



# New Jersey Amends Leave And Benefit Laws In Response To COVID-19

Insights

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New Jersey amended its Paid Sick Leave, Family Leave, Family Leave Insurance, and Temporary Disability Insurance laws in response to the COVID-19 pandemic. The law, which is outlined below, went into effect immediately and is designed to assure that workers impacted by epidemics of communicable diseases, such as COVID-19, have access to leave and benefits needed to care for themselves and affected members of their families.

## **Paid Sick Leave And Family Leave Insurance Benefits**

S2304 amends New Jersey's already comprehensive Paid Sick Leave and Family Leave Insurance (FLI) laws to permit use when an employee is unable to work because:

- the governor declares a state of emergency or a healthcare provider or an authorized public health official determines that the health of others would be jeopardized by the presence of an employee in the community (Paid Sick Leave);
- same circumstances but determination relates to an employee's family member in need of care by the employee (Paid Sick Leave and FLI);
- the employee is caring for a family member who is in isolation or quarantine as a result of a "suspected exposure to a communicable disease" and there is a finding by the provider or public health official that the health of others would be jeopardized by the presence of the family member in the community. This provision applies when the Governor declares a state of emergency or a healthcare provider or an authorized public health official recommends the isolation or quarantine (Paid Sick Leave and FLI);
- same circumstances, but the employee is isolated or quarantined (Paid Sick Leave); or
- an employee's workplace or child's daycare or school is closed because of a state of emergency is declared by the governor due to an epidemic or other public health emergency (Paid Sick Leave).

Although New Jersey Paid Sick Leave Benefits are available for these reasons, employers may not require employees to use them.

## **Family Leave Act**

S2304, as amended by S2374, also modifies the Family Leave Act to permit New Jersey employees to take family leave made necessary because of a state of emergency declared by the governor, or when indicated to be needed by the Commissioner of Health or other public health authority, to include illnesses caused by an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, for one of the three reasons:

- Reason 1: in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency;
- Reason 2: the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee would jeopardize the health of others; or
- Reason 3: the recommendation of a health care provider or public health authority that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee would jeopardize the health of others.

### **Temporary Disability Insurance**

S2304 modifies New Jersey's Temporary Disability Insurance law to waive the seven-day waiting period for benefits during a state of emergency if the disability is for illness caused by an epidemic of a communicable disease, a known or suspected exposure to the disease, or efforts to prevent the spread of the disease requiring in-home care or treatment. Employers with a private disability plan in lieu of the New Jersey state plan must also provide these benefits.

### **Conclusion**

New Jersey provides some of the most generous paid sick leave and family leave benefits in the country, and S2304 only expands upon these rights. Employers should be aware of these changes and permit use of paid sick time and New Jersey Family Leave. When new posters are issued, employers should post them in a conspicuous place.

The law is changing rapidly in response to this pandemic, and employers should monitor how additional changes may impact their workforces. For now, we will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to Fisher Phillips' Alert System to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our New Jersey office, or any member of our COVID-19 Taskforce. You can also review our nationwide Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus and our FP Resource Center For Employers, maintained by our Taskforce.

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*This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*

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