

ASSEMBLY, No. 5166

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 9, 2023

Sponsored by:

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District 20 (Union)

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District 15 (Hunterdon and Mercer)

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Co-Sponsored by:

Assemblyman Giblin

SYNOPSIS

Revises law concerning family leave to extend protection by reducing, over time, employee threshold from 30 employees to one employee in definition of employer.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/30/2023)

1 AN ACT concerning reinstatement of employees after taking family
2 leave and amending various parts of the statutory law.

3

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

6

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

9 3. As used in this act:

10 a. "Child" means a biological, adopted, foster child, or resource
11 family child, stepchild, legal ward, or child of a parent, including a
12 child who becomes the child of a parent pursuant to a valid written
13 agreement between the parent and a gestational carrier.

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

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

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

23 e. "Employee" means a person who is employed for at least 12
24 months by an employer, with respect to whom benefits are sought
25 under this act, for not less than 1,000 base hours during the
26 immediately preceding 12-month period. Any time, up to a
27 maximum of 90 calendar days, during which a person is laid off or
28 furloughed by an employer due to that employer curtailing
29 operations because of a state of emergency declared after October
30 22, 2012, shall be regarded as time in which the person is employed
31 for the purpose of determining eligibility for leave time under this
32 act. In making the determination, the base hours per week during
33 the layoff or furlough shall be deemed to be the same as the average
34 number of hours worked per week during the rest of the 12-month
35 period.

36 f. "Employer" means a person or corporation, partnership,
37 individual proprietorship, joint venture, firm or company or other
38 similar legal entity which engages the services of an employee and
39 which:

40 (1) (Deleted by amendment, P.L.2019, c.37);

41 (2) (Deleted by amendment, P.L.2019, c.37);

42 (3) **【**With respect to the period of time from the 1,095th day
43 following the effective date of P.L.1989, c.261 (C.34:11B-1 et seq.)
44 through June 30, 2019, employs 50 or more employees for each
45 working day during each of 20 or more calendar workweeks in the
46 then current or immediately preceding calendar year; and **】** (Deleted

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 by amendment, P.L. , c. (pending before the Legislature as this
2 bill);

3 (4) With respect to any period of time [on or after] from June
4 30, 2019 until the effective date of P.L. , c. (pending before the
5 Legislature as this bill), employs 30 or more employees for each
6 working day during each of 20 or more calendar workweeks in the
7 then current or immediately preceding calendar year;

8 (5) With respect to any period of time after the effective date of
9 P.L. ,c. (pending before the Legislature as this bill), employs 20
10 or more employees for each working day during each of 20 or more
11 calendar workweeks in the then current or immediately preceding
12 calendar year;

13 (6) With respect to any period of time after the 365th day
14 following the effective date of P.L. ,c. (pending before the
15 Legislature as this bill), employs 10 or more employees for each
16 working day during each of 20 or more calendar workweeks in the
17 then current or immediately preceding calendar year; and

18 (7) With respect to any period of time after the 730th day after
19 the effective date of P.L. ,c. (pending before the Legislature as
20 this bill), employs one or more employees for each working day
21 during each of 20 or more calendar workweeks in the then current
22 or immediately preceding calendar year.

23 "Employer" includes the State, any political subdivision thereof,
24 and all public offices, agencies, boards or bodies.

25 g. "Employment benefits" means all benefits and policies
26 provided or made available to employees by an employer, and
27 includes group life insurance, health insurance, disability insurance,
28 sick leave, annual leave, pensions, or other similar benefits.

29 h. "Parent" means a person who is the biological parent,
30 adoptive parent, foster parent, resource family parent, step-parent,
31 parent-in-law or legal guardian, having a "parent-child relationship"
32 with a child as defined by law, or having sole or joint legal or
33 physical custody, care, guardianship, or visitation with a child, or
34 who became the parent of the child pursuant to a valid written
35 agreement between the parent and a gestational carrier.

