

34:11D-12 & 34:11D-13
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2020 **CHAPTER:** 9

NJSA: 34:11D-12 & 34:11D-13 (Concerns time off from work in connection with infectious disease.)

BILL NO: A3848 (Substituted for S2301)

SPONSOR(S) Yvonne Lopez and others

DATE INTRODUCED: 3/16/2020

COMMITTEE: **ASSEMBLY:** Homeland Security & State Preparedness

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 3/16/2020

SENATE: 3/19/2020

DATE OF APPROVAL: 3/20/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

A3848

SPONSOR'S STATEMENT: (Begins on page 2 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)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2301

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

COMMITTEE STATEMENT: **ASSEMBLY:** No

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)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njestatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Murphy approves first batch of COVID-19 relief bills for workers, businesses." NJBIZ (New Brunswick, NJ), March 23, 2020

"Ill workers now protected from being fired." Star-Ledger, The (Newark, NJ), March 22, 2020: 003.

"NJ AID PACKAGE PROTECTS AGAINST EVICTION, FORECLOSURE AMID CORONAVIRUS." Suburban Trends (Bloomingdale, Wanaque, NJ), March 22, 2020: A2.

"Coronavirus NJ: Murphy signs bill to protect sick employees, other virus-related legislation." northjersey.com (NJ), March 20, 2020.

"Murphy signs aid package halting evictions and" The Record, March 22, 2020

"COVID-19 and the Workplace: Navigating New Jersey's Earned Sick Leave Amendment," New Jersey Law Journal, March 28, 2022

Rwh/cl

P.L. 2020, CHAPTER 9, *approved March 20, 2020*
Assembly, No. 3848

1 AN ACT concerning time off from work in connection with
2 infectious disease and supplementing Title 34 of the Revised
3 Statutes.

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

7
8 1. An employer shall not, during the Public Health Emergency
9 and State of Emergency declared by the Governor in Executive
10 Order 103 of 2020 concerning the coronavirus disease 2019
11 pandemic, terminate or otherwise penalize an employee if the
12 employee requests or takes time off from work based on the written
13 or electronically transmitted recommendation of a medical
14 professional licensed in New Jersey that the employee take that
15 time off for a specified period of time because the employee has, or
16 is likely to have, an infectious disease, as defined in section 2 of
17 P.L.2005, c.222 (C.26:13-2), which may infect others at the
18 employee's workplace. The employer shall not, following that
19 specified period of time, refuse to reinstate the employee to
20 employment in the position held when the leave commenced with
21 no reduction in seniority, status, employment benefits, pay or other
22 terms and conditions of employment.

23
24 2. If an employer violates the provisions of section 1 of this
25 act, the employee affected by the violation may file a written
26 complaint with the Commissioner of Labor and Workforce
27 Development or initiate an action in a court of competent
28 jurisdiction, to seek reinstatement to employment. If the employer
29 is found by a preponderance of the evidence to be in violation, the
30 court or the commissioner shall order the reinstatement the
31 employee to the position previously held with no reduction in
32 seniority, status, employment benefits, pay, and other terms and
33 conditions of employment and fine the employer \$2,500 for each
34 violation of section 1 of this act.

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36 3. This act shall take effect immediately.

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STATEMENT

41 This bill prohibits an employer, during the Public Health
42 Emergency and State of Emergency declared by the Governor in

1 Executive Order 103 of 2020 concerning the coronavirus disease
2 2019 pandemic, from terminating or refusing to reinstate an
3 employee if the employee requests or takes time off from work
4 based on a written or electronically transmitted recommendation
5 from a medical professional licensed in New Jersey that the
6 employee take time off work for a specified period of time because
7 the employee has, or is likely to have, an infectious disease which
8 may infect others at the employee's workplace.

9 The bill provides that if an employer violates the provisions of
10 the bill, the affected employee may file a complaint with the
11 Commissioner of Labor and Workforce Development or initiate a
12 court action. If the employer is found to be in violation, the
13 commissioner or the court is required to order the reinstatement the
14 employee and fine the employer \$2,500 for each violation.

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19 Concerns time off from work in connection with infectious
20 disease.

ASSEMBLY, No. 3848

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman YVONNE LOPEZ
District 19 (Middlesex)
Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)
Assemblywoman JOANN DOWNEY
District 11 (Monmouth)
Senator LORETTA WEINBERG
District 37 (Bergen)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Senator VIN GOPAL
District 11 (Monmouth)
Senator NELLIE POU
District 35 (Bergen and Passaic)
Senator NILSA I. CRUZ-PEREZ
District 5 (Camden and Gloucester)
Senator M. TERESA RUIZ
District 29 (Essex)
Senator DAWN MARIE ADDIEGO
District 8 (Atlantic, Burlington and Camden)
Senator NICHOLAS P. SCUTARI
District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblywomen Reynolds-Jackson, McKnight, Assemblyman Wimberly,
Assemblywomen Speight, Chaparro, Assemblyman Spearman,
Assemblywoman Timberlake, Assemblymen Giblin, Houghtaling,
Assemblywoman Quijano, Assemblyman Mejia, Assemblywoman Jasey
and Senators Turner and Stack

SYNOPSIS

Concerns time off from work in connection with infectious disease.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT concerning time off from work in connection with
2 infectious disease and supplementing Title 34 of the Revised
3 Statutes.

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18 employee's workplace. The employer shall not, following that
19 specified period of time, refuse to reinstate the employee to
20 employment in the position held when the leave commenced with
21 no reduction in seniority, status, employment benefits, pay or other
22 terms and conditions of employment.

