

**11A:6-5.1**  
**LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2019                      **CHAPTER:** 129

**NJSA:** 11A:6-5.1                      (Codifies donated leave program for State employees in career, senior executive, and unclassified service)

**BILL NO:** S1758                      (Substituted for A346)

**SPONSOR(S)** Loretta Weinberg and others

**DATE INTRODUCED:** 2/5/2018

**COMMITTEE:**                      **ASSEMBLY:** State & Local Government

**SENATE:** State Government, Wagering, Tourism & Historic Preservation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                      **ASSEMBLY:** 6/20/2019

**SENATE:** 6/10/2019

**DATE OF APPROVAL:** 6/21/2019

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First reprint enacted)                      Yes

**S1758**

**SPONSOR'S STATEMENT:** (Begins on page 4 of introduced bill)                      Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                      No

**LEGISLATIVE FISCAL ESTIMATE:**                      No

**A346**

**SPONSOR'S STATEMENT:** (Begins on page 4 of introduced bill)                      Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                      No

**LEGISLATIVE FISCAL ESTIMATE:**                      No

(continued)

<b>VETO MESSAGE:</b>	Yes (conditional)
<b>GOVERNOR'S PRESS RELEASE ON VETO:</b>	Yes
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	Yes

**FOLLOWING WERE PRINTED:**

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<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

RWH/CL

P.L. 2019, CHAPTER 129, *approved June 21, 2019*  
Senate, No. 1758 (*First Reprint*)

1 AN ACT concerning donated leave for State employees and  
2 supplementing Title 11A of the New Jersey Statutes.

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

6  
7 1. a. A State employee shall be eligible to receive donated sick  
8 or vacation leave<sup>1</sup>. The Civil Service Commission may adopt,  
9 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
10 (C.52:14B-1 et seq.), rules and regulations as the commission  
11 deems necessary to implement and enforce the provisions of this  
12 section, including the criteria that a State employee shall satisfy to  
13 be eligible to receive donated sick or vacation leave; provided,  
14 however, a State employee shall be eligible to receive donated sick  
15 or vacation leave<sup>1</sup> if the employee:

16 (1) has completed at least one year of continuous State service;

17 (2) has exhausted all accrued sick, vacation, and administrative  
18 leave, all sick leave injury benefits, if any, and all compensatory  
19 time off <sup>1</sup>], except that a State employee eligible to receive donated  
20 leave pursuant to subparagraph (d) of paragraph (4) of this  
21 subsection shall be required to exhaust only accrued sick leave  
22 under this paragraph<sup>1</sup>;

23 (3) has not, in the two-year period immediately preceding the  
24 employee’s need for donated leave, been disciplined for chronic or  
25 excessive absenteeism, chronic or excessive lateness, or abuse of  
26 leave; and

27 (4) meets one of the following criteria:

28 (a) suffers from a catastrophic health condition or injury;

29 (b) is needed to provide care to a member of the employee’s  
30 immediate family who is suffering from a catastrophic health  
31 condition or injury;

32 (c) requires absence from work due to the donation of an organ,  
33 including, but not limited to, the donation of bone marrow; or

34 (d) requires absence from work during a period of disability due  
35 to the pregnancy of the employee which requires the care of a  
36 physician who provides a medical verification of the need for the  
37 employee’s absence from work for 30 or more work days,  
38 regardless of whether the absence from work commences before the  
39 expected delivery date or after the actual delivery date.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate amendments adopted in accordance with Governor's recommendations May 30, 2019.

1       b. A State employee may request that the appointing authority  
2 approve the employee's participation in the program, as a leave  
3 recipient or leave donor. The employee's supervisor may make a  
4 request on behalf of the employee for the employee's participation  
5 in the program as a leave recipient. The employee or supervisor  
6 requesting the employee's acceptance as a leave recipient shall  
7 submit to the appointing authority medical verification from a  
8 physician or other licensed health care provider concerning the  
9 nature and anticipated duration of the disability resulting from  
10 either the catastrophic health condition or injury, the donation of an  
11 organ, or pregnancy, as the case may be. When the appointing  
12 authority has approved an employee as a leave recipient, the  
13 appointing authority shall, with the employee's consent, or the  
14 consent of the employee's family if the employee is unable to  
15 consent, post or circulate the employee's name along with those of  
16 other eligible employees in a conspicuous manner to encourage the  
17 donation of leave time, and shall provide notice to all negotiations  
18 representatives in that appointing authority.

