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BILL NO. _____ Date of Intro. _____ Ref. _____

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AN ACT concerning certain payments for wages due to coronavirus disease 2019 and supplementing Title 34 of the Revised Statutes.

Creates "Temporary Lost Wage Unemployment Program;" allows persons to claim for lost wages due to coronavirus disease 2019, and employers to pay wages to workers ordered under quarantine by licensed healthcare practitioner; appropriates \$20,000,000.

PRIME Sponsor _____ / _____

<u>CO-Sponsor</u>	<u>District</u>	<u>CO-Sponsor</u>	<u>District</u>
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Same as _____ 18/19 Same as _____ 20/21

Suggested allocation:

AN ACT concerning certain payments for wages due to coronavirus disease 2019 and supplementing Title 34 of the Revised Statutes.

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

1. a. There is created in the Department of Labor and Workforce Development the “Temporary Lost Wage Unemployment Program.” The purpose of the temporary program is provide relief to individuals who have lost wages as a result of the coronavirus disease 2019 pandemic and to employers who pay wages to workers who are ordered under quarantine by a licensed healthcare practitioner as a result of coronavirus disease 2019. The program shall provide, to the extent funds are available, monetary relief to individuals for actual lost wages in an amount that is equivalent to the individual’s average weekly rate of compensation from the past calendar year, if the individuals do not have fully paid leave and to employers who pay wages to workers who are ordered under quarantine by a licensed healthcare practitioner as a result of coronavirus disease 2019.

b. The Department of Labor and Workforce Development shall establish and maintain a special nonlapsing fund to be known as the “Temporary Lost Wage Unemployment Program Fund” (fund), into which shall be deposited such moneys:

(1) as shall be paid to the fund by the State Treasurer pursuant to an appropriation made from the general fund in accordance with section 2 of P.L. , c. (C.) (pending before the Legislature as this bill);

(2) as shall be otherwise appropriated by the State for the purpose of such fund; and

(3) any other moneys or funds received from the federal government for the purpose of combatting an epidemic or state of emergency.

Moneys in the fund may be invested in such obligations as the department may approve and interest or other earnings on such investments shall be credited to the fund.

c. (1) The department shall use moneys in the fund, not to exceed \$10,000,000, to fully compensate individuals for actual lost wages as a result of coronavirus disease 2019 due to:

(a) the individual’s absence from work due to the need to care for a family member;

(b) the individual’s absence from work due to the illness of the individual;

(c) the individual’s absence from work due to a school or childcare facility being closed; and

(d) for such other purposes as determined by the commissioner.

(2) The department shall use moneys in the fund, not to exceed \$10,000,000, to assist employers who pay wages to workers who are ordered under quarantine by a licensed healthcare practitioner as a result of coronavirus disease 2019.

(3) No moneys shall be paid to an individual pursuant to paragraph (1) of this subsection for any period or wages for which the individual receives benefits pursuant the "unemployment compensation law," R.S.43:21-1 et seq.

(4) Moneys in the fund may be supplemented or replaced, or both, by any amounts received from the federal government for the same purposes as provided in this subsection.

d. (1) In order to make a claim for actual lost wages pursuant to paragraph (1) of subsection c. of this section, an individual shall file an application, in a form approved by the Commissioner of Labor and Workforce Development, and provide supporting documentation that the individual is eligible for compensation from the fund as provided in paragraph (1) of subsection c. of this section. As part of the application, the individual shall provide documentation of the individual's income and employer and the individual's actual lost wages, and the individual shall certify as to the accuracy of the statements in the application, and that the individual does not have fully paid leave available for the individual's absence. An application for relief under this section shall be filed no later than three months following the termination of a declaration of a state of emergency concerning the coronavirus disease 2019 pandemic by the Governor or the President of the United States, whichever is later.

(2) In order to make a claim for actual wages paid pursuant to paragraph (2) of subsection c. of this section, an employer shall file an application, in a form approved by the Commissioner of Labor and Workforce Development, and provide supporting documentation that the employer is eligible for reimbursement from the fund as provided in paragraph (2) of subsection c. of this section. As part of the application, the employer shall provide documentation of the individual's income actual lost wages which the employer has paid, and the employer shall certify as to the accuracy of the statements in the application. An application for relief under this section shall be filed no later than three months following the termination of a declaration of a state of emergency concerning the coronavirus disease 2019 pandemic by the Governor or the President of the United States, whichever is later.

e. Any willful misrepresentation or omission of fact in any application shall be subject to a fine not exceeding \$10,000. The fines shall be recoverable in a civil action by the commissioner in the name of the State of New Jersey. All fines shall be payable to the commissioner for deposit in the fund.

f. The commissioner shall establish procedures for the submission and qualification of claims by individuals or employers, as appropriate, which claims are eligible for reimbursement pursuant to this section, as well as procedures for payment to individuals or employers, as appropriate. The commissioner shall also promulgate regulations to administer the program and establish eligibility criteria.

g. As used in this section, “state of emergency” means a state of emergency that has been declared by the President of the United States or the Governor, concerning the coronavirus disease 2019 pandemic.

h. Upon the expiration of this act, any funds remaining in the fund shall lapse to the General Fund.

2. There is appropriated from the General Fund to the “Temporary Lost Wage Unemployment Program Fund” in the Department of Labor and Workforce Development \$20,000,000 to effectuate the purposes of this act.

3. This act shall take effect immediately and shall expire July 1 next following one year after the date that the last State reimbursement payment is made to a qualified individual or employer.

STATEMENT

This bill creates the “Temporary Lost Wage Unemployment Program” to allow individuals affected by the coronavirus disease 2019 pandemic to recoup actual lost wages due to absence from work under certain circumstances and to assist employers who pay wages to workers who are ordered under quarantine by a licensed healthcare practitioner as a result of coronavirus disease 2019. Specifically, the program will provide, to the extent funds are available, monetary relief to individuals for actual lost wages in an amount that is equivalent to the individual’s average weekly rate of compensation from the past calendar year, if the individuals do not have fully paid leave.

The Department of Labor and Workforce Development will use moneys in the fund, in an amount not to exceed \$10,000,000, to pay the lost wages of individuals due to:

(1) the individual’s absence from work due to the need to care for a family member;

(2) the individual’s absence from work due to the illness of the individual;

(3) the individual’s absence from work due to school or childcare facility being closed; and

(4) for such other purposes as determined by the commissioner.

No moneys shall be paid to an individual for any period or wages for which the individual receives benefits pursuant the “unemployment compensation law,” R.S.43:21-1 et seq.

Moneys in the fund may be supplemented or replaced, or both, by any amounts received from the federal government for the same purposes as provided in the bill.

Additionally, the department will use moneys in the fund, not to exceed \$10,000,000, to assist employers who pay wages to workers

who are ordered under quarantine by a licensed healthcare practitioner as a result of coronavirus disease 2019.

Anyone who makes any willful misrepresentation or omission of fact in an application for moneys from the fund will be subject to a fine not exceeding \$10,000. The fines will be recoverable in a civil action by the commissioner in the name of the State of New Jersey.

Individuals and employers seeking relief are required to file claims no later than three months following the termination of a declaration of a state of emergency as a result of the coronavirus disease 2019 pandemic.

Creates “Temporary Lost Wage Unemployment Program;” allows persons to claim for lost wages due to coronavirus disease 2019, and employers to pay wages to workers ordered under quarantine by licensed healthcare practitioner; appropriates \$20,000,000.