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The Record  
**BUSINESS**

TUESDAY, OCTOBER 2, 2007

**ASK A LAWYER**

**THE MARKETS**

**DOW**

**191.92**

**Close:**  
 14,087.55

**S&P 500**

**20.29**

**Close:**  
 1,547.04

**NAS**

**39.**

**Cl:**  
 2,74

**How civil union laws affect employers**

**Q. What is the New Jersey employer's obligation to employees pursuant to New Jersey's civil union law?**

New Jersey's Civil Union Act took effect on Feb. 19. The act establishes "civil unions" and affords them the same rights and benefits as marriage, without the "marriage" label.

The act amends the New Jersey Law Against Discrimination to include "civil union status" among its protected categories and, therefore, prohibits employers from discriminating against employees based on their civil union status.

The legislation also modifies the definition of "family member" under the New Jersey Family Leave Act so that employees may be entitled to family leave for the "serious health condition" of a civil union partner.

Civil union partners are now entitled to workers' compensation benefits including survivors' benefits and payment of back wages.

The act also affects employment benefit laws. For instance, health insurance plans in New Jersey must offer coverage to civil union partners. In addition, civil union partners are to be

treated as spouses for any qualifying event under New Jersey's continuation coverage law, which is applicable to employers with fewer than 20 employees (also called New Jersey's "mini-COBRA").

Many employers, however, will not be affected by the law as it relates to employment benefits because the federal ERISA and COBRA laws, which do not recognize civil unions, will often take precedence in this area.

In light of the sweeping changes initiated by the passage of the Civil Union Act, employers should immediately reevalu-

ate their employment policies to ensure compliance.

*Randi Kochman is a member of the employment law department at Cole, Schotz, Meisel, Forman & Leonard P.A., the largest law firm in Bergen County. She can be reached at rkochman@coleschotz.com.*

This column is not intended to be legal advice, which can be given only after the attorney understands the facts of a particular matter and the goals of a client. Do you have a business question for a lawyer? Send it to [businessnews@northjersey.com](mailto:businessnews@northjersey.com).