

ASSEMBLY, No. 2075

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 7, 2008

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

SYNOPSIS

Authorizes 8 hours of leave for parents and guardians from work for school-related events of children.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT authorizing leave from work for certain parents and
2 guardians to attend school-related events and supplementing
3 Title 18A of the New Jersey Statutes.

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

7
8 1. As used in this act:

9 "Commissioner" means the Commissioner of Education.

10 "Employ" means to suffer or permit to work for compensation,
11 and includes ongoing, contractual relationships in which the
12 employer retains substantial direct or indirect control over the
13 employee's employment opportunities or terms and conditions of
14 employment.

15 "Employee" means a person who is employed for at least 12
16 months by an employer, with respect to whom benefits are sought
17 under this act, for not less than 1,000 base hours during the
18 immediately preceding 12 month period.

19 "Employer" means a person or corporation, partnership,
20 individual proprietorship, joint venture, firm or company or other
21 similar legal entity which engages the services of an employee.
22 "Employer" includes the State, any political subdivision thereof,
23 and all public offices, agencies, boards and bodies.

24 "Employment benefits" means all benefits and policies provided
25 or made available to employees by an employer, and includes group
26 life insurance, health insurance, disability insurance, sick leave,
27 annual leave, pensions, or similar benefits.

28 "Parent" means a person who is the biological parent, adoptive
29 parent, foster parent, stepparent, parent-in-law or legal guardian of
30 a child, having a parent-child relationship with the child as defined
31 by law, or having sole or joint legal or physical custody, care,
32 guardianship, or visitation with the child.

33 "Reduced leave schedule" means leave scheduled for fewer than
34 an employee's usual number of hours worked per workweek.

35
36 2. a. Any employee of an employer in this State who is the
37 parent of a child enrolled in a public school shall be entitled, in
38 addition to the 12 weeks of family leave provided by the "Family
39 Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), to leave of eight
40 hours in any 12-month period, for the purpose of attending any
41 school-related conference, meeting, function or other event which is
42 requested or required by the school administration, a teacher, or any
43 professional staff member who has any responsibility for the
44 education of the child of whom the employee is a parent.

45 b. In cases of a parent taking leave to attend a school-related
46 conference, meeting, function, or other event, the principal of the
47 child's school shall provide the employee with prior written notice
48 of the need for the leave, which the employee shall provide to the

1 employer, and subsequent certification of the employee's
2 attendance. The prior notice shall be provided to the employer as
3 far in advance as is reasonable and practical under the
4 circumstances, and in a manner which is consistent with any
5 applicable regulations promulgated by the commissioner. The leave
6 provided by an employer to one parent for a meeting, conference,
7 event or school function shall not relieve the employer of the
8 obligation under this section to grant leave to the other parent,
9 whether both parents are employed by the same employer or by a
10 different employer.

11 c. An employee shall be entitled, at the employee's option, to
12 take this leave on a reduced leave schedule.

13

14 3. An employer shall display conspicuous notice of its
15 employees' rights and obligations pursuant to the provisions of this
16 act, and use other appropriate means to keep its employees so
17 informed.

18

19 4. a. It shall be unlawful for any employer to interfere with,
20 restrain or deny the exercise of, or the attempt to exercise, the rights
21 provided under this act or to withhold the benefits provided for
22 under this act.

23 b. It shall be unlawful for any employer to discharge or
24 discriminate against an individual for opposing a practice made
25 unlawful by this act.

26 c. It shall be unlawful for a person to discharge or discriminate
27 against an individual because the individual: has filed a charge, or
28 has instituted or caused to be instituted a proceeding, under or
29 related to this act; has given or is about to give information in
30 connection with an inquiry or proceeding relating to a right
31 provided under this act; or has testified or is about to testify in an
32 inquiry or proceeding relating to a right provided under this act.