19       c. A leave recipient shall receive at least five sick days or  
20 vacation days or a combination thereof from one or more leave  
21 donors to participate in the donated leave program. A leave  
22 recipient shall receive no more than 260 sick days or vacation days,  
23 and shall not receive any days on a retroactive basis. A leave donor  
24 shall donate only whole sick days or whole vacation days and may  
25 not donate more than 30 such days to any one recipient. A leave  
26 donor shall have remaining at least 20 days of accrued sick leave if  
27 donating sick leave and at least 12 days of accrued vacation leave if  
28 donating vacation leave. A leave donor shall not revoke the leave  
29 donation. If a leave donor is not in the same department or  
30 autonomous agency as the leave recipient, appropriate arrangements  
31 shall be made between the affected appointing authorities to verify  
32 donor eligibility and adjust leave records. The posting requirement  
33 set forth in subsection b. of this section shall be limited to the  
34 recipient's appointing authority.

35       d. While using donated leave time in State service, the leave  
36 recipient shall accrue sick leave and vacation leave and be entitled  
37 to retain that leave upon the leave recipient's return to work.

38       e. Any unused donated leave shall be returned to the leave  
39 donors on a prorated basis upon the leave recipient's return to work,  
40 except that if the proration of leave days results in less than one day  
41 per donor to be returned, the leave time shall not be returned.

42       f. Upon retirement, the leave recipient shall not be granted  
43 supplemental compensation for any unused sick days which the  
44 leave recipient received through the leave donation program.

45       g. A State employee shall be prohibited from threatening or  
46 coercing, or attempting to threaten or coerce, another employee for  
47 the purpose of interfering with rights involving donating, receiving,  
48 or using donated leave time. The acts prohibited shall include, but

1 not be limited to, promising to confer a benefit such as an  
2 appointment or promotion, or making a threat to engage in an act of  
3 retaliation against an employee.

4 h. No provision of this section, or regulation promulgated to  
5 implement or enforce this section, shall be deemed to justify  
6 reducing or making less favorable to employees any benefits  
7 provided by 'this section or any other' law or required by a  
8 collective bargaining agreement which are more favorable to the  
9 employees than those required by this section, nor shall any  
10 provision of this section, or any regulation promulgated to  
11 implement or enforce this section, be construed to prohibit  
12 appropriate negotiations through collective bargaining agreements  
13 of benefits which are more favorable to employees than those  
14 required by this section.

15 i. As used in this section:

16 "Catastrophic health condition or injury" means the following:

17 (1) with respect to an employee: (a) a life-threatening condition  
18 or combination of conditions; or (b) a period of disability required  
19 by his or her mental or physical health or the health of the  
20 employee's fetus which requires the care of a physician who  
21 provides a medical verification of the need for the employee's  
22 absence from work for 60 or more work days; and

23 (2) with respect to an employee's immediate family member: (a)  
24 a life-threatening condition or combination of conditions; or (b) a  
25 period of disability required by his or her mental or physical health  
26 which requires the care of a physician who provides a medical  
27 verification of the need for the family member's care by the  
28 employee for 60 or more work days.

29 j. This section shall apply to State employees in the career,  
30 senior executive, and unclassified service.

31

32 2. This act shall take effect immediately.

