

May 13, 2019

SENATE BILL NO. 1758

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1758 with my recommendations for reconsideration.

This bill codifies Civil Service Commission ("CSC") regulations allowing State employees to donate accrued sick or vacation time from their unused balance to co-workers in need of time off due to their own or an immediate family member's catastrophic health condition or injury or due to the donation of an organ. The bill also expands the State's voluntary donated leave program to permit expectant and new mothers who are absent from work for thirty days or more due to a medically-verified pregnancy disability to participate in the program.

I commend the bill's sponsors for codifying this important State program and fully support expanding it to cover pregnancy disability. State employees in need of extended time off due to pregnancy-related medical complications should be permitted to receive donated leave time just as those who are suffering from or tending to other serious health conditions.

I am concerned, however, that this bill does not treat pregnancy disability the same as an individual or family member's catastrophic health condition or injury or an organ donation. Specifically, this bill allows a person with a pregnancy disability to utilize the donated leave program without exhausting all of her accrued vacation leave, which is required of all other employees taking part in the program. Because I believe all participants in the program should be treated equally, I am recommending amendments to require State employees with a pregnancy disability to exhaust all accrued sick, vacation and administrative leave before being eligible to participate in the donated leave program.

I am also recommending changes to provide the CSC the ability to adopt regulations and revise the program as necessary, provided such revisions do not reduce or make less favorable employees' benefits under the program. Over the years, the CSC, and its predecessor, the Merit System Board, have found it necessary to modify the donated leave program in response to issues that arose in the administration of the program. This revision will ensure that the CSC maintains the flexibility to make changes to the program through rulemaking.

Therefore, I herewith return Senate Bill No. 1758 and recommend that it be amended as follows:

Page 2, Section 1, Line 8: After "leave" insert ". The Civil Service Commission may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as the commission deems necessary to implement and enforce the provisions of this section, including the criteria that a State employee shall satisfy to be eligible to receive donated sick or vacation leave; provided, however, a State employee shall be eligible to receive donated sick or vacation leave"

Page 2, Section 1, Line 12: Delete ", except that a State employee eligible to receive donated"

Page 2, Section 1, Lines 13-14: Delete in their entirety

Page 2, Section 1, Line 15: Delete "under this paragraph"

Page 3, Section 1, Line 39: After "provided by" insert "this section or any other"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor