

SUBCHAPTER 1. GENERAL PROVISIONS

13:14-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

... “Child,”[.] for the purpose of determining whether an employee is eligible for family leave because of such employee’s parental status, means a child as defined in the Act to whom such employee is a biological parent, adoptive parent, foster parent, **resource family parent**, step-parent, or legal guardian, or has a “parent-child relationship” with a child as defined [by law] **in N.J.S.A. 34:11B-3**, or has sole or joint legal or physical custody, care, guardianship, or visitation with a child.

... “Eligible employee” means any individual employed by the same employer [in the State of New Jersey] for 12 months or more, [and] **who** has worked 1,000 or more base hours during the preceding 12 month period. An employee is considered to be employed in the State of New Jersey if:

1.-2. (No change.)

“Employer” means an employer as defined in the Act, which employs 50 or more employees, whether employed in New Jersey or not, for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year. “Employer” includes the State, any political subdivision thereof, and all public offices, agencies, boards, or bodies, **regardless of whether that government entity employs 50 or more employees.**

“Family member” means a **child, parent, spouse, or partner in a civil union.**

... “Intermittent leave” means [a non-consecutive leave comprised of intervals each of which is at least one but less than 12 workweeks within a consecutive 12 month period] **leave due to a single qualifying reason (the serious health condition of a specific family member or the birth or placement for adoption of a child), taken in separate periods of time, where each period of leave is at least one workweek.**

“Parent” means a person who is the **biological parent, adoptive parent, resource family parent, step-parent, parent-in-law, or legal guardian, having a “parent-child relationship” with a child as defined in N.J.S.A. 34:11B-3, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child.**

[“Reduced leave” means a non-consecutive leave of up to the equivalent of 12 workweeks which is taken in increments of not less than one workday, unless otherwise agreed to by the employee and employer, but less than one workweek at a time.]

“Reduced leave schedule” means [a reduced leave that is scheduled for not more than 24 consecutive weeks.] **leave due to a single qualifying reason (the serious health condition of a specific family member or the birth or placement for adoption of a child), that is scheduled for fewer than an employee’s usual number of hours worked per workweek, but not for fewer than an employee’s usual number of hours worked per workday, unless agreed to by the employee and the employer.**

“Serious health condition” means an illness, injury, impairment, or physical or mental condition which requires:

1.-2. (No change.)

As used in this definition, “continuing medical treatment or continuing supervision by a health care provider” means:

1.-4. (No change.)

5. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity [or] **of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).**

13:14-1.4 Terms of leave

(a) Family leave may be taken for up to 12 weeks within any 24-month period. The leave may be paid, unpaid, or a combination of paid and unpaid. The employee who requests the leave must provide the employer [reasonable advance notice, the length of which will be determined by the type of leave requested, as set forth in N.J.A.C. 13:14-1.5] **with notice no later than 30 days prior to the commencement of the leave, except where emergent circumstances warrant shorter notice.**

(b)-(d) (No change.)

13:14-1.10 Certification by an employee or health care provider

(a) (No change.)

(b) An employer may require that any period of family leave be supported by certification issued by a [duly licensed] health care provider [or any other health care provider determined by the Director to be capable of providing adequate certification].

1. Where the certification is for the serious health condition of a family member of the employee, the certification shall be sufficient if it states the **approximate** date on which the serious health condition commenced, the probable duration of the condition and the medical facts within the provider’s knowledge [regarding the condition] **showing that the family member’s health condition meets the criteria of a serious health condition.**

2.-3. (No change.)

(c) (No change.)

13:14-1.14 Notice to employees

(a) Employers covered under the Act shall display the official Family Leave Act poster of the Division on Civil Rights in accordance with N.J.A.C. 13:8-2.2. **The poster is available for printing from the Division’s website, www.njcivilrights.gov.**

(b) If an employer covered under the Act maintains written guidance to employees concerning employee benefits or leave rights, such as in an employee handbook, information concerning leave under the Act and employee obligations under the Act must be included in the handbook or other document. If an employer does not have written policies, manuals, or handbooks describing employee benefits and leave provisions, the employer shall provide written guidance to each of its employees concerning all the employee’s rights and obligations under the Act. Employers may duplicate and provide its employees a copy of the NJFLA Fact Sheet available on the Division’s website, [www.njcivilrights.org] **www.njcivilrights.gov**, to provide such guidance.