33

34

35

36

37 Codifies donated leave program for State employees in career,  
38 senior executive, and unclassified service.

# SENATE, No. 1758

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

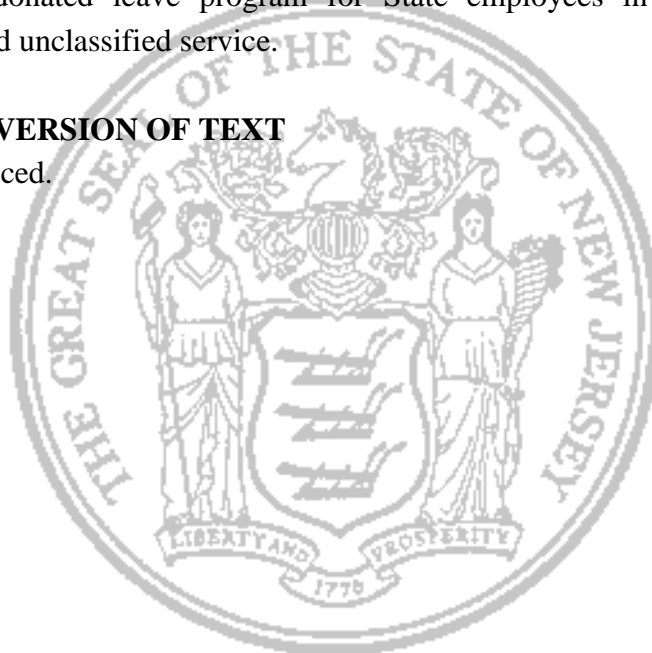
**Assemblyman Verrelli and Assemblywoman Reynolds-Jackson**

**SYNOPSIS**

Codifies donated leave program for State employees in career, senior executive, and unclassified service.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/26/2019)**

1 AN ACT concerning donated leave for State employees and  
2 supplementing Title 11A of the New Jersey Statutes.

3

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

6

7 1. a. A State employee shall be eligible to receive donated sick  
8 or vacation leave if the employee:

9 (1) has completed at least one year of continuous State service;

10 (2) has exhausted all accrued sick, vacation, and administrative  
11 leave, all sick leave injury benefits, if any, and all compensatory  
12 time off, except that a State employee eligible to receive donated  
13 leave pursuant to subparagraph (d) of paragraph (4) of this  
14 subsection shall be required to exhaust only accrued sick leave  
15 under this paragraph;

16 (3) has not, in the two-year period immediately preceding the  
17 employee's need for donated leave, been disciplined for chronic or  
18 excessive absenteeism, chronic or excessive lateness, or abuse of  
19 leave; and

20 (4) meets one of the following criteria:

21 (a) suffers from a catastrophic health condition or injury;

22 (b) is needed to provide care to a member of the employee's  
23 immediate family who is suffering from a catastrophic health  
24 condition or injury;

25 (c) requires absence from work due to the donation of an organ,  
26 including, but not limited to, the donation of bone marrow; or

27 (d) requires absence from work during a period of disability due  
28 to the pregnancy of the employee which requires the care of a  
29 physician who provides a medical verification of the need for the  
30 employee's absence from work for 30 or more work days,  
31 regardless of whether the absence from work commences before the  
32 expected delivery date or after the actual delivery date.

33 b. A State employee may request that the appointing authority  
34 approve the employee's participation in the program, as a leave  
35 recipient or leave donor. The employee's supervisor may make a  
36 request on behalf of the employee for the employee's participation  
37 in the program as a leave recipient. The employee or supervisor  
38 requesting the employee's acceptance as a leave recipient shall  
39 submit to the appointing authority medical verification from a  
40 physician or other licensed health care provider concerning the  
41 nature and anticipated duration of the disability resulting from  
42 either the catastrophic health condition or injury, the donation of an  
43 organ, or pregnancy, as the case may be. When the appointing  
44 authority has approved an employee as a leave recipient, the  
45 appointing authority shall, with the employee's consent, or the  
46 consent of the employee's family if the employee is unable to  
47 consent, post or circulate the employee's name along with those of  
48 other eligible employees in a conspicuous manner to encourage the

1 donation of leave time, and shall provide notice to all negotiations  
2 representatives in that appointing authority.