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24 2. If an employer violates the provisions of section 1 of this
25 act, the employee affected by the violation may file a written
26 complaint with the Commissioner of Labor and Workforce
27 Development or initiate an action in a court of competent
28 jurisdiction, to seek reinstatement to employment. If the employer
29 is found by a preponderance of the evidence to be in violation, the
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45 employee if the employee requests or takes time off from work
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47 from a medical professional licensed in New Jersey that the
48 employee take time off work for a specified period of time because

1 the employee has, or is likely to have, an infectious disease which
2 may infect others at the employee's workplace.

3 The bill provides that if an employer violates the provisions of
4 the bill, the affected employee may file a complaint with the
5 Commissioner of Labor and Workforce Development or initiate a
6 court action. If the employer is found to be in violation, the
7 commissioner or the court is required to order the reinstatement the
8 employee and fine the employer \$2,500 for each violation.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3848

STATE OF NEW JERSEY

DATED: MARCH 16, 2020

The Assembly Homeland Security and State Preparedness Committee reports favorably Assembly Bill No. 3848.

As reported by the committee, Assembly Bill No. 3848 prohibits an employer, during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic, from terminating or refusing to reinstate an employee if the employee requests or takes time off from work based on a written or electronically transmitted recommendation from a medical professional licensed in New Jersey that the employee take time off work for a specified period of time because the employee has, or is likely to have, an infectious disease which may infect others at the employee's workplace.

The bill provides that if an employer violates the provisions of the bill, the affected employee may file a complaint with the Commissioner of Labor and Workforce Development or initiate a court action. If the employer is found to be in violation, the commissioner or the court is required to order the reinstatement of the employee and fine the employer \$2,500 for each violation.

SENATE, No. 2301

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator VIN GOPAL

District 11 (Monmouth)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

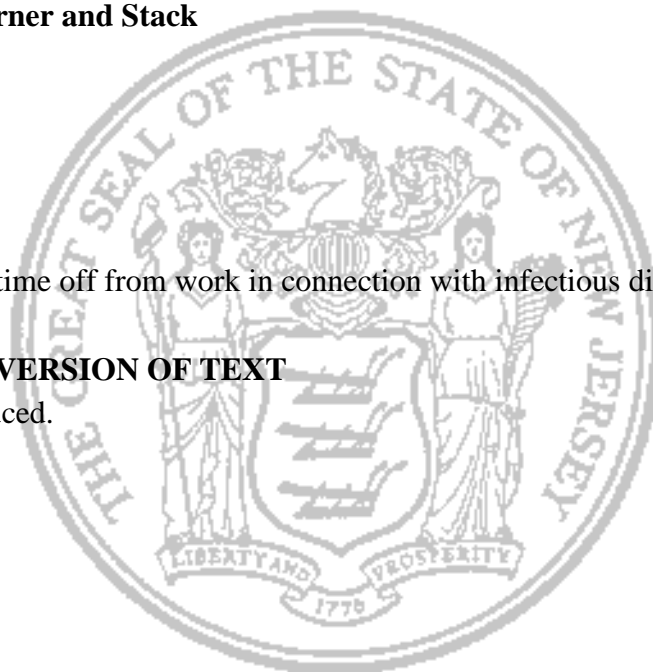
Senators Turner and Stack

SYNOPSIS

Concerns time off from work in connection with infectious disease.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/19/2020)

S2301 WEINBERG, GREENSTEIN

2

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S2301 WEINBERG, GREENSTEIN

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1 the employee has, or is likely to have, an infectious disease which
2 may infect others at the employee's workplace.

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4 the bill, the affected employee may file a complaint with the
5 Commissioner of Labor and Workforce Development or initiate a
6 court action. If the employer is found to be in violation, the
7 commissioner or the court is required to order the reinstatement the
8 employee and fine the employer \$2,500 for each violation.

Governor Murphy Signs Legislation to Prohibit Employers from Terminating or Refusing to Reinstatement an Employee Who Misses Work Due to an Infectious Disease

03/20/2020

Governor Phil Murphy today signed legislation (A3848), which prohibits an employer, during the ongoing Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103, from terminating or refusing to reinstate an employee who has, or is likely to have, an infectious disease which requires the employee to miss time at work.

Under the bill, an employee who requests or takes time off from work, based on the recommendation of a medical professional, may not be terminated or refused reinstatement if the employee is likely to infect others in the workplace.

"Our message in New Jersey has been loud and clear: if you're sick, stay home," **said Governor Murphy**. "No one should fear retribution from their employer for an absence deemed necessary by a medical professional, particularly for an illness as communicable as COVID-19. Every New Jerseyan has a role to play in our mitigation efforts and staying away from others when you're sick is perhaps the most important thing you can do right now."

"There's no getting around it. When someone is diagnosed with coronavirus, they will need to be quarantined and off from work for at least 14 days," **said Assemblywoman Lopez**. "Unfortunately, some workers will not have enough sick leave or vacation days to cover their full recovery, and may feel at risk of losing their jobs. We would never want an employee to go to work when they're ill – especially with a communicable disease like the novel coronavirus – and risk the health of themselves and others."

"These job protections can contribute significantly to limiting the spread of COVID-19," **Assemblywoman Munoz**. "We are giving everyone the tools they need to put their health and the health of others first, without fear of losing their jobs."

"No employee should have to worry about whether or not they will lose their job because they need time off to recover from novel coronavirus," **said Assemblywoman Downey**. "At a time of so much unease, we should be able to assure employment protections for all."

At a moment of tremendous fear and anxiety, nobody should have to choose between their job and their health," **said Senate Majority Leader Loretta Weinberg**. "We are calling for strict observance of social distancing and asking people to stay home if they have any signs of illness but we can't ask that of them unless we also ensure they will have a job to go back to after this crisis passes. I'm heartened to see the Governor take such immediate action on such a crucial aspect of these public health measures necessary to mitigate the effects of the coronavirus outbreak."