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34 5. In addition to other relief or affirmative action provided by
35 law, an employer violating any provision of this act shall be liable
36 for a penalty of not more than \$2,000 for the first offense and not
37 more than \$5,000 for the second and each subsequent offense, to be
38 recovered in a summary civil action in the name of the Attorney
39 General and collected pursuant to the "Penalty Enforcement Law of
40 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

41

42 6. Any person may initiate suit in Superior Court or file a
43 complaint with the Division of Civil Rights on either an individual
44 or class basis. In addition to the remedies provided for in section
45 16 of P.L.1945, c.169 (C.10:5-17), the aggrieved party may be
46 awarded punitive damages in an amount not greater than \$10,000,
47 except that in the case of a class action or a director's complaint, the
48 total amount of punitive damages shall not exceed \$500,000 or 1%

1 of the net worth of the defendant, whichever is less. In determining
2 the amount of punitive damages, the court or director shall consider,
3 among other relevant factors, the amount of compensatory damages
4 awarded, the amount of civil penalty to be paid by the employer, the
5 frequency and persistence of the violation of this act by the
6 employer, the resources of the employer, and whether the
7 employer's failure to comply with this act was intentional. In an
8 action or complaint brought under this act, the prevailing party may
9 be awarded reasonable attorneys' fees as part of this case, provided
10 however, that no attorneys' fees shall be awarded to the employer
11 unless there is a determination that the action was brought in bad
12 faith.

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14 7. No provision of this act or regulation adopted pursuant to
15 this act shall be construed or deemed:

16 a. To limit, restrict, or reduce any employee's right to leave
17 under the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et
18 seq.), or the federal "Family and Medical Leave Act of 1993,"
19 Pub.L.103-3 (29U.S.C. s.2601 et seq.), or under any collective
20 bargaining agreement or other employer policy;

21 b. To prohibit the negotiation and provision through a
22 collective bargaining agreement of leave policies or benefit
23 programs which provide benefits in excess of those required by this
24 act, irrespective of the date on which the collective bargaining
25 agreement takes effect; or

26 c. To justify an employer in reducing employment benefits
27 provided by the employer or required by a collective bargaining
28 agreement which are in excess of those required by this act.

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30 8. The commissioner shall adopt regulations in accordance
31 with the "Administrative Procedures Act" P.L.1968, c.410
32 (C.52:14B-1 et seq.) deemed necessary for the implementation and
33 enforcement of this act.

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35 9. This act shall take effect immediately.

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STATEMENT

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40 This bill provides up to 8 hours of leave time during any 12-
41 month period for a parent or guardian of a child enrolled in a public
42 school to attend any conference, meeting, function or other event
43 requested or required by the school administration or any
44 responsible teacher or professional staff member. Both parents or
45 guardians are entitled to the leave, whether or not they work for the
46 same employer.

47 The principal of the child's school is required to provide prior
48 notice of the need for the leave and subsequent certification of the

1 employee's attendance. The employee is required provide the prior
2 written notice to the employer as early as possible. The employee
3 may take the leave on a reduced leave schedule.

4 This bill does not limit, restrict or reduce an employee's right to
5 leave under New Jersey's "Family Leave Act," the federal "Family
6 and Medical Leave Act of 1993" or any collective bargaining
7 agreement or other employer policy. Employers are required to
8 post notice of employee rights and obligations under the bill.

9 The bill prohibits employers from interfering with, restraining or
10 denying employees the exercise of rights provided by the bill, and
11 from discriminating against or discharging employees for filing
12 charges against, providing information about, or otherwise opposing
13 practices prohibited by the bill. Penalties are set at not more than
14 \$2,000 for the first offense and not more than \$5,000 for each
15 subsequent offense. Individuals may also initiate suits in Superior
16 Court or file with the Division of Civil Rights.

17 Studies show that parental involvement is key to a child's
18 success, especially academic success. The importance of
19 communication between parents and teachers, relative to the
20 progress of their children, especially children at risk, cannot be
21 underestimated. This bill will remove a potential barrier to parents
22 who seek to become more actively involved in their child's
23 schooling and academic career.