3 c. A leave recipient shall receive at least five sick days or  
4 vacation days or a combination thereof from one or more leave  
5 donors to participate in the donated leave program. A leave  
6 recipient shall receive no more than 260 sick days or vacation days,  
7 and shall not receive any days on a retroactive basis. A leave donor  
8 shall donate only whole sick days or whole vacation days and may  
9 not donate more than 30 such days to any one recipient. A leave  
10 donor shall have remaining at least 20 days of accrued sick leave if  
11 donating sick leave and at least 12 days of accrued vacation leave if  
12 donating vacation leave. A leave donor shall not revoke the leave  
13 donation. If a leave donor is not in the same department or  
14 autonomous agency as the leave recipient, appropriate arrangements  
15 shall be made between the affected appointing authorities to verify  
16 donor eligibility and adjust leave records. The posting requirement  
17 set forth in subsection b. of this section shall be limited to the  
18 recipient's appointing authority.

19 d. While using donated leave time in State service, the leave  
20 recipient shall accrue sick leave and vacation leave and be entitled  
21 to retain that leave upon the leave recipient's return to work.

22 e. Any unused donated leave shall be returned to the leave  
23 donors on a prorated basis upon the leave recipient's return to work,  
24 except that if the proration of leave days results in less than one day  
25 per donor to be returned, the leave time shall not be returned.

26 f. Upon retirement, the leave recipient shall not be granted  
27 supplemental compensation for any unused sick days which the  
28 leave recipient received through the leave donation program.

29 g. A State employee shall be prohibited from threatening or  
30 coercing, or attempting to threaten or coerce, another employee for  
31 the purpose of interfering with rights involving donating, receiving,  
32 or using donated leave time. The acts prohibited shall include, but  
33 not be limited to, promising to confer a benefit such as an  
34 appointment or promotion, or making a threat to engage in an act of  
35 retaliation against an employee.

36 h. No provision of this section, or regulation promulgated to  
37 implement or enforce this section, shall be deemed to justify  
38 reducing or making less favorable to employees any benefits  
39 provided by law or required by a collective bargaining agreement  
40 which are more favorable to the employees than those required by  
41 this section, nor shall any provision of this section, or any  
42 regulation promulgated to implement or enforce this section, be  
43 construed to prohibit appropriate negotiations through collective  
44 bargaining agreements of benefits which are more favorable to  
45 employees than those required by this section.

46 i. As used in this section:

47 "Catastrophic health condition or injury" means the following:



- 1 (1) with respect to an employee: (a) a life-threatening condition  
2 or combination of conditions; or (b) a period of disability required  
3 by his or her mental or physical health or the health of the  
4 employee's fetus which requires the care of a physician who  
5 provides a medical verification of the need for the employee's  
6 absence from work for 60 or more work days; and  
7 (2) with respect to an employee's immediate family member: (a)  
8 a life-threatening condition or combination of conditions; or (b) a  
9 period of disability required by his or her mental or physical health  
10 which requires the care of a physician who provides a medical  
11 verification of the need for the family member's care by the  
12 employee for 60 or more work days.  
13 j. This section shall apply to State employees in the career,  
14 senior executive, and unclassified service.  
15  
16 2. This act shall take effect immediately.

17  
18  
19 STATEMENT  
20

21 This bill codifies in statute a donated leave program for State  
22 employees. Currently, a regulation promulgated by the Civil Service  
23 Commission (N.J.A.C.4A:6-1.22) provides all State employees,  
24 pursuant to certain eligibility criteria, access to a donated leave  
25 program.  
26 Under provisions of the current regulation, an employee who has  
27 exhausted all accrued sick, vacation, and administrative leave may  
28 receive donations of sick leave and vacation leave from co-workers. In  
29 order to be eligible for donations, an employee must have the State  
30 employer's approval and a life threatening health condition or a period  
31 of disability requiring the care of a physician who provides medical  
32 verification of the need for an absence from work of 60 or more work  
33 days.  
34 The bill codifies in statute these provisions of the donated leave  
35 regulation and, in addition, provides that a State employee is eligible  
36 to use the donated leave for a period of disability required by the  
37 pregnancy of the employee which requires the care of a physician who  
38 provides a medical verification of the need for the employee's absence  
39 from work for 30 or more work days, regardless of whether the  
40 absence from work commences before the expected delivery date or  
41 after the actual delivery date, and before exhausting all accrued  
42 vacation and administrative leave. The bill would apply to State  
43 employees in the career, senior executive, and unclassified service.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**SENATE, No. 1758**

**STATE OF NEW JERSEY**

DATED: JANUARY 24, 2019

The Assembly State and Local Government Committee reports favorably Senate Bill No. 1758.