(a)

**DIVISION OF STATE POLICE
Regulation of Bounty Hunters**

Proposed Readoption with Amendments: N.J.A.C. 13:55B

Proposed Repeals: N.J.A.C. 13:55B-2.5 and 3

Authorized By: Colonel Joseph Fuentes, Superintendent, New Jersey State Police.

Authority: N.J.S.A. 45:19-40.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2014-039.

Submit written comments by June 6, 2014, to:

Colonel Joseph R. Fuentes, Superintendent
c/o Private Detective Unit
Division Headquarters
PO Box 7068
West Trenton, New Jersey 08638

The agency proposal follows:

Summary

In accordance with N.J.S.A. 52:14B-5.1.b, N.J.A.C. 13:55B, Regulation of Bounty Hunters, will expire on March 5, 2014. Since this notice of rules proposed for re-adoption with amendments has been filed

with the Office of Administrative Law prior to March 5, 2014, the expiration date of this chapter is extended 180 days to September 1, 2014, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Division of State Police (Division) has evaluated the rules at N.J.A.C. 13:55B and has determined that they are necessary, reasonable, and appropriate for the purpose for which they were originally promulgated. The Division proposes to readopt the rules with technical amendments to delete obsolete provisions. A summary of the Act follows:

The Bounty Hunter Licensing Act (Act) P.L. 2005, c. 376, requires bounty hunters and employees of bounty hunters to be regulated by the Division of State Police. Prior to the enactment of P.L. 2005, c. 376, bounty hunters and their employees were unregulated. The Act grants the Superintendent of State Police regulatory power over both bounty hunters and employees of bounty hunters in order to ensure greater accountability and integrity within the bounty hunter industry, to ensure greater protection of individual rights, and to further public welfare and safety.

Under the provisions of the Act, a person seeking to engage in the business of, offer to perform, or perform the functions, activities, or services of a bounty hunter must complete an application for a bounty hunter license on a form provided by and in a manner prescribed by the Superintendent, must pass a criminal history record background check, and must pay a fee established by rule.

Under the provisions of the Act, licensed bounty hunters who wish to employ a person to assist the licensee in the licensee's work and in the conduct of the licensee's business must register the prospective employee with the Division of State Police and pay a fee established by rule. Prospective employees of licensed bounty hunters would also be required to pass a criminal history record background check.

P.L. 2005, c. 376, also requires that persons seeking to be licensed as bounty hunters must have:

1. At least five years of law enforcement experience as a law enforcement officer with an organized law enforcement agency;
2. Five years experience as a licensed private detective;
3. At least five years investigative employment by a licensed private detective; or
4. Engaged in the business of or performed the functions, activities, or services of a bounty hunter, or have held a business out to be that of a bounty hunter for at least five years prior to February 1, 2007, provided that they submitted an application to the Superintendent before April 1, 2007, and complete a bounty hunter training course in accordance with N.J.A.C. 13:55B. P.L. 2005, c. 376, empowers the Superintendent, among other things, to:

1. Establish minimum requirements for persons seeking to be licensed as bounty hunters;
2. Establish procedures for the licensing of bounty hunters;
3. Establish procedures for the registration of employees of licensed bounty hunters; and
4. Investigate and conduct criminal history background checks on persons seeking to be licensed as bounty hunters and persons seeking employment by licensed bounty hunters.

A summary of the rules proposed for readoption and proposed amendments follows.

Subchapter 1 sets forth the general provisions of the chapter. Specifically, N.J.A.C. 13:55B-1.1 states the purpose of the rules. N.J.A.C. 13:55B-1.2 states the scope and application of the chapter and N.J.A.C. 13:55B-1.3 contains definitions for words and terms used throughout the chapter.

Subchapter 2 establishes minimum requirements for persons seeking to be licensed as bounty hunters and sets out procedures for obtaining a bounty hunter license. N.J.A.C. 13:55B-2.1 contains the minimum qualifications for persons seeking to be licensed as bounty hunters. The Division proposes to delete subsection (b), which permitted persons with five years experience as a bounty hunter prior to the effective date of the statute to become licensed, if an application was filed prior to April 1, 2007. N.J.A.C. 13:55B-2.2 describes the legislative mandate, whereby no person shall perform the functions, activities, or services of a bounty hunter without a license after April 1, 2007. The Division proposes to delete the obsolete date, which has now passed. N.J.A.C. 13:55B-2.3 describes the application process for persons seeking to be licensed as bounty hunters. N.J.A.C. 13:55B-2.4 describes the issuance of a bounty

