, rights provided by this act, P.L.1965, c.173 (C.34:11-  
33 4.1 et al), and P.L.1966, c.113 (C.34:11-56a et seq.), and all rights to  
34 take time off from work, including, but not limited to, rights provided  
35 by P.L.1989, c.261 (C.34:11B-1 et seq.), P.L.2013, c.82 (C.34:11C-  
36 1 et seq.), P.L.2018, c.10 (C.34:11D-1 et seq.), P.L.1948, c.110  
37 (C.43:21-25 et seq.), and P.L.2008, c.17 (C.43:21-39.1 et al).

38 d. An employee may file a complaint concerning a pattern of  
39 violation of this section with the Commissioner of Labor and  
40 Workforce Development. When the commissioner finds that an  
41 employer has violated this act, the commissioner shall be authorized  
42 to assess a civil penalty of not less than \$100. The penalty may be  
43 recovered in a summary proceeding pursuant to the "Penalty  
44 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

45 e. This section does not apply to an employee who is covered by  
46 a valid collective bargaining agreement.

1       2. This act shall take effect on the first day of the sixth month  
2 following enactment.

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STATEMENT

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7       This bill requires a public or private employer to establish a  
8 workplace policy that provides an employee the right to disconnect  
9 from communications from the employer during nonworking hours.  
10 The bill defines the right to disconnect to mean that, except for an  
11 emergency or for scheduling, as defined, an employee has the right  
12 to ignore communications from the employer during nonworking  
13 hours.

14       Further, the bill requires nonworking hours to be established by  
15 written agreement between an employer and employee. An employee  
16 may file a complaint of a pattern of violation with the Commissioner  
17 of Labor and Workforce Development. A pattern of violation is  
18 punishable by a fine of not less than \$100.