

ASSEMBLY, No. 2601

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblyman GARRETT and Assemblywoman CRECCO

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

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

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

8 3. As used in this act:

9 a. "Child" means a biological, adopted, or foster child, stepchild,
10 legal ward, or child of a parent who is

11 (1) under 18 years of age; or

12 (2) 18 years of age or older but incapable of self-care because of
13 a mental or physical impairment.

14 b. "Director" means the Director of the Division on Civil Rights.

15 c. "Division" means the Division on Civil Rights in the Department
16 of Law and Public Safety.

17 d. "Employ" means to suffer or permit to work for compensation,
18 and includes ongoing, contractual relationships in which the employer
19 retains substantial direct or indirect control over the employee's
20 employment opportunities or terms and conditions of employment.

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

25 f. "Employer" means a person or corporation, partnership,
26 individual proprietorship, joint venture, firm or company or other
27 similar legal entity which engages the services of an employee and
28 which:

29 (1) With respect to the period of time from the effective date of
30 this act until the 365th day following the effective date of this act,
31 employs 100 or more employees for each working day during each of
32 20 or more calendar workweeks in the then current or immediately
33 preceding calendar year;

34 (2) With respect to the period of time from the 366th day following

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 the effective date of this act until the 1,095th day following the
2 effective date of this act, employs 75 or more employees for each
3 working day during each of 20 or more calendar workweeks in the
4 then current or immediately preceding calendar year; [and]

5 (3) With respect to [any] the period of time [after] from the
6 1,095th day following the effective date of this act until December 31,
7 1996, employs 50 or more employees for each working day during
8 each of 20 or more calendar workweeks in the then current or
9 immediately preceding calendar year; and

10 (4) With respect to any time after December 31, 1996, employs 50
11 or more employees in the State of New Jersey, for each working day
12 during each of 20 or more calendar workweeks in the then current or
13 immediately preceding calendar year. "Employer" includes the State,
14 any political subdivision thereof, and all public offices, agencies,
15 boards or bodies.

16 g. "Employment benefits" means all benefits and policies provided
17 or made available to employees by an employer, and includes group
18 life insurance, health insurance, disability insurance, sick leave, annual
19 leave, pensions, or other similar benefits.

20 h. "Parent" means a person who is the biological parent, adoptive
21 parent, foster parent, step-parent, parent-in-law or legal guardian,
22 having a "parent-child relationship" with a child as defined by law, or
23 having sole or joint legal or physical custody, care, guardianship, or
24 visitation with a child.

25 i. "Family leave" means leave from employment so that the
26 employee may provide care made necessary by reason of:

27 (1) the birth of a child of the employee;

28 (2) the placement of a child with the employee in connection with
29 adoption of such child by the employee; or

30 (3) the serious health condition of a family member of the
31 employee.

32 j. "Family member" means a child, parent, or spouse.

33 k. "Reduced leave schedule" means leave scheduled for fewer than
34 an employee's usual number of hours worked per workweek but not
35 for fewer than an employee's usual number of hours worked per
36 workday, unless agreed to by the employee and the employer.

37 l. "Serious health condition" means an illness, injury, impairment,
38 or physical or mental condition which requires:

39 (1) inpatient care in a hospital, hospice, or residential medical care
40 facility; or

41 (2) continuing medical treatment or continuing supervision by a
42 health care provider.

43 (cf: P.L.1989, c.261, s.3)

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45 2. This act shall take effect immediately.

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STATEMENT

This bill amends the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), to require that its provisions apply only to employers who have 50 or more employees located in the State of New Jersey. The law currently requires that its provisions apply to employers who have 50 or more employees in total, including employees who are located outside of the State of New Jersey and employees located outside of the United States.

Amends "Family Leave Act" to apply only to employers with 50 or more employees in New Jersey.