This bill codifies in statute a donated leave program for State employees. Currently, a regulation promulgated by the Civil Service Commission (N.J.A.C.4A:6-1.22) provides all State employees, pursuant to certain eligibility criteria, access to a donated leave program.

Under provisions of the current regulation, an employee who has exhausted all accrued sick, vacation, and administrative leave may receive donations of sick leave and vacation leave from co-workers. In order to be eligible for donations, an employee must have the State employer's approval and a life threatening health condition or a period of disability requiring the care of a physician who provides medical verification of the need for an absence from work of 60 or more work days.

The bill codifies in statute these provisions of the donated leave regulation and, in addition, provides that a State employee is eligible to use the donated leave for a period of disability required by the pregnancy of the employee which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for 30 or more work days, regardless of whether the absence from work commences before the expected delivery date or after the actual delivery date, and before exhausting all accrued vacation and administrative leave. The bill would apply to State employees in the career, senior executive, and unclassified service.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 1758**

**STATE OF NEW JERSEY**

DATED: MAY 31, 2018

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 1758.

This bill codifies in statute a donated leave program for State employees. Currently, a regulation promulgated by the Civil Service Commission (N.J.A.C.4A:6-1.22) provides all State employees, pursuant to certain eligibility criteria, access to a donated leave program.

Under provisions of the current regulation, an employee who has exhausted all accrued sick, vacation, and administrative leave may receive donations of sick leave and vacation leave from co-workers. In order to be eligible for donations, an employee must have the State employer's approval and a life threatening health condition or a period of disability requiring the care of a physician who provides medical verification of the need for an absence from work of 60 or more work days.

The bill codifies in statute these provisions of the donated leave regulation and, in addition, provides that a State employee is eligible to use the donated leave for a period of disability required by the pregnancy of the employee which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for 30 or more work days, regardless of whether the absence from work commences before the expected delivery date or after the actual delivery date, and before exhausting all accrued vacation and administrative leave. The bill would apply to State employees in the career, senior executive, and unclassified service.

# ASSEMBLY, No. 346

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman CAROL MURPHY**

**District 7 (Burlington)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblyman Verrelli**

**SYNOPSIS**

Codifies donated leave program for State employees in career, senior executive, and unclassified service.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/16/2019)**

1 AN ACT concerning donated leave for State employees and  
2 supplementing Title 11A of the New Jersey Statutes.

3

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

6

7 1. a. A State employee shall be eligible to receive donated sick  
8 or vacation leave if the employee:

9 (1) has completed at least one year of continuous State service;

10 (2) has exhausted all accrued sick, vacation, and administrative  
11 leave, all sick leave injury benefits, if any, and all compensatory  
12 time off, except that a State employee eligible to receive donated  
13 leave pursuant to subparagraph (d) of paragraph (4) of this  
14 subsection shall be required to exhaust only accrued sick leave  
15 under this paragraph;

16 (3) has not, in the two-year period immediately preceding the  
17 employee's need for donated leave, been disciplined for chronic or  
18 excessive absenteeism, chronic or excessive lateness, or abuse of  
19 leave; and

20 (4) meets one of the following criteria:

21 (a) suffers from a catastrophic health condition or injury;

22 (b) is needed to provide care to a member of the employee's  
23 immediate family who is suffering from a catastrophic health  
24 condition or injury;

25 (c) requires absence from work due to the donation of an organ,  
26 including, but not limited to, the donation of bone marrow; or

27 (d) requires absence from work during a period of disability due  
28 to the pregnancy of the employee which requires the care of a  
29 physician who provides a medical verification of the need for the  
30 employee's absence from work for 30 or more work days,  
31 regardless of whether the absence from work commences before the  
32 expected delivery date or after the actual delivery date.

