

# SENATE, No. 2293

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Creates “Temporary Lost Wage Unemployment Program;” allows persons to claim for lost wages due to coronavirus disease 2019, and employers to pay wages to workers ordered under quarantine by licensed healthcare practitioner; appropriates \$20,000,000.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning certain payments for wages due to coronavirus  
2 disease 2019 and supplementing Title 34 of the Revised Statutes.

3

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

6

7 1. a. There is created in the Department of Labor and  
8 Workforce Development the “Temporary Lost Wage  
9 Unemployment Program.” The purpose of the temporary program  
10 is provide relief to individuals who have lost wages as a result of  
11 the coronavirus disease 2019 pandemic and to employers who pay  
12 wages to workers who are ordered under quarantine by a licensed  
13 healthcare practitioner as a result of coronavirus disease 2019. The  
14 program shall provide, to the extent funds are available, monetary  
15 relief to individuals for actual lost wages in an amount that is  
16 equivalent to the individual’s average weekly rate of compensation  
17 from the past calendar year, if the individuals do not have fully paid  
18 leave and to employers who pay wages to workers who are ordered  
19 under quarantine by a licensed healthcare practitioner as a result of  
20 coronavirus disease 2019.

21 b. The Department of Labor and Workforce Development shall  
22 establish and maintain a special nonlapsing fund to be known as the  
23 “Temporary Lost Wage Unemployment Program Fund” (fund), into  
24 which shall be deposited such moneys:

25 (1) as shall be paid to the fund by the State Treasurer pursuant  
26 to an appropriation made from the general fund in accordance with  
27 section 2 of P.L. , c. (C. ) (pending before the Legislature  
28 as this bill);

29 (2) as shall be otherwise appropriated by the State for the  
30 purpose of such fund; and

31 (3) any other moneys or funds received from the federal  
32 government for the purpose of combatting an epidemic or state of  
33 emergency.

34 Moneys in the fund may be invested in such obligations as the  
35 department may approve and interest or other earnings on such  
36 investments shall be credited to the fund.

37 c. (1) The department shall use moneys in the fund, not to  
38 exceed \$10,000,000, to fully compensate individuals for actual lost  
39 wages as a result of coronavirus disease 2019 due to:

40 (a) the individual’s absence from work due to the need to care  
41 for a family member;

42 (b) the individual’s absence from work due to the illness of the  
43 individual;

44 (c) the individual’s absence from work due to a school or  
45 childcare facility being closed; and

46 (d) for such other purposes as determined by the commissioner.

47 (2) The department shall use moneys in the fund, not to exceed  
48 \$10,000,000, to assist employers who pay wages to workers who

1 are ordered under quarantine by a licensed healthcare practitioner as  
2 a result of coronavirus disease 2019.

3 (3) No moneys shall be paid to an individual pursuant to  
4 paragraph (1) of this subsection for any period or wages for which  
5 the individual receives benefits pursuant the "unemployment  
6 compensation law," R.S.43:21-1 et seq.

7 (4) Moneys in the fund may be supplemented or replaced, or  
8 both, by any amounts received from the federal government for the  
9 same purposes as provided in this subsection.

10 d. (1) In order to make a claim for actual lost wages pursuant  
11 to paragraph (1) of subsection c. of this section, an individual shall  
12 file an application, in a form approved by the Commissioner of  
13 Labor and Workforce Development, and provide supporting  
14 documentation that the individual is eligible for compensation from  
15 the fund as provided in paragraph (1) of subsection c. of this  
16 section. As part of the application, the individual shall provide  
17 documentation of the individual's income and employer and the  
18 individual's actual lost wages, and the individual shall certify as to  
19 the accuracy of the statements in the application, and that the  
20 individual does not have fully paid leave available for the  
21 individual's absence. An application for relief under this section  
22 shall be filed no later than three months following the termination  
23 of a declaration of a state of emergency concerning the coronavirus  
24 disease 2019 pandemic by the Governor or the President of the  
25 United States, whichever is later.

