

# ASSEMBLY, No. 4194

## STATE OF NEW JERSEY

### 222nd LEGISLATURE

INTRODUCED FEBRUARY 19, 2026

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY  
District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblywomen Quijano and Haider**

**SYNOPSIS**

Provides certain employment protections for working parents due to school closure during state of emergency and public health emergency.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/9/2026)**

1 AN ACT concerning employment protections for parents of school  
2 aged children and supplementing Title 34 of the Revised Statutes  
3 and P.L.1945, c.169 (C.10:5-1 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. Notwithstanding any other law to the contrary, it shall be  
9 an unlawful employment practice for an employer to require an  
10 employee who is the parent or legal guardian of a school aged child  
11 to be physically present for work, when that work can be performed  
12 remotely, during the public health emergency and state of emergency  
13 declared by the Governor pursuant to P.L.2005, c.222 (C.26:13-1 e  
14 seq.) and state of emergency declared by the governor pursuant to  
15 P.L.1942, c.251 (C.App.A:9-33 et seq.) concerning the coronavirus  
16 disease 2019 pandemic, any subsequent extensions of that public  
17 health emergency and state of emergency, or any other public health  
18 emergency or state of emergency requiring school closure and virtual  
19 or remote instruction, unless the employer can demonstrate that  
20 allowing the employee to work remotely would be an undue hardship  
21 on the business operations of the employer. The employer shall not  
22 in any way penalize the employee in terms, conditions or privileges  
23 of employment for requesting to work remotely or working remotely  
24 in accordance with this act.

25 b. There is a rebuttable presumption that an employee can  
26 perform work remotely if that employee has already performed work  
27 remotely for two consecutive pay periods, or two weeks, whichever  
28 is less time. The presumption may be rebutted by a preponderance of  
29 the evidence showing that the employee cannot perform essential  
30 duties remotely.

31 c. As used in this act, "school aged child" means a child enrolled  
32 in Kindergarten through Twelfth grade.

33 d. (1) Any employer who violates this section shall be liable for  
34 a civil penalty in an amount not to exceed \$1,000 for the first  
35 violation, \$5,000 for the second violation, and \$10,000 for each  
36 subsequent violation collectible by the Commissioner of Labor and  
37 Workforce Development in a summary proceeding pursuant to the  
38 "Penalty Enforcement Law of 1999," P.L.1999, c.274  
39 (C.2A:58-10 et seq.).

40 (2) If, in violation of P.L. , c. (C. )(pending before the  
41 Legislature as this bill), an employer requires an employee to be  
42 physically present at work on the basis of the race, creed, color,  
43 national origin, ancestry, age, marital status, civil union status,  
44 domestic partnership status, affectional or sexual orientation, genetic  
45 information, pregnancy or breastfeeding, sex, gender identity or  
46 expression, disability or atypical hereditary cellular or blood trait of  
47 the employee, or because of the liability for service in the Armed  
48 Forces of the United States or the nationality of the employee, or

1 because of the refusal to submit to a genetic test or make available  
2 the results of a genetic test to an employer, an employer shall be  
3 subject to section 2 of P.L. , c. (C. ) (pending before the  
4 Legislature as this bill), for any violation of this section.

5  
6 2. a. In addition to the civil penalties mandated by section 1 of  
7 P.L. , c. (C. ) (pending before the Legislature as this bill), it  
8 shall be an unlawful employment practice in violation of the “Law  
9 Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.) for an  
10 employer, because of the race, creed, color, national origin, ancestry,  
11 age, marital status, civil union status, domestic partnership status,  
12 affectional or sexual orientation, genetic information, pregnancy or  
13 breastfeeding, sex, gender identity or expression, disability or  
14 atypical hereditary cellular or blood trait of the employee, or because  
15 of the liability for service in the Armed Forces of the United States  
16 or the nationality of the employee, or because of the refusal to submit  
17 to a genetic test or make available the results of a genetic test to an  
18 employer, to require an employee who is the parent or legal guardian  
19 of a school aged child to be physically present for work, when that  
20 work can be performed remotely, during the public health emergency  
21 and state of emergency declared by the Governor pursuant to  
22 P.L.2005, c.222 (C.26:13-1) and state of emergency declared by the  
23 governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.)  
24 concerning the coronavirus disease 2019 pandemic, any subsequent  
25 extensions of that public health emergency and state of emergency,  
26 or any other public health emergency or state of emergency requiring  
27 school closure and virtual or remote instruction, unless the employer  
28 can demonstrate that allowing the employee to work remotely would  
29 be an undue hardship on the business operations of the employer.  
30 The employer shall not in any way penalize the employee in terms,  
31 conditions or privileges of employment for requesting to work  
32 remotely or working remotely in accordance with this act.

33 b. There is a rebuttable presumption that an employee can  
34 perform work remotely if that employee has already performed work  
35 remotely for two consecutive pay periods, or two weeks, whichever  
36 is less time. The presumption may be rebutted by a preponderance of  
37 the evidence showing that the employee cannot perform essential  
38 duties remotely.

39 c. As used in this act, “school aged child” means a child enrolled  
40 in Kindergarten through Twelfth grade.

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42 3. This act shall take effect immediately.  
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45 STATEMENT

46  
47 This bill makes it an unlawful employment practice for an  
48 employer to require an employee who is the parent or legal guardian

1 of a school aged child to be physically present for work, when that  
2 work can be performed remotely, during a public health emergency  
3 and state of emergency that requires the closure of the child's school  
4 and virtual or remote instruction, unless the employer can  
5 demonstrate that allowing the employee to work remotely would be  
6 an undue hardship on the business operations of the employer. The  
7 employer shall not in any way penalize the employee in terms,  
8 conditions or privileges of employment for requesting to work  
9 remotely or working remotely under the bill.

10 An employer who violates this bill will be liable for a civil penalty  
11 in an amount not to exceed \$1,000 for the first violation, \$5,000 for  
12 the second violation, and \$10,000 for each subsequent violation  
13 collectible by the Commissioner of Labor and Workforce  
14 Development in a summary proceeding pursuant to the "Penalty  
15 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

16 If the employer requires an employee who is the parent or legal  
17 guardian of a school aged child to be physically present for work on  
18 the basis of that employee falling under one of the enumerated  
19 protected classes in section 2 of the bill, a violation of the employer  
20 constitutes a violation of the "Law Against Discrimination,"  
21 P.L.1945, c.169 (C.10:5-1 et seq.), in addition to the civil penalties  
22 for any violation.

23 Although the parental responsibilities of educating and caring for  
24 a child may fall on a man or woman, the remote learning that occurred  
25 during the 2019-2020 school year revealed that women were  
26 disparately impacted by remote learning requirements. Additionally,  
27 analyses of the pandemic suggest that the economic impacts of the  
28 pandemic have disproportionately affected minorities, including  
29 blacks and Hispanics. Requiring members of vulnerable populations  
30 to choose between educating their children and maintaining  
31 employment will only compound the economic impact of the  
32 pandemic on these populations.

33 While many parents rose to the challenge of educating their  
34 children while working remotely during the shutdown of the State,  
35 the reopening of businesses has coincided with employers requiring  
36 employees to be physically present at the workplace. This is so even  
37 in circumstances in which an employee's job may be performed  
38 remotely. As the 2020-2021 school year is about to commence,  
39 countless working parents, and in particular women and minorities,  
40 will be faced with the difficult choice of retaining employment or  
41 educating their children.