

ASSEMBLY, No. 5564

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 5, 2021

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Provides paid leave of absence to public school employees for certain circumstances related to COVID-19.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2021)

1 AN ACT providing paid leave of absence to public school
2 employees for certain circumstances relating to COVID-19 and
3 supplementing 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:

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8 1. a. Notwithstanding any law, rule, or regulation to the
9 contrary, a school district employee who does not report to school
10 property, as required, to perform the duties of the employee's
11 position shall be granted a leave of absence with pay and without
12 loss of rights, privileges, or benefits, if the employee provides
13 documentation that verifies the employee is:

14 (1) diagnosed with COVID-19;

15 (2) experiencing COVID-19 symptoms and seeking medical
16 diagnosis;

17 (3) directed or advised by a medical professional, health care
18 professional, or federal, State, or local government entity to self-
19 isolate or quarantine due to a suspicion of exposure to or diagnosis
20 with COVID-19;

21 (4) undergoing a period of self-quarantine or isolation pursuant
22 to relevant public health guidance due to a suspicion of exposure to
23 or diagnosis with COVID-19; or

24 (5) residing with or caring for a member of the employee's
25 household or family member, as defined in section 3 of P.L.1989,
26 c.261 (C.34:11B-3), who is experiencing any of the conditions
27 listed in paragraphs (1) through (4) of this subsection.

28 b. Notwithstanding any law, rule, or regulation to the contrary,
29 a school district employee who serves as a volunteer or who is
30 called to work by the State in a role that serves the public health
31 and welfare to combat COVID-19 and who, subsequent to such
32 volunteer or State work, presents documentation that they are
33 experiencing any of the conditions listed in paragraphs (1) through
34 (5) of subsection a. of this section shall be granted a leave of
35 absence with pay and without loss of rights, privileges, or benefits.
36 A position that serves the public health and welfare to combat
37 COVID-19 shall include, but not be limited to, an emergency
38 medical technician, firefighter, contact tracer, nurse, or other health
39 care professional.

40 c. A school district shall not grant a leave of absence request
41 submitted pursuant to the provisions of this section if:

42 (1) the school district offers an employee who provides
43 documentation that verifies the employee is experiencing any of the
44 conditions listed in paragraphs (3) through (5) of subsection a. of
45 this section the option to work remotely; and

46 (2) the employee refuses the option to work remotely.

1 d. Notwithstanding any law, rule, or regulation to the contrary,
2 a school district employee shall receive full pay for any leave of
3 absence that is granted pursuant to the provisions of this act.

4 e. As used in this section, "COVID-19" means the coronavirus
5 disease 2019, as announced by the World Health Organization on
6 February 11, 2020, and first identified in Wuhan, China.

7
8 2. a. A school district shall not require an employee to provide
9 advanced notice before utilizing the leave of absence provided
10 pursuant to section 1 of this act. A school district may require an
11 employee to notify the district of the leave of absence request, to
12 the extent practicable, within one workday of the initial absence.
13 The request shall be provided in writing and shall include all
14 appropriate medical or other documentation.

15 b. A school district employee, or the employee's representative
16 if the employee is unable to do so personally, shall provide the
17 employing school district with notice of the employee's leave of
18 absence request pursuant to the provisions of this act as soon as
19 practicable, but no later than five workdays following the initial
20 absence. The notice shall include the dates for which the leave of
21 absence is requested and a written statement explaining that the
22 employee is unable to report for in person work due to a condition
23 listed in subsections a. or b. of section 1 of this act.

24
25 3. A school district employee who was previously subject to a
26 corrective action plan, adverse action, or any other form of
27 discipline due to excessive absenteeism or abuse of sick leave shall
28 not be disciplined for future absences if the absence or use of sick
29 leave occurred as a result of any of the conditions listed in
30 subsection a. or b. of section 1 of this act.

31
32 4. Nothing herein shall be construed to limit, supersede or
33 preempt the rights, privileges, compensation, remedies, and
34 procedures afforded to school district employees under federal or
35 State law or any provision of a collective negotiations agreement
36 entered into by the school district.

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38 5. This act shall take effect immediately.
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41 STATEMENT
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43 This bill provides that certain public school employees would
44 receive a fully paid leave of absence if the absence is related to
45 COVID-19. Certain public school employees who serve as
46 volunteers or are called to work by the State in a role that serves the
47 public health and welfare to combat COVID-19 would also receive
48 a fully paid leave of absence under the bill.

1 An employee subject to the provisions of the bill would have to
2 provide documentation that verifies the employee is, or is caring
3 for, a household or family member who is:

- 4 (1) diagnosed with COVID-19;
5 (2) experiencing COVID-19 symptoms and seeking medical
6 diagnosis;
7 (3) directed or advised by a medical professional, health care
8 professional, or federal, State, or local government entity to self-
9 isolate or quarantine due to a suspicion of exposure to or diagnosis
10 with COVID-19; or
11 (4) undergoing a period of self-quarantine or isolation pursuant
12 to relevant public health guidance due to a suspicion of exposure to
13 or diagnosis with COVID-19.

14 Under the bill, a school district that offers employees the option
15 to work remotely would not be permitted to grant certain leave of
16 absence requests made pursuant to the provisions of the bill of an
17 employee who refuses the option to work remotely.

18 A school district cannot require an employee to provide
19 advanced notice of a leave of absence request under the provisions
20 of the bill, but may require an employee to notify the district of the
21 leave of absence request, to the extent practicable, within one
22 workday of the initial absence. The request must be provided in
23 writing and include all appropriate medical or other documentation.

24 An employee must notify the school district of a leave of absence
25 request as soon as practicable, but no later than five workdays
26 following the initial absence. The notice must include the dates for
27 which the leave of absence is requested and a written statement
28 explaining the reason the employee is unable to report for in person
29 work.

30 Under the bill, a school district employee who was previously
31 subject to discipline due to excessive absenteeism or abuse of sick
32 leave will not be disciplined for future absences if the absences or
33 use of sick leave occurred as a result of a condition outlined in the
34 bill.