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

38 (1) the birth of a child of the employee, including a child born
39 pursuant to a valid written agreement between the employee and a
40 gestational carrier;

41 (2) the placement of a child into foster care with the employee
42 or in connection with adoption of such child by the employee;

43 (3) the serious health condition of a family member of the
44 employee ; or

45 (4) in the event of a state of emergency declared by the
46 Governor, or when indicated to be needed by the Commissioner of
47 Health or other public health authority, an epidemic of a
48 communicable disease, a known or suspected exposure to the

1 communicable disease, or efforts to prevent spread of a
2 communicable disease, which:

3 (a) requires in-home care or treatment of a child due to the
4 closure of the school or place of care of the child of the employee,
5 by order of a public official due to the epidemic or other public
6 health emergency;

7 (b) prompts the issuance by a public health authority of a
8 determination, including by mandatory quarantine, requiring or
9 imposing responsive or prophylactic measures as a result of illness
10 caused by an epidemic of a communicable disease or known or
11 suspected exposure to the communicable disease because the
12 presence in the community of a family member in need of care by
13 the employee, would jeopardize the health of others; or

14 (c) results in the recommendation of a health care provider or
15 public health authority, that a family member in need of care by the
16 employee voluntarily undergo self-quarantine as a result of
17 suspected exposure to a communicable disease because the presence
18 in the community of that family member in need of care by the
19 employee, would jeopardize the health of others.

20 j. "Family member" means a child, parent, parent-in-law,
21 sibling, grandparent, grandchild, spouse, domestic partner, or one
22 partner in a civil union couple, or any other individual related by
23 blood to the employee, and any other individual that the employee
24 shows to have a close association with the employee which is the
25 equivalent of a family relationship.

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

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

32 (1) inpatient care in a hospital, hospice, or residential medical
33 care facility; or

34 (2) continuing medical treatment or continuing supervision by a
35 health care provider.

36 m. "State of emergency" means a natural or man-made disaster
37 or emergency for which a state of emergency has been declared by
38 the President of the United States or the Governor, or for which a
39 state of emergency has been declared by a municipal emergency
40 management coordinator.

41 n. "Health care provider" means a duly licensed health care
42 provider or other health care provider deemed appropriate by the
43 director.

44 (cf: P.L.2020, c.23, s.1)

45

46 2. Section 2 of P.L.1948, c.110 (C.43:21-26) is amended to
47 read as follows:

1 2. Purpose. This act shall be liberally construed as remedial
2 legislation enacted upon the following declarations of public policy
3 and legislative findings of fact:

4 The public policy of this State, already established, is to protect
5 employees against the suffering and hardship generally caused by
6 involuntary unemployment. But the "unemployment compensation
7 law" provides benefit payments to replace wage loss caused by
8 involuntary unemployment only so long as an individual is "able to
9 work, and is available for work," and fails to provide any protection
10 against wage loss suffered because of inability to perform the duties
11 of a job interrupted by nonoccupational illness, injury, or other
12 disability of the individual or of members of the individual's family.
13 Nor is there any other comprehensive and systematic provision for
14 the protection of working people against loss of earnings due to a
15 nonoccupational sickness, accident, or other disability.

16 The prevalence and incidence of nonoccupational sickness,
17 accident, and other disability among employed people is greatest
18 among the lower income groups, who either cannot or will not
19 voluntarily provide out of their own resources against the hazard of
20 an earnings loss caused by nonoccupational sickness, accident, or
21 other disability. Disabling sickness or accident occurs throughout
22 the working population at one time or another, and approximately
23 fifteen per centum (15%) of the number of people at work may be
24 expected to suffer disabling illness of more than one week each
25 year.

26 It was found, prior to the enactment of the "Temporary Disability
27 Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), that then
28 existing voluntary plans for the payment of cash sickness benefits
29 covered less than one-half of the number of working people of this
30 State who were covered by the "unemployment compensation law,"
31 and that even that degree of voluntary protection afforded uneven,
32 unequal and sometimes uncertain protection among the various
33 voluntary benefit programs.

