https://www.njleg.state.nj.us/bills/BillView.asp?BillNumber=A3848

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C.34:11D-12
& 34:11D-13

P.L. 2020, CHAPTER 9, ***approved March 20, 2020***
Assembly, No. 3848

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

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

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

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

3. This act shall take effect immediately.

STATEMENT

This bill prohibits an employer, during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic, from terminating or refusing to reinstate an employee if the employee requests or takes time off from work based on a written or electronically transmitted recommendation from a medical professional licensed in New Jersey that the employee take time off work for a specified period of time because the employee has, or is likely to have, an infectious disease which may infect others at the employee's workplace.

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

Concerns time off from work in connection with infectious disease.