hunter license and bounty hunter identification card to an applicant subsequent to a background investigation and criminal history background check. The Division proposes to delete language in subsection (b) regarding issuance of a temporary bounty hunter license and temporary bounty hunter identification card to applicants with bounty hunter experience who lack requisite experience as a law enforcement officer, or as a licensed private detective, or investigative employment by a licensed private detective, since it refers to deleted N.J.A.C. 13:55B-2.1(b). N.J.A.C. 13:55B-2.5 describes the bounty hunter training course requirement that applicants with bounty hunter experience who lack the requisite experience as a law enforcement officer, as a licensed private detective, or employment by a licensed private detective must complete prior to receiving a bounty hunter license and bounty hunter identification card, which is valid for two years. The Division proposes to repeal N.J.A.C. 13:55B-2.5 as it refers to an interim licensing period which is no longer in effect. N.J.A.C. 13:55B-2.6 describes the procedure for renewal of a bounty hunter license. N.J.A.C. 13:55B-2.7 sets forth reasons for which the Superintendent may deny an application for a bounty hunter license, revoke or suspend a current bounty hunter license, or refuse to renew an expiring bounty hunter license.

Subchapter 3 describes the educational and training requirements for applicants with bounty hunter experience who lack requisite experience as a law enforcement officer, a licensed private detective, or through employment by a licensed private detective. N.J.A.C. 13:55B-3.1 describes the minimum hours of instruction in specific areas which such applicants are required to receive prior to receiving a bounty hunter license and bounty hunter identification card. The Division proposes to repeal Subchapter 3 as it refers to an interim licensing period which is no longer in effect.

Subchapter 4 describes the rights and obligations of licensed bounty hunters as employers, including the required registration of employees of licensed bounty hunters. N.J.A.C. 13:55B-4.1 distinguishes between bounty hunters and employees of bounty hunters, and describes an employing licensed bounty hunter's obligation to obtain and maintain "employee statements" from all prospective and current employees. N.J.A.C. 13:55B-4.2 describes the process whereby a licensed bounty hunter must register employees with the Division of State Police. N.J.A.C. 13:55B-4.3 describes the process whereby a licensed bounty hunter must renew his or her registration of current employees with the Division of State Police every two years. N.J.A.C. 13:55B-4.4 describes the process whereby the Superintendent determines if a prospective or current employee is qualified for employment by a licensed bounty hunter and sets forth the reasons for which the Superintendent may disqualify a prospective or current employee from employment. N.J.A.C. 13:55B-4.5 describes the requirement that a licensed bounty hunter must notify the Superintendent whenever an employee is terminated from employment.

Subchapter 5 contains rules pertaining to bounty hunter badges, uniforms, identification cards, and other insignia. N.J.A.C. 13:55B-5.1 proscribes the use of badges, uniforms, and other insignia that would likely be confused with that of a law enforcement officer. N.J.A.C. 13:55B-5.2 prohibits the misuse of bounty hunter identification cards and provides for duplicate identification cards if the original is lost or destroyed. N.J.A.C. 13:55B-5.3 mandates that bounty hunter identification cards be carried and produced when requested, except if doing so would compromise the bounty hunter's safety or assignment.

Subchapter 6 sets forth additional administrative requirements and procedures for compliance with the Bounty Hunter Licensing Act and this chapter. N.J.A.C. 13:55B-6.1 describes the submission of applications, forms, other documents, and fees required by this chapter. N.J.A.C. 13:55B-6.2 describes the Superintendent's power to inspect the business premises of licensed bounty hunters and impound records connected to investigations, as well as the requirement that licensed bounty hunters provide statements or reports concerning any matter being investigated. N.J.A.C. 13:55B-6.3 states that the Superintendent will provide written notice of denial, revocation, suspension, or refusal to renew licenses and registration cards, with reasons. The Superintendent will afford applicants, licensees, and registrants the opportunity for a hearing on request within 15 days. All hearings will be held in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et

seq. and the rules of the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Because the Superintendent has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption will have a positive impact on the welfare and safety of the public, as well as serve to protect the civil rights of citizens. P.L. 2005 c. 376 mandates that all bounty hunters receive education and training prior to being certified in subject areas such as constitutional law; arrest, search, and seizure; the unlawful use of force; and ethics/professional conduct. P.L. 2005 c. 376 also mandates background investigations and criminal history background checks on all applicants for a bounty hunter's license and for employment by licensed bounty hunters, thus ensuring that bounty hunters and their employees are of the highest moral character. The proposed amendments and repeals are of a technical nature removing outdated "grandfathering" clauses and have no social impact.