34 While the enactment of that law has provided stable protection
35 for New Jersey's disabled workers, very few workers are protected
36 from income losses caused by the need to take time off from work
37 to care for family members who are incapable of self-care,
38 including newborn and newly-adopted children. The growing
39 portion of middle-income families in which all adult family
40 members work, largely due to economic necessity, points to the
41 desperate need for replacement income when a working family
42 member must take time to care for family members who are unable
43 to take care of themselves. Moreover, the United States is the only
44 industrialized nation in the world which does not have a mandatory
45 workplace-based program for such income support. It is therefore
46 desirable and necessary to fill the gap in existing provisions for
47 protection against the loss of earnings caused by involuntary
48 unemployment, by extending such protection to meet the hazard of

1 earnings loss due to inability to work caused by nonoccupational
2 sickness, accidents, or other disabilities of workers and members of
3 their families. Developing systems that help families adapt to the
4 competing interests of work and home not only benefits workers,
5 but also benefits employers by reducing employee turnover and
6 increasing worker productivity.

7 The foregoing facts and considerations require that there be a
8 uniform minimum program providing in a systematic manner for
9 the payment of reasonable benefits to replace partially such
10 earnings loss and to meet the continuing need for benefits where an
11 individual becomes disabled during unemployment or needs to care
12 for family members incapable of self-care. In order to maintain
13 consumer purchasing power, relieve the serious menace to health,
14 morals and welfare of the people caused by insecurity and the loss
15 of earnings, to reduce the necessity for public relief of needy
16 persons, to increase workplace productivity and alleviate the
17 enormous and growing stress on working families of balancing the
18 demands of work and family needs, and in the interest of the health,
19 welfare and security of the people of this State, such a system,
20 enacted under the police power, is hereby established, requiring the
21 payment of reasonable cash benefits to eligible individuals who are
22 subject to accident or illness which is not compensable under the
23 worker's compensation law or who need to care for family members
24 incapable of self-care.

25 【While the Legislature recognizes the pressing need for benefits
26 for workers taking leave to care for family members incapable of
27 self-care, it also finds that the need of workers for leave during their
28 own disability continues to be especially acute, as a disabled worker
29 has less discretion about taking time off from work than a worker
30 caring for a family member. Notwithstanding any interpretation of
31 law which may be construed as providing a worker with rights to
32 take action against an employer who fails or refuses to restore the
33 worker to employment after the worker's own disability, the
34 Legislature does not intend that the policy established by P.L.2008,
35 c.17 (C.43:21-39.1 et al.) of providing benefits for workers during
36 periods of family temporary disability leave to care for family
37 members incapable of self-care be construed as granting any worker
38 an entitlement to be restored by the employer to employment held
39 by the worker prior to taking family temporary disability leave or
40 any right to take action, in tort, or for breach of an implied
41 provision of the employment agreement, or under common law,
42 against an employer who fails or refuses to restore the worker to
43 employment after the family temporary disability leave, and the
44 Legislature does not intend that the policy of providing benefits
45 during family temporary disability leave be construed as increasing,
46 reducing or otherwise modifying any entitlement of a worker to
47 return to employment or right of the worker to take action under the

1 provisions of the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1
2 et seq.).**】**

3 Since the enactment of the "Temporary Disability Benefits Law,"
4 P.L.1948, c.110 (C.43:21-25 et al.), the State government-operated
5 State temporary disability benefits plan, or "State plan," has proven
6 to be highly efficient and cost effective in providing temporary
7 disability benefits to New Jersey workers. The State plan
8 guarantees the availability of coverage for all employers, regardless
9 of experience, with low overhead costs and a rapid processing of
10 claims and appeals by knowledgeable, impartial public employees.
11 Consequently, the percentage of all employers using the State plan
12 increased from 64% in 1952 to 98% in 2006, while the percentage
13 of employees covered by the State plan increased from 28% to 83%.
14 A publicly-operated, nonprofit State plan is therefore indispensable
15 to achieving the goals of the "Temporary Disability Benefits Law,"
16 P.L.1948, c.110 (C.43:21-25 et al.).
17 (cf: P.L.2019, c.37, s.7)

18

19 3. Section 10 of P.L.2008, c.17 (C.43:21-39.1) is amended to
20 read as follows:

21 10. a. Family temporary disability leave shall be compensable
22 subject to the limitations of P.L.2008, c.17 (C.43:21-39.1 et al.) for
23 any period of family temporary disability leave taken by a covered
24 individual which commences after June 30, 2009.