33 b. A State employee may request that the appointing authority  
34 approve the employee's participation in the program, as a leave  
35 recipient or leave donor. The employee's supervisor may make a  
36 request on behalf of the employee for the employee's participation  
37 in the program as a leave recipient. The employee or supervisor  
38 requesting the employee's acceptance as a leave recipient shall  
39 submit to the appointing authority medical verification from a  
40 physician or other licensed health care provider concerning the  
41 nature and anticipated duration of the disability resulting from  
42 either the catastrophic health condition or injury, the donation of an  
43 organ, or pregnancy, as the case may be. When the appointing  
44 authority has approved an employee as a leave recipient, the  
45 appointing authority shall, with the employee's consent, or the  
46 consent of the employee's family if the employee is unable to  
47 consent, post or circulate the employee's name along with those of  
48 other eligible employees in a conspicuous manner to encourage the

1 donation of leave time, and shall provide notice to all negotiations  
2 representatives in that appointing authority.

3 c. A leave recipient shall receive at least five sick days or  
4 vacation days or a combination thereof from one or more leave  
5 donors to participate in the donated leave program. A leave  
6 recipient shall receive no more than 260 sick days or vacation days,  
7 and shall not receive any days on a retroactive basis. A leave donor  
8 shall donate only whole sick days or whole vacation days and may  
9 not donate more than 30 such days to any one recipient. A leave  
10 donor shall have remaining at least 20 days of accrued sick leave if  
11 donating sick leave and at least 12 days of accrued vacation leave if  
12 donating vacation leave. A leave donor shall not revoke the leave  
13 donation. If a leave donor is not in the same department or  
14 autonomous agency as the leave recipient, appropriate arrangements  
15 shall be made between the affected appointing authorities to verify  
16 donor eligibility and adjust leave records. The posting requirement  
17 set forth in subsection b. of this section shall be limited to the  
18 recipient's appointing authority.

19 d. While using donated leave time in State service, the leave  
20 recipient shall accrue sick leave and vacation leave and be entitled  
21 to retain that leave upon the leave recipient's return to work.

22 e. Any unused donated leave shall be returned to the leave  
23 donors on a prorated basis upon the leave recipient's return to work,  
24 except that if the proration of leave days results in less than one day  
25 per donor to be returned, the leave time shall not be returned.

26 f. Upon retirement, the leave recipient shall not be granted  
27 supplemental compensation for any unused sick days which the  
28 leave recipient received through the leave donation program.

29 g. A State employee shall be prohibited from threatening or  
30 coercing, or attempting to threaten or coerce, another employee for  
31 the purpose of interfering with rights involving donating, receiving,  
32 or using donated leave time. The acts prohibited shall include, but  
33 not be limited to, promising to confer a benefit such as an  
34 appointment or promotion, or making a threat to engage in an act of  
35 retaliation against an employee.

36 h. No provision of this section, or regulation promulgated to  
37 implement or enforce this section, shall be deemed to justify  
38 reducing or making less favorable to employees any benefits  
39 provided by law or required by a collective bargaining agreement  
40 which are more favorable to the employees than those required by  
41 this section, nor shall any provision of this section, or any  
42 regulation promulgated to implement or enforce this section, be  
43 construed to prohibit appropriate negotiations through collective  
44 bargaining agreements of benefits which are more favorable to  
45 employees than those required by this section.

46 i. As used in this section:

47 "Catastrophic health condition or injury" means the following:

1 (1) with respect to an employee: (a) a life-threatening condition  
2 or combination of conditions; or (b) a period of disability required  
3 by his or her mental or physical health or the health of the  
4 employee's fetus which requires the care of a physician who  
5 provides a medical verification of the need for the employee's  
6 absence from work for 60 or more work days; and

7 (2) with respect to an employee's immediate family member: (a)  
8 a life-threatening condition or combination of conditions; or (b) a  
9 period of disability required by his or her mental or physical health  
10 which requires the care of a physician who provides a medical  
11 verification of the need for the family member's care by the  
12 employee for 60 or more work days.

