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P.L. 2020, CHAPTER 22, ***approved April 14, 2020***
Senate, No. 2353

AN ACT concerning mass layoffs due to the coronavirus disease 2019 pandemic and amending P.L.2007, c.212.

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

1. Section 1 of P.L.2007, c.212 (C.34:21-1) is amended to read as follows:

1. As used in P.L.2007, c.212 (C.34:21-1 et seq.):

"Commissioner" means the Commissioner of Labor and Workforce Development.

"Department" means the Department of Labor and Workforce Development.

"Employer" means an individual or private business entity which employs the workforce at an establishment.

"Establishment" means a place of employment which has been operated by an employer for a period longer than three years, but shall not include a temporary construction site. "Establishment" may be a single location or a group of locations, including any facilities located in this State.

"Facility" means a building.

"Mass layoff" means a reduction in force which is not the result of a transfer or termination of operations and which results in the termination of employment at an establishment during any 30-day period for 50 or more of the employees at or reporting to the establishment, except that "mass layoff" shall not include a mass layoff made necessary because of a fire, flood, natural disaster, national emergency, act of war, civil disorder or industrial sabotage, decertification from participation in the Medicare and Medicaid programs as provided under Titles XVIII and XIX of the federal "Social Security Act," Pub.L. 74-271 (42 U.S.C. s.1395 et seq.) or license revocation pursuant to P.L.1971, c.136 (C.26:2H-1 et al.).

"Operating unit" means an organizationally distinct product, operation, or specific work function within or across facilities at a single establishment.

"Response team" means the plant closing response team established pursuant to section 5 of P.L.2007, c.212 (C.34:21-5).

"Termination of employment" means the layoff of an employee without a commitment to reinstate the employee to his previous employment within six months of the layoff, except that "termination of employment" shall not mean a voluntary departure or retirement or a discharge or suspension for misconduct of the employee connected with the employment or any layoff of a seasonal employee or refer to any situation in which an employer offers to an employee, at a location inside the State and not more than 50 miles from the previous place of employment, the same employment or a position with equivalent status, benefits, pay and other terms and conditions of employment, and, except that a layoff of more than six months which, at its outset, was announced to be a layoff of six months or less, shall not be treated as a termination of employment under P.L.2007, c.212 (C.34:21-1 et seq.) if the extension beyond six months is caused by business circumstances not reasonably foreseeable at the time of the initial layoff, and notice is given at the time it becomes reasonably foreseeable that the extension beyond six months will be required.

"Termination of operations" means the permanent or temporary shutdown of a single establishment, or of one or more facilities or operating units within a single establishment, except that "termination of operations" shall not include a termination of operations made necessary because of a fire, flood, natural disaster, national emergency, act of war, civil disorder or industrial sabotage, decertification from participation in the Medicare and Medicaid programs as provided under Titles XVIII and XIX of the federal

"Social Security Act," Pub.L. 74-271 (42 U.S.C. s.1395 et seq.) or license revocation pursuant to P.L.1971, c.136 (C.26:2H-1 et al.).

"Transfer of operations" means the permanent or temporary transfer of a single establishment, or one or more facilities or operating units within a single establishment, to another location, inside or outside of this State.

(cf: P.L.2019, c.423, s.1)

2. Section 3 of P.L.2019, c.423 is amended to read as follows:

3. **[**This act**]** P.L.2019, c.423 shall take effect on the **[**180th**]** 90th day next following the **[**date of enactment**]** termination of Executive Order 103 of 2020.

(cf: P.L.2019, c.423, s.3)

3. This act shall take effect immediately, and shall be retroactive to March 9, 2020.

STATEMENT

This bill provides revises the "Millville Dallas Airmotive Plant Job Loss Notification Act" to provide that the definition of mass layoff does not include a mass layoff that is necessary because of a fire, flood, natural disaster, national emergency, act of war, civil disorder or industrial sabotage, decertification from participation in the Medicare and Medicaid programs as provided under Titles XVIII and XIX of the federal "Social Security Act," Pub.L. 74-271 (42 U.S.C. s.1395 et seq.) or license revocation pursuant to P.L.1971, c.136 (C.26:2H-1 et al.). In addition, the bill makes the change to the definition of mass layoff retroactive to March 9, 2020.

The bill also amends the effective date of P.L.2019, c.423, which revised the "Millville Dallas Airmotive Plant Job Loss Notification Act" by changing severance requirements for employers in the case of mass layoffs, or termination or transfers of operations. The effective date in P.L.2019, c.423 is the 180th day next following the date of enactment of the bill, which would be July 19, 2020 based on the bill's date of enactment. This bill changes the effective date to the 90th day next following the termination of Governor Murphy's Executive Order 103.

Excludes from severance requirements under "Millville Dallas Airmotive Plant Job Loss Notification Act" mass layoffs resulting from coronavirus disease 2019 pandemic.