25 b. An individual shall not simultaneously receive disability
26 benefits for family temporary disability leave and any other
27 disability benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.) or
28 any unemployment compensation, or any paid sick leave, vacation
29 time or other leave at full pay from the employer of the individual.

30 c. The employer of an individual may, notwithstanding any
31 other provision of law, including the provisions of N.J.S.18A:30-1
32 et seq., permit the individual, during a period of family temporary
33 disability leave, to use any paid sick leave, vacation time or other
34 leave at full pay made available by the employer before the
35 individual uses disability benefits for family temporary disability
36 leave pursuant to P.L.2008, c.17 (C.43:21-39.1 et al.). Nothing in
37 P.L.2008, c.17 (C.43:21-39.1 et al.) shall be construed as nullifying
38 any provision of an existing collective bargaining agreement or
39 employer policy, or preventing any new provision of a collective
40 bargaining agreement or employer policy, which provides
41 employees more generous leave or gives employees greater rights to
42 select which kind of leave is used or select the order in which the
43 different kinds of leave are used. Nothing in P.L.2008, c.17
44 (C.43:21-39.1 et al.) shall be construed as preventing an employer
45 from providing more generous benefits than are provided under
46 P.L.2008, c.17 (C.43:21-39.1 et al.) or providing benefits which
47 supplement the benefits provided under P.L.2008, c.17 (C.43:21-
48 39.1 et al.) for some or all of the employer's employees.

1 d. An individual who is entitled to leave under the provisions
2 of the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) or
3 the federal "Family and Medical Leave Act of 1993," Pub.L.103-3
4 (29 U.S.C. s.2601 et seq.), shall take any benefits provided for
5 family temporary disability leave pursuant to P.L.2008, c.17
6 (C.43:21-39.1 et al.) concurrently with leave taken pursuant to the
7 "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) or the
8 federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29
9 U.S.C. s.2601 et seq.). **【Nothing in P.L.2008, c.17 (C.43:21-39.1 et**
10 **al.) shall be construed to grant an employee any entitlement to be**
11 **restored by the employer to employment held by the employee prior**
12 **to taking family temporary disability leave or any right to take**
13 **action against an employer who refuses to restore the employee to**
14 **employment after the leave. Nothing in P.L.2008, c.17 (C.43:21-**
15 **39.1 et al.) shall be construed to increase, reduce or otherwise**
16 **modify any entitlement of an employee to return to employment or**
17 **right of the employee to take action under the provisions of the**
18 **"Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.). If an**
19 **employee receives benefits for family temporary disability leave**
20 **pursuant to P.L.2008, c.17 (C.43:21-39.1 et al.) with respect to**
21 **employment with an employer who is not an employer as defined in**
22 **the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) and**
23 **that employer fails or refuses to restore the employee to**
24 **employment after the period of family temporary disability leave,**
25 **that failure or refusal shall not be a wrongful discharge in violation**
26 **of a clear mandate of public policy, and the employee shall not have**
27 **a cause of action against that employer, in tort, or for breach of an**
28 **implied provision of the employment agreement, or under common**
29 **law, for that failure or refusal.】**

30 e. An employee taking family temporary disability leave or an
31 employer from whom the employee is taking the leave shall have
32 the same right to appeal a determination of a benefit for the family
33 temporary disability leave made under P.L.2008, c.17 (C.43:21-39.1
34 et al.) as an employee or employer has to appeal a determination of
35 a benefit for the disability of the employee under the "Temporary
36 Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), and
37 any regulations adopted pursuant to the "Temporary Disability
38 Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

