

New Jersey Vastly Expands Employee Protections under Family Leave Act and Beyond: 4 Key Employer Takeaways + Action Plan

Insights

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Major changes to the New Jersey Family Leave Act (NJFLA) will kick in this summer, thanks to a new bill signed by Phil Murphy during his last days as governor of the state. The new rules, which take effect July 17, significantly expand which employers must comply and makes it easier for employees to qualify for job-protected family leave. The rules also strengthen employee protections related to other types of leave. We'll explain what's changing and how employers can prepare.

Quick Background

The NJFLA allows covered employees to take up to 12 weeks of job-protected, unpaid leave:

- to care for or bond with a new child within one year of the child's birth or placement for adoption or foster care;
- to care for a family member (which is broadly defined) with a serious health condition; **or**
- during a state of emergency, to:
 - care for a family member who has been isolated or quarantined; or
 - care for a child whose school is closed due to a public health emergency.

4 Key Takeaways for Employers

Phil Murphy, the now-former governor of New Jersey, signed a bill ([A3451/S2950](#)) into law on Jan. 17 that significantly expands the NJFLA and strengthens employee rights related to other types of leave. All of these changes will take effect on **July 17**.

1. Smaller Businesses Will Soon Be Covered by the NJFLA

Currently, only businesses with 30 or more employees are covered by the NJFLA. The new changes reduce that threshold to 15 or more employees. When counting employees, you must include all employees, including those employed in and outside New Jersey. This means that even if only one of your employees works in New Jersey, that employee may be covered by the NJFLA, so long as you meet the employee threshold.

2. More Employees Will Qualify for NJFLA Leave

The amount of time an employee must work before qualifying for NJFLA leave will drop sharply.

- **Old rule:** 12 months of employment and 1,000 hours worked
- **New rule:** 3 months of employment and 250 hours worked

This means newer employees may now qualify for protected leave.

3. Change Impacting Temporary Disability Rules

The new legislation also addresses job reinstatement rights at the expiration of a leave for employees receiving temporary disability benefits. However, this change has created some confusion, and further guidance is needed. We will monitor this issue, so stay tuned for updates.

4. More Employee Choice When Multiple Types of Leave Available

Employees who qualify for paid sick leave under the New Jersey Earned Sick Leave Act and either temporary disability benefits or family temporary disability leave benefits, will have the right to choose which benefits to use and the order to use them in. However, employees will not be allowed to take more than one kind of paid leave simultaneously during any period.

What Can Employers Do to Prepare for the Changes?

1. Check your employee count. If you're near 15 employees or expect to grow in the next few years, start planning now. Don't forget to include out-of-state employees in this count.

2. Update policies and handbooks. Make sure your written policies clearly explain:

- Family leave rights
- Anti-retaliation rules
- How employees request leave

3. Track all leaves carefully. You don't need fancy software, but you do need consistency. Be sure to track:

- Start and expected return dates.
- Type of leave (sick, NJFLA, disability, family leave insurance, etc.)
- Who approved the leave.

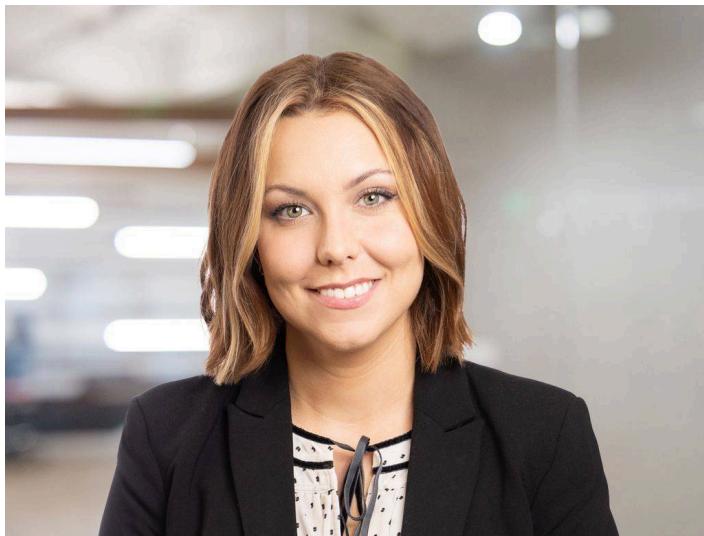
4. Train managers and supervisors about the changes to your policies and the process for requesting and approving leave.

5. Document business decisions in real time, particularly if you are restructuring, downsizing, or making any decisions that affect an employee that is on or recently returned from leave. Contemporaneous documentation is critical in defending against retaliation and failure to reinstate claims.

Conclusion

We will continue to monitor leave laws in New Jersey and all areas of workplace law nationwide. If you have questions, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in [our New Jersey Office](#). Please ensure you are subscribed to [Fisher Phillips' Insight System](#) to gather the most up-to-date information.

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