

ASSEMBLY, No. 3938

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:

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District 20 (Union)

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/13/2020)

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

3

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

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

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

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

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

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

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

21 "Facility" means a building.

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

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

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

38 "Termination of employment" means the layoff of an employee
39 without a commitment to reinstate the employee to his previous
40 employment within six months of the layoff, except that "termination
41 of employment" shall not mean a voluntary departure or retirement
42 or a discharge or suspension for misconduct of the employee
43 connected with the employment or any layoff of a seasonal employee
44 or refer to any situation in which an employer offers to an employee,
45 at a location inside the State and not more than 50 miles from the

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 previous place of employment, the same employment or a position
2 with equivalent status, benefits, pay and other terms and conditions
3 of employment, and, except that a layoff of more than six months
4 which, at its outset, was announced to be a layoff of six months or
5 less, shall not be treated as a termination of employment under
6 P.L.2007, c.212 (C.34:21-1 et seq.) if the extension beyond six
7 months is caused by business circumstances not reasonably
8 foreseeable at the time of the initial layoff, and notice is given at the
9 time it becomes reasonably foreseeable that the extension beyond six
10 months will be required.

11 "Termination of operations" means the permanent or temporary
12 shutdown of a single establishment, or of one or more facilities or
13 operating units within a single establishment, except that
14 "termination of operations" shall not include a termination of
15 operations made necessary because of a fire, flood, natural disaster,
16 national emergency, act of war, civil disorder or industrial sabotage,
17 decertification from participation in the Medicare and Medicaid
18 programs as provided under Titles XVIII and XIX of the federal
19 "Social Security Act," Pub.L. 74-271 (42 U.S.C. s.1395 et seq.) or
20 license revocation pursuant to P.L.1971, c.136 (C.26:2H-1 et al.).

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

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

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

28 3. **【This act】** P.L.2019, c.423 shall take effect on the **【180th】**
29 90th day next following the **【date of enactment】** termination of
30 Executive Order 103 of 2020.

31 (P.L.2019, c.423, s.3)

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

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STATEMENT

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

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