39 f. In the event of a period of family temporary disability leave
40 of any individual covered under the State plan, the employer shall,
41 not later than the ninth day of the period of family temporary
42 disability leave, or not later than the ninth day after the employee
43 notifies the employer of an anticipated period of family temporary
44 disability leave pursuant to subsection h. of this section, whichever
45 comes first, including any time in which the employer provides sick
46 leave, vacation or other fully paid leave, issue to the individual and
47 to the division printed notices on division forms containing the

1 name, address and Social Security number of the individual, such
2 wage information as the division may require to determine the
3 individual's eligibility for benefits, including any sick pay, vacation
4 or other fully paid time off provided by the employer during the
5 period of family temporary disability leave, and the name, address,
6 and division identity number of the employer. Not later than 30
7 days after the commencement of the period of family temporary
8 disability leave for which the notice is furnished by the employer,
9 the individual shall furnish to the division a notice and claim for
10 family temporary disability leave benefits. Upon the submission of
11 the notices by the employer and the individual, and the
12 commencement of the compensable portion of the family temporary
13 disability leave pursuant to P.L.2008, c.17 (C.43:21-39.1 et al.), the
14 division may issue benefit payments. In the case of family
15 temporary disability leave taken to care for a family member with a
16 serious health condition, the benefits may be paid for periods not
17 exceeding three weeks pending the receipt of the certification
18 required pursuant to subsection b. of section 11 of P.L.2008, c.17
19 (C.43:21-39.2). Failure to furnish notice and certification in the
20 manner above provided shall not invalidate or reduce any claim if it
21 shall be shown to the satisfaction of the division not to have been
22 reasonably possible to furnish the notice and certification and that
23 the notice and certification was furnished as soon as reasonably
24 possible.

25 g. Each covered employer shall conspicuously post
26 notification, in a place or places accessible to all employees in each
27 of the employer's workplaces, in a form issued by regulation
28 promulgated by the commissioner, of each covered employee's
29 rights regarding benefits payable pursuant to this section. The
30 employer shall also provide each employee of the employer with a
31 written copy of the notification: (1) not later than 30 days after the
32 form of the notification is issued by regulation; (2) at the time of the
33 employee's hiring, if the employee is hired after the issuance; (3)
34 whenever the employee notifies the employer that the employee is
35 taking time off for circumstances under which the employee is
36 eligible for benefits pursuant to this section; and (4) at any time,
37 upon the first request of the employee.

38 h. With respect to any period of family temporary disability
39 leave commencing on or after October 4, 2019 if an individual
40 knows in advance when the period will commence, the individual
41 may notify the employer of the anticipated period of family
42 temporary disability leave and submit to the division a claim for
43 benefits for that period, which shall include a statement of when the
44 period will commence and any certification required pursuant to
45 subsection b. of section 11 of P.L.2008, c.17 (C.43:21-39.2), prior
46 to, but not more than 60 days prior to, the date that the period will
47 commence. The division shall process that claim immediately and,
48 upon finding that the claim is valid, shall pay the benefit upon the

1 commencement of the period of family temporary disability leave,
2 except that if the division receives the claim less than 30 days
3 before the commencement of the period, the division shall make the
4 payment not more than 30 days after the receipt of the claim. The
5 periods of family temporary disability leave to which the provisions
6 of this subsection apply shall include, but not be limited to, any of
7 the following if the commencement date of the leave is known in
8 advance: periods of leave for care of a child of the individual after
9 adoption, the placement of a child into foster care, or childbirth,
10 including childbirth under a valid agreement between the individual
11 and a gestational carrier; periods of leave for scheduled medical
12 procedures, treatments, or appointments for a family member of the
13 individual; and periods of leave for scheduled ongoing care of a
14 family member of the individual. If the individual did not establish
15 enough base weeks or have enough total earnings during the base
16 year preceding the week the individual submits the claim, the
17 division shall notify the individual that the individual may file the
18 claim again upon or after the commencement of the period of
19 family temporary disability leave and the division shall then
20 reconsider the individual's eligibility for benefits based on the base
21 year preceding the week in which the period of family temporary
22 disability leave commences.