26 (2) In order to make a claim for actual wages paid pursuant to  
27 paragraph (2) of subsection c. of this section, an employer shall file  
28 an application, in a form approved by the Commissioner of Labor  
29 and Workforce Development, and provide supporting  
30 documentation that the employer is eligible for reimbursement from  
31 the fund as provided in paragraph (2) of subsection c. of this  
32 section. As part of the application, the employer shall provide  
33 documentation of the individual's income actual lost wages which  
34 the employer has paid, and the employer shall certify as to the  
35 accuracy of the statements in the application. An application for  
36 relief under this section shall be filed no later than three months  
37 following the termination of a declaration of a state of emergency  
38 concerning the coronavirus disease 2019 pandemic by the Governor  
39 or the President of the United States, whichever is later.

40 e. Any willful misrepresentation or omission of fact in any  
41 application shall be subject to a fine not exceeding \$10,000. The  
42 fines shall be recoverable in a civil action by the commissioner in  
43 the name of the State of New Jersey. All fines shall be payable to  
44 the commissioner for deposit in the fund.

45 f. The commissioner shall establish procedures for the  
46 submission and qualification of claims by individuals or employers,  
47 as appropriate, which claims are eligible for reimbursement  
48 pursuant to this section, as well as procedures for payment to

1 individuals or employers, as appropriate. The commissioner shall  
2 also promulgate regulations to administer the program and establish  
3 eligibility criteria.

4 g. As used in this section, "state of emergency" means a state  
5 of emergency that has been declared by the President of the United  
6 States or the Governor, concerning the coronavirus disease 2019  
7 pandemic.

8 h. Upon the expiration of this act, any funds remaining in the  
9 fund shall lapse to the General Fund.

10

11 2. There is appropriated from the General Fund to the  
12 "Temporary Lost Wage Unemployment Program Fund" in the  
13 Department of Labor and Workforce Development \$20,000,000 to  
14 effectuate the purposes of this act.

15

16 3. This act shall take effect immediately and shall expire July 1  
17 next following one year after the date that the last State  
18 reimbursement payment is made to a qualified individual or  
19 employer.

20

21

22

#### STATEMENT

23

24 This bill creates the "Temporary Lost Wage Unemployment  
25 Program" to allow individuals affected by the coronavirus disease  
26 2019 pandemic to recoup actual lost wages due to absence from  
27 work under certain circumstances and to assist employers who pay  
28 wages to workers who are ordered under quarantine by a licensed  
29 healthcare practitioner as a result of coronavirus disease 2019.  
30 Specifically, the program will provide, to the extent funds are  
31 available, monetary relief to individuals for actual lost wages in an  
32 amount that is equivalent to the individual's average weekly rate of  
33 compensation from the past calendar year, if the individuals do not  
34 have fully paid leave.

35 The Department of Labor and Workforce Development will use  
36 moneys in the fund, in an amount not to exceed \$10,000,000, to pay  
37 the lost wages of individuals due to:

38 (1) the individual's absence from work due to the need to care  
39 for a family member;

40 (2) the individual's absence from work due to the illness of the  
41 individual;

42 (3) the individual's absence from work due to school or  
43 childcare facility being closed; and

44 (4) for such other purposes as determined by the commissioner.

45 No moneys shall be paid to an individual for any period or wages  
46 for which the individual receives benefits pursuant the  
47 "unemployment compensation law," R.S.43:21-1 et seq.

1 Moneys in the fund may be supplemented or replaced, or both,  
2 by any amounts received from the federal government for the same  
3 purposes as provided in the bill.

4 Additionally, the department will use moneys in the fund, not to  
5 exceed \$10,000,000, to assist employers who pay wages to workers  
6 who are ordered under quarantine by a licensed healthcare  
7 practitioner as a result of coronavirus disease 2019.

8 Anyone who makes any willful misrepresentation or omission of  
9 fact in an application for moneys from the fund will be subject to a  
10 fine not exceeding \$10,000. The fines will be recoverable in a civil  
11 action by the commissioner in the name of the State of New Jersey.

12 Individuals and employers seeking relief are required to file  
13 claims no later than three months following the termination of a  
14 declaration of a state of emergency as a result of the coronavirus  
15 disease 2019 pandemic.