

ASSEMBLY, No. 3848

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

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

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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

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41 This bill prohibits an employer, during the Public Health
42 Emergency and State of Emergency declared by the Governor in
43 Executive Order 103 of 2020 concerning the coronavirus disease
44 2019 pandemic, from terminating or refusing to reinstate an
45 employee if the employee requests or takes time off from work
46 based on a written or electronically transmitted recommendation
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.