23 (cf: P.L.2019, c.37, s.13)

24

25 4. Section 24 of P.L.2019, c.37 (C.43:21-55.2) is amended to
26 read as follows:

27 24. a. An employer shall not discharge, harass, threaten, or
28 otherwise discriminate or retaliate against an employee with respect
29 to the compensation, terms, conditions, or privileges of employment
30 on the basis that the employee requested or took any temporary
31 disability benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.),
32 or family temporary disability leave benefits pursuant to P.L.2008,
33 c.17 (C.43:21-39.1 et al.), including retaliation by refusing to
34 **【restore】** reinstate the employee to employment following a period
35 of leave**【**, except that, pursuant to section 2 of P.L.1948, c.110
36 (C.43:21-26), nothing in this section or any other section of
37 P.L.1948, c.110 (C.43:21-25 et al.) or P.L.2008, c.17 (C.43:21-39.1
38 et al.) shall be construed as increasing, reducing or otherwise
39 modifying any entitlement provided to a worker by the provisions
40 of the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) to
41 be restored to employment by the employer after a period of family
42 temporary disability leave**】** in the position held when the leave
43 commenced or an equivalent position of like seniority, status,
44 employment benefits, pay and other terms and conditions of
45 employment.

46 b. Upon a violation of subsection a. of this section, an
47 employee or former employee may, as an alternative to any action

1 that the employee is permitted to take for the violation pursuant to
2 the provisions of P.L.1948, c.110 (C.43:21-25 et al.), P.L.2008, c.17
3 (C.43:21-39.1 et al.), or the "Family Leave Act," P.L.1989, c.261
4 (C.34:11B-1 et seq.), institute a civil action in the Superior Court
5 for relief. All in which all remedies available in common law
6 tort actions shall be available to a prevailing plaintiff. The court
7 may also order any or all of the following relief:

8 (1) an assessment of a civil fine of not less than \$1,000 and not
9 more than \$2,000 for the first violation of any of the provisions of
10 this section and not more than \$5,000 for each subsequent violation;

11 (2) an injunction to restrain the continued violation of any of the
12 provisions of this section;

13 (3) reinstatement of the employee to the same position or to a
14 position equivalent to that which the employee held prior to
15 unlawful discharge or retaliatory action;

16 (4) reinstatement of full fringe benefits and seniority rights;

17 (5) compensation for any lost wages, benefits and other
18 remuneration; and

19 (6) payment of reasonable costs and attorney's fees.

20 (cf: P.L.2019, c.37, s.24)

21
22 5. This act shall take effect immediately.

23 24 25 STATEMENT

26
27 This bill extends to employees of employers with less than 30
28 employees the right to be reinstated to employment after taking paid
29 or unpaid family leave, thus ensuring that all workers who pay for
30 family temporary disability leave insurance (FLI) will be able to
31 able to return to work after taking FLI benefits. The extension is
32 phased in, with the threshold reduced to 20 employees upon the
33 effective date of the bill, 10 employees one year later, and the
34 threshold is eliminated two years after the effective date, so that no
35 employee will then be excluded from reinstatement rights because
36 of the number of employees of the employee's employer.

37 Once the phase out is complete, the bill extends to employees, no
38 matter how few employees their employer has, the current provision
39 that provides that an employee who takes FLI benefits to care for a
40 family member may not be retaliated against by their employer
41 refusing to reinstate them after the leave. Currently, an employer
42 who employs less than 30 workers, and is thus exempt from the
43 reinstatement requirements of the Family Leave Act (FLA), is also
44 exempt from the reinstatement requirements of that provision. By
45 removing this exemption, the bill extends that provision's
46 reinstatement rights to recipients of FLI benefits even if their
47 employers have less than 30 employees, in the same way that
48 provision currently provides that reinstatement protection for

1 temporary disability insurance recipients no matter how few
2 employees the employer has.

3 Once fully phased in, the bill also amends the FLA to make
4 employers, regardless of how few employees they have, subject to
5 that law's requirement to reinstate leave takers, thereby extending
6 that right of reinstatement to employees of employers with less than
7 30 employees, whether or not the employees receive FLI benefits.