



Family Leave Of 6 Paid Weeks Gains In New Jersey

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TRENTON — A state senate committee approved a bill Monday that would give employees as much as six weeks of paid family leave, after several labor and family groups spoke for it and several businesses and trade organizations spoke against it.

Sponsor Steve Sweeney, D-Salem, Cumberland, Gloucester, said he hoped to have the bill passed by March 13.

If passed, New Jersey would be the third state with family leave, lawmakers said, following California and Washington state. Sweeney said New York was contemplating a version of the bill, along with a half-dozen other states.

The bill cleared committee 7-6, in a vote split on party lines. Only state Sen. Shirley K. Turner, D-Mercer, joined the committee's five Republicans in voting against it.

Republicans, led by Sen. Leonard Lance, Warren, Hunterdon, said they opposed the bill out of fear it would make New Jersey less competitive than neighboring states and contribute to a business slowdown.

The bill is modeled on a 2003 law in California, which similarly provides six weeks of paid time off for every 12-month period to care for sick family members, newborns and newly adopted children. An earlier bill that would have provided 12 weeks of time off failed to get approval in the legislative session that ended earlier this month.

The program would be completely funded by employee contributions, as much as \$33.24 per year. But when Republican Sen. Kevin O'Toole asked if there were any ways to keep future lawmakers from diverting the funds to other uses, Sweeney said no, but was working on a separate bill to address that.

The family-leave bill would require employees to first use up to two weeks of their personal and vacation time before they could begin tapping the state's leave fund. After that, the person would be entitled to of their weekly salary, as much as \$524 per week.

The bill would require employers to give the person's job back when he or she is ready to return to work. In an industry concession, businesses with fewer than 50 employees would be exempt from holding jobs open.

Using the program would require certification from a doctor or other licensed medical provider, with enhanced fraud penalties that include losing a medical license.

Sweeney said last year the state Department of Labor processed 160,000 temporary disability claims. Of those, he said about 40,000 were rejected and 105 prosecuted for fraud.

If you cheat this program, Sweeney said, "you pay back the state and you go to jail."

The Corzine administration supported the bill, said New Jersey Labor Commissioner David J. Socolow. He said that based on California statistics he estimated about 38,000 state residents would use this program.

Those statistics come from a 2007 survey said that 1.04 percent of California residents used the leave program per year. Overall, 0.39 percent of Californians who use the program work in companies with fewer than 50 employees, while 1.46 percent works in companies with more than 50 people.

Labor organizations generally supported the bill. "This isn't a hand-out, this isn't a mandate," state New Jersey AFL-CIO President Charles Wowkanech said. "These are workers who are looking to be able to self-insure in the case of a catastrophic situation."

J. Kelly Conklin was one of the few business owners who spoke out for the bill.

The owner of architectural woodworking firm Foley-Waite Associates wore a "family leave now" sticker on his corduroy jacket. He said this would allow him to hire and retain better employees because it would allow him to offer a benefit some larger companies already provide.

But business groups said it put unneeded strain on smaller businesses. Besides, New Jersey Business & Industry Association President Philip Kirschner said the worker protections in the bill were unneeded.

He said, "It's simply wrong to suggest small businesses can terminate employees without massive, massive litigation and liability."

Computer printer and typewriter supply company owner Gaytana M. Pino's business has 10 employees. She said many smaller firms get to be like families and she would not want to replace someone, but if someone went out, the company would have to continue work.

She also worried if this bill would lead to a prejudice against hiring women, whom Pino said would be expected as care givers to take advantage of the bill.

The bill now goes to the full Senate for approval.

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