13 j. This section shall apply to State employees in the career,  
14 senior executive, and unclassified service.

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill codifies in statute a donated leave program for State  
22 employees. Currently, a regulation promulgated by the Civil  
23 Service Commission (N.J.A.C.4A:6-1.22) provides all State  
24 employees, pursuant to certain eligibility criteria, access to a  
25 donated leave program.

26 Under provisions of the current regulation, an employee who has  
27 exhausted all accrued sick, vacation, and administrative leave may  
28 receive donations of sick leave and vacation leave from co-workers.  
29 In order to be eligible for donations, an employee must have the  
30 State employer's approval and a life threatening health condition or  
31 a period of disability requiring the care of a physician who provides  
32 medical verification of the need for an absence from work of 60 or  
33 more work days.

34 The bill codifies in statute these provisions of the donated leave  
35 regulation and, in addition, provides that a State employee is  
36 eligible to use the donated leave for a period of disability required  
37 by the pregnancy of the employee which requires the care of a  
38 physician who provides a medical verification of the need for the  
39 employee's absence from work for 30 or more work days,  
40 regardless of whether the absence from work commences before the  
41 expected delivery date or after the actual delivery date, and before  
42 exhausting all accrued vacation and administrative leave. The bill  
43 would apply to State employees in the career, senior executive, and  
44 unclassified service.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 346**

**STATE OF NEW JERSEY**

DATED: JANUARY 24, 2019

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 346.

This bill codifies in statute a donated leave program for State employees. Currently, a regulation promulgated by the Civil Service Commission (N.J.A.C.4A:6-1.22) provides all State employees, pursuant to certain eligibility criteria, access to a donated leave program.

Under provisions of the current regulation, an employee who has exhausted all accrued sick, vacation, and administrative leave may receive donations of sick leave and vacation leave from co-workers. In order to be eligible for donations, an employee must have the State employer's approval and a life threatening health condition or a period of disability requiring the care of a physician who provides medical verification of the need for an absence from work of 60 or more work days.

The bill codifies in statute these provisions of the donated leave regulation and, in addition, provides that a State employee is eligible to use the donated leave for a period of disability required by the pregnancy of the employee which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for 30 or more work days, regardless of whether the absence from work commences before the expected delivery date or after the actual delivery date, and before exhausting all accrued vacation and administrative leave. The bill would apply to State employees in the career, senior executive, and unclassified service.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



**SENATE BILL NO. 1758**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1758 with my recommendations for reconsideration.

This bill codifies Civil Service Commission ("CSC") regulations allowing State employees to donate accrued sick or vacation time from their unused balance to co-workers in need of time off due to their own or an immediate family member's catastrophic health condition or injury or due to the donation of an organ. The bill also expands the State's voluntary donated leave program to permit expectant and new mothers who are absent from work for thirty days or more due to a medically-verified pregnancy disability to participate in the program.

I commend the bill's sponsors for codifying this important State program and fully support expanding it to cover pregnancy disability. State employees in need of extended time off due to pregnancy-related medical complications should be permitted to receive donated leave time just as those who are suffering from or tending to other serious health conditions.

I am concerned, however, that this bill does not treat pregnancy disability the same as an individual or family member's catastrophic health condition or injury or an organ donation. Specifically, this bill allows a person with a pregnancy disability to utilize the donated leave program without exhausting all of her accrued vacation leave, which is required of all other employees taking part in the program. Because I believe all participants in the program should be treated equally, I am recommending amendments to require State employees with a pregnancy disability to exhaust all accrued

sick, vacation and administrative leave before being eligible to participate in the donated leave program.