Economic Impact

The rules proposed for readoption with amendments and repeals will have an economic impact on bounty hunters and their employees, who will have to pay application and registration fees, and pay for criminal history record checks. The rules proposed for readoption with amendments and repeals will have a minimal economic impact on the general public if these costs are passed on to sureties who employ bounty hunters, who in turn will then pass costs on to consumers. The proposed amendments and repeals are of a technical nature removing outdated "grandfathering" clauses and have no economic impact, as the costs would have already been borne by applicants.

The Division recognizes that the fees contained within this chapter may have an economic impact on bounty hunters and their employees, and ultimately on businesses or persons requiring the services that bounty hunters and their employees provide. However, the Division believes that any negative economic impact on the bounty hunter industry resulting from implementation of the rules is more than offset by greater accountability and integrity within the bounty hunter industry, greater protection of individual rights, and an overall positive impact on public welfare and safety.

Federal Standards Statement

The rules proposed for readoption with amendments and repeals are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Jobs Impact

The rules proposed for readoption with amendments and repeals will not result in the generation or loss of jobs in New Jersey. The demand for bounty hunters and their employees is set by surety companies who utilize their services. These companies are unaffected by these rules, save for minimal economic costs, which might be passed onto them by bounty hunters.

Agriculture Industry Impact

The rules proposed for readoption with amendments and repeals will not have an impact on the agriculture industry of the State.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments and repeals apply to approximately 300 individual bounty hunters throughout the State, most of whom operate without employees and act as individual subcontractors or agents of surety companies, who may be considered small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments and repeals impose only those minimal reporting, recordkeeping, or other compliance requirements on these sole proprietorships that are deemed necessary to ensure greater accountability and integrity within the bounty hunter industry, to ensure greater protection of individual rights, and to further public welfare and safety, as discussed in the Summary above. The compliance requirements include submission of applications and registration forms for licensing and registration of employees on a biennial basis, maintenance of "employee statements," notification of

termination whenever an employee ceases to be employed by a licensed bounty hunter, and criminal history background checks as mandated by the Bounty Hunter Licensing Act. Compliance costs are discussed in the Economic Impact above. No professional services are required for compliance.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments and repeals will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules apply to the business of bounty hunting.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments and repeals will not have any impact on the achievement of smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules apply to the business of bounty hunting.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:55B.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:55B-2.5 and 3.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. LICENSING OF BOUNTY HUNTERS

13:55B-2.1 Minimum qualifications to be a licensed bounty hunter

(a) (No change.)

[(b) Notwithstanding the requirements of (a)3 above, any person who can document or demonstrate to the satisfaction of the Superintendent that they, for at least five years prior to February 1, 2007, have engaged in the business of or performed the functions, activities or services of a bounty hunter, or has held a business out to be that of a bounty hunter, and who meets the requirements set forth in (a)1 and 2 above, shall be deemed to have met the minimum requirements necessary to become a licensed bounty hunter if that person submits an application to the Superintendent before April 1, 2007, and if that person completes the bounty hunter training course in accordance with N.J.A.C. 13:55B-2.5.]

13:55B-2.2 Licensure required to be a licensed bounty hunter

No person shall engage in the business of, or perform, or offer to perform, the functions, activities or services of a bounty hunter, or advertise or hold a business out to be that of a bounty hunter [after April 1, 2007], unless that person is licensed by the Superintendent as set forth in this chapter. Any person who engages in the business of, or performs, or offers to perform, the functions, activities or services of a bounty hunter, or advertises or holds a business out to be that of a bounty hunter, without first having received a license to do so, shall be guilty of a crime of the fourth degree.

13:55B-2.4 Issuance of a bounty hunter license and a bounty hunter identification card

(a) (No change.)

(b) If an application for a bounty hunter license is approved, the Superintendent shall issue a bounty hunter license and a bounty hunter identification card to the applicant, which shall be valid for two years[, except that an applicant who has applied for a bounty hunter license pursuant to N.J.A.C. 13:55B-2.1(b) shall be issued a temporary bounty hunter license and a temporary bounty hunter identification card valid for 90 days during which time the applicant must complete an approved bounty hunter training course as required by N.J.A.C. 13:55B-2.5].