

ASSEMBLY, No. 740

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GREGG and Assemblywoman MURPHY

1 AN ACT concerning family and medical leave and amending P.L.1989,
2 c.261.

3

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

6

7 1. Section 2 of P.L.1989, c.261 (C.34:11B-2) is amended to read
8 as follows:

9 2. The Legislature finds and declares that the number of families in
10 the State in which both parents or a single parent is employed outside
11 of the home has increased dramatically and continues to increase and
12 that due to lack of employment policies to accommodate working
13 parents, many individuals are forced to choose between job security
14 and taking necessary time needed for recovery from a serious health
15 condition, for parenting or for providing care for ill family members.
16 The Legislature further finds that it is necessary to promote the
17 economic security of families by guaranteeing [jobs] job security to
18 [wage earners] an employee who [choose] chooses to take a period of
19 leave upon the birth or placement for adoption of a child or serious
20 health condition of the employee or a family member. The Legislature,
21 therefore, declares that it is the policy of the State to protect and
22 promote the stability and economic security of family units. The
23 Legislature further declares that [employees] an employee should be
24 entitled to take a period of leave upon the birth or placement for
25 adoption of a child or serious health condition of the employee or a
26 family member without risk of termination of employment or
27 retaliation by employers and without loss of certain benefits.

28 (cf: P.L.1989, c.261, s.2)

29

30 2. Section 3 of P.L.1989, c.261 (C.34:11B-3) is amended to read
31 as follows:

32 3. As used in this act:

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 a. "Child" means a biological, adopted, or foster child, stepchild,
2 legal ward, or child of a parent who is
3 (1) under 18 years of age; or
4 (2) 18 years of age or older but incapable of self-care because of
5 a mental or physical impairment.
- 6 b. "Director" means the Director of the Division on Civil Rights.
- 7 c. "Division" means the Division on Civil Rights in the Department
8 of Law and Public Safety.
- 9 d. "Employ" means to suffer or permit to work for compensation,
10 and includes ongoing, contractual relationships in which the employer
11 retains substantial direct or indirect control over the employee's
12 employment opportunities or terms and conditions of employment.
- 13 e. "Employee" means a person who is employed for at least 12
14 months by an employer, with respect to whom benefits are sought
15 under this act, for not less than 1,000 base hours during the
16 immediately preceding 12-month period.
- 17 f. "Employer" means a person or corporation, partnership,
18 individual proprietorship, joint venture, firm or company or other
19 similar legal entity which engages the services of an employee and
20 which:
- 21 (1) With respect to the period of time from the effective date of
22 this act until the 365th day following the effective date of this act,
23 employs 100 or more employees, in the State of New Jersey, for each
24 working day during each of 20 or more calendar workweeks in the
25 then current or immediately preceding calendar year;
- 26 (2) With respect to the period of time from the 366th day following
27 the effective date of this act until the 1,095th day following the
28 effective date of this act, employs 75 or more employees, in the State
29 of New Jersey, for each working day during each of 20 or more
30 calendar workweeks in the then current or immediately preceding
31 calendar year; and
- 32 (3) With respect to any time after the 1,095th day following the
33 effective date of this act, employs 50 or more employees, in the State
34 of New Jersey, for each working day during each of 20 or more
35 calendar workweeks in the then current or immediately preceding
36 calendar year. "Employer" includes the State, any political subdivision
37 thereof, and all public offices, agencies, boards or bodies.
- 38 g. "Employment benefits" means all benefits and policies provided
39 or made available to employees by an employer, and includes group
40 life insurance, health insurance, disability insurance, sick leave, annual
41 leave, pensions, or other similar benefits.
- 42 h. "Parent" means a person who is the biological parent, adoptive
43 parent, foster parent, step-parent, parent-in-law or legal guardian,
44 having a "parent-child relationship" with a child as defined by law, or
45 having sole or joint legal or physical custody, care, guardianship, or
46 visitation with a child.

- 1 i. "Family leave" means leave from employment so that the
2 employee may ~~provide~~ :
- 3 ~~(1) Provide~~ care made necessary by reason of:
- 4 ~~[(1)](a)~~ the birth of a child of the employee;
- 5 ~~[(2)](b)~~ the placement of a child with the employee in connection
6 with adoption of such child by the employee; or
- 7 ~~[(3)](c)~~ the serious health condition of a family member of the
8 employee; or
- 9 ~~(2) Receive care for a serious health condition of the employee.~~
- 10 j. "Family member" or "family member of the employee" means an
11 employee or a child, parent, or spouse of the employee.
- 12 k. "Reduced leave schedule" means leave scheduled for fewer than
13 an employee's usual number of hours worked per workweek but not
14 for fewer than an employee's usual number of hours worked per
15 workday, unless agreed to by the employee and the employer.
- 16 l. "Serious health condition" means an illness, injury, impairment,
17 or physical or mental condition which requires:
- 18 (1) inpatient care in a hospital, hospice, or residential medical care
19 facility; or
- 20 (2) continuing medical treatment or continuing supervision by a
21 health care provider.
- 22 (cf: P.L.1989, c.261, s.3)
- 23
- 24 3. This act shall take effect immediately.
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27 STATEMENT

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29 This bill amends the "Family Leave Act," P.L.1989, c.261
30 (C.34:11B-1 et seq.), by extending the job security protections
31 provided by that act for employees while on family leave to include
32 leave taken during serious health conditions of the employees
33 themselves.

34 That act currently permits certain employees to take a leave of up
35 to 12 weeks during a 24-month period upon the birth or placement for
36 adoption of a child or serious health condition of a family member
37 without risk of termination of employment or retaliation by employers
38 and without loss of certain benefits. The bill provides that the leave
39 time provided by the act may also be used when employees have
40 serious health conditions of their own.

41 The bill also amends the act to require that its provisions apply only
42 to employers whose employees are located in the State of New Jersey.

- 1 _____
- 2
- 3 Amends "Family Leave Act" to cover medical leave.