I am also recommending changes to provide the CSC the ability to adopt regulations and revise the program as necessary, provided such revisions do not reduce or make less favorable employees' benefits under the program. Over the years, the CSC, and its predecessor, the Merit System Board, have found it necessary to modify the donated leave program in response to issues that arose in the administration of the program. This revision will ensure that the CSC maintains the flexibility to make changes to the program through rulemaking.

Therefore, I herewith return Senate Bill No. 1758 and recommend that it be amended as follows:

Page 2, Section 1, Line 8: After "leave" insert ". The Civil Service Commission may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as the commission deems necessary to implement and enforce the provisions of this section, including the criteria that a State employee shall satisfy to be eligible to receive donated sick or vacation leave; provided, however, a State employee shall be eligible to receive donated sick or vacation leave"

Page 2, Section 1, Line 12: Delete ", except that a State employee eligible to receive donated"

Page 2, Section 1, Lines 13-14: Delete in their entirety

Page 2, Section 1, Line 15: Delete "under this paragraph"

Page 3, Section 1, Line 39: After "provided by" insert "this section or any other"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor



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## Newark, N.J.

# Governor Murphy Takes Action on Legislation

05/13/2019

**A809 (Andrzejczak, Houghtaling, Taliaferro, Mazzeo, Space/Van Drew, Cruz-Perez)** – Revises law concerning alternate members for farmers on State Agriculture Development Committee.

[Copy of Statement on A809](#)

**A5000 (Mosquera, Reynolds-Jackson, Wimberly/Singleton, Oroho, Addiego)** – Requires DCA to produce and maintain database and interactive map concerning residential properties under foreclosure; increases certain recording fees as funding mechanism.

[Copy of Statement on A5000](#)

**S362 (Rice/Sumter, Jasey, Reynolds-Jackson)** – Provides that deed restrictions on affordable housing units are not extinguished by foreclosure proceedings.

[Copy of Statement on S362](#)

**S1758 (Weinberg, Ruiz/Murphy, Benson, Zwicker)** – Codifies donated leave program for State employees in career, senior executive, and unclassified service.

[Copy of Statement on S1758](#)

**S1967 (Sweeney, Madden/Jasey, Taliaferro, Benson)** – Concerns certain workers' compensation supplemental benefits.

[Copy of Statement on S1967](#)

**S2475 (Sweeney, Pou/Coughlin, McKeon, DeCroce, Murphy)** – Prohibits application of fiduciary standard to insurance producers; specifies qualifications of persons providing affidavit of merit in lawsuits against insurance producers.

[Copy of Statement on S2475](#)

**S3240 (Singer, Scutari/Armato, Mukherji, Murphy, Kean, Calabrese, Thomson)** – “Charlie's Law”; requires pharmacy practice sites and hospice programs to furnish patients with information and products to safely dispose of unused prescription drugs and medications.

[Copy of Statement on S3240](#)

**S3369 (Scutari/Munoz, Webber, Holley)** – Prohibits all locally elected officials from receiving retroactive salary increases.

[Copy of Statement on S3369](#)

**S3375 (Ruiz, Greenstein/Carter, Chaparro, Vainieri Huttle)** – Establishes maternal health care pilot program to evaluate shared decision-making tool developed by DOH and used by hospitals providing maternity services, and by birthing centers.

[Copy of Statement on S3375](#)

**S3465 (Pou, Kean/Bramnick, Jimenez, Carter)** – Revises requirements for examination and license to practice mortuary science.

[Copy of Statement on S3465](#)

Governor Murphy absolute vetoed the following bill:

**S1246 (Rice, Cunningham/Sumter, Murphy, Downey)** – Requires NJTA to implement certain roadside maintenance safety policies.

[Copy of Statement on S1246](#)

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# Governor Murphy Takes Action on Legislation

06/21/2019

**TRENTON** – Today, Governor Phil Murphy signed the following bills into law:

**S1758 w/GR (Weinberg, Ruiz/Murphy, Benson, Zwicker)** – Codifies donated leave program for State employees in career, senior executive, and unclassified service.

**S3465 w/GR (Pou, Kean/Bramnick, Jimenez, Carter)** – Revises requirements for examination and license to practice mortuary science.