

SENATE, No. 3510

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED FEBRUARY 12, 2026

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

SYNOPSIS

Requires employers whose employees are subject to contracts that are amendable and do not expire to provide earned sick leave.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning earned sick leave and amending P.L.2018, c.10.

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

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6 1. Section 8 of P.L.2018, c.10 (C.34:11D-8) is amended to read
7 as follows:

8 8. a. The governing body of a county or municipality shall not,
9 after the effective date of this act, adopt any ordinance, resolution,
10 law, rule, or regulation regarding earned sick leave. The provisions
11 of this act shall preempt any ordinance, resolution, law, rule, or
12 regulation regarding earned sick leave adopted by the governing
13 body of a county or municipality.

14 b. No provision of this act, or any regulations promulgated to
15 implement or enforce this act, shall be construed as:

16 (1) requiring an employer to reduce, or justifying an employer
17 in reducing, rights or benefits provided by the employer pursuant to
18 an employer policy or collective bargaining agreement which are
19 more favorable to employees than those required by this act or
20 which provide rights or benefits to employees not covered by this
21 act;

22 (2) preventing or prohibiting the employer from agreeing,
23 through a collective bargaining agreement or employer policy, to
24 provide rights or benefits which are more favorable to employees
25 than those required by this act or to provide rights or benefits to
26 employees not covered by this act;

27 (3) prohibiting an employer from establishing a policy whereby
28 an employee may donate unused accrued earned sick leave to
29 another employee or other employees; or

30 (4) superseding any law providing collective bargaining rights
31 for employees, or in any way reducing, diminishing, or adversely
32 affecting those collective bargaining rights, or in any way reducing,
33 diminishing, or affecting the obligations of employers under those
34 laws.

35 Employees or employee representatives may waive the rights or
36 benefits provided under this act during the negotiation of a
37 collective bargaining agreement.

38 c. With respect to employees covered by a collective
39 bargaining agreement in effect at the time of the effective date of
40 this act, no provision of this act shall apply until:

41 (1) the stated expiration of the collective bargaining agreement,
42 or

43 (2) if the contract does not expire or terminate, on the date at
44 which time the contract becomes amendable. If a collective
45 bargaining agreement in effect at the time of the effective date of

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 P.L.2018, c.10 (C.34:11D-1 et seq.) became amendable on or after
2 the effective of P.L.2018, c.10 (C.34:11D-1 et seq.) but before the
3 date of enactment of P.L. , c. (pending before the Legislature as
4 this bill), the provisions of P.L. , c. (pending before the
5 Legislature as this bill) shall take effect upon the date of enactment
6 of P.L. , c. (pending before the Legislature as this bill).
7 (cf: P.L.2018, c.10, s.8)

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9 2. This act shall take effect immediately.

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STATEMENT

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14 This bill amends the New Jersey Earned Sick Leave Law,
15 N.J.S.A.34:11D-1 et seq., to clarify that collective bargaining
16 agreements that are amendable rather than only those that expire or
17 are terminable are subject to the provisions of the act.

18 When New Jersey’s Earned Sick Leave Law was enacted, it
19 provided, with respect to workers subject to collective bargaining
20 agreements in effect at the time the law was enacted, that the
21 provisions of the law would apply to those workers upon the
22 expiration of the collective bargaining agreements. However, not
23 all contracts are terminable in nature. Some contracts, such as the
24 contracts utilized in accordance with the “Railway Labor Act,”
25 45 U.S.C. s. 151 et seq., become amendable at a certain time. Once
26 these contracts become amendable, a deliberative process ensues to
27 create new working terms and conditions, and the status quo
28 remains in effect until the creation of a new contract.

29 This bill ensures that workers who are subject to amendable
30 contracts will receive sick leave under the State’s Earned Sick
31 Leave Law.