

# ASSEMBLY, No. 3848

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Co-Sponsored by:**

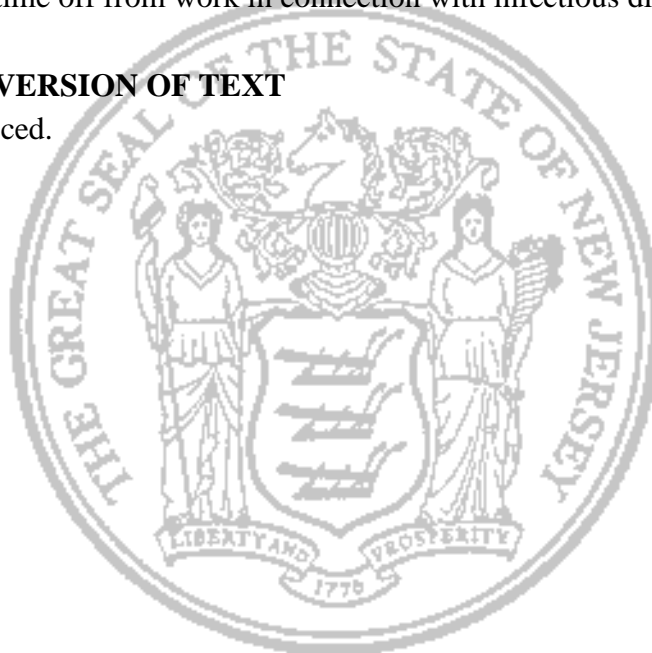
**Assemblywomen Reynolds-Jackson, McKnight, Assemblyman Wimberly, Assemblywomen Speight, Chaparro, Assemblyman Spearman, Assemblywoman Timberlake, Assemblymen Giblin, Houghtaling, Assemblywoman Quijano, Assemblyman Mejia and Assemblywoman Jasey**

**SYNOPSIS**

Concerns time off from work in connection with infectious disease.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning time off from work in connection with  
2 infectious disease and supplementing Title 34 of the Revised  
3 Statutes.

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

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8 1. An employer shall not, during the Public Health Emergency  
9 and State of Emergency declared by the Governor in Executive  
10 Order 103 of 2020 concerning the coronavirus disease 2019  
11 pandemic, terminate or otherwise penalize an employee if the  
12 employee requests or takes time off from work based on the written  
13 or electronically transmitted recommendation of a medical  
14 professional licensed in New Jersey that the employee take that  
15 time off for a specified period of time because the employee has, or  
16 is likely to have, an infectious disease, as defined in section 2 of  
17 P.L.2005, c.222 (C.26:13-2), which may infect others at the  
18 employee's workplace. The employer shall not, following that  
19 specified period of time, refuse to reinstate the employee to  
20 employment in the position held when the leave commenced with  
21 no reduction in seniority, status, employment benefits, pay or other  
22 terms and conditions of employment.

23  
24 2. If an employer violates the provisions of section 1 of this  
25 act, the employee affected by the violation may file a written  
26 complaint with the Commissioner of Labor and Workforce  
27 Development or initiate an action in a court of competent  
28 jurisdiction, to seek reinstatement to employment. If the employer  
29 is found by a preponderance of the evidence to be in violation, the  
30 court or the commissioner shall order the reinstatement the  
31 employee to the position previously held with no reduction in  
32 seniority, status, employment benefits, pay, and other terms and  
33 conditions of employment and fine the employer \$2,500 for each  
34 violation of section 1 of this act.

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36 3. This act shall take effect immediately.

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#### STATEMENT

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41 This bill prohibits an employer, during the Public Health  
42 Emergency and State of Emergency declared by the Governor in  
43 Executive Order 103 of 2020 concerning the coronavirus disease  
44 2019 pandemic, from terminating or refusing to reinstate an  
45 employee if the employee requests or takes time off from work  
46 based on a written or electronically transmitted recommendation  
47 from a medical professional licensed in New Jersey that the  
48 employee take time off work for a specified period of time because

1 the employee has, or is likely to have, an infectious disease which  
2 may infect others at the employee's workplace.

3 The bill provides that if an employer violates the provisions of  
4 the bill, the affected employee may file a complaint with the  
5 Commissioner of Labor and Workforce Development or initiate a  
6 court action. If the employer is found to be in violation, the  
7 commissioner or the court is required to order the reinstatement the  
8 employee and fine the employer \$2,500 for each violation.