



Updates to New Jersey Paid Family Leave Laws

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The Governor of New Jersey recently signed into law legislation amending the state's paid family leave laws, specifically, the NJ Family Leave Act (NJFLA), the NJ Family Leave Insurance law (NJFLI), and the NJ Security and Financial Empowerment Act (NJ SAFE ACT). The new law expands who is now eligible for job-protected leave to care for family members, newborns, adopted and fostered children, and victims of domestic or sexual violence. It also increases the amount of benefits eligible employees will be entitled to receive when providing such care.

What has changed?

Changes to the NJ Family Leave Act:

The NJFLA provides eligible NJ employees with 12 weeks (during any given 24-month period) of job protected leave to provide care for a "family member" or a new child. Effective immediately, the new law expands the definition of qualifying "family members" to now include an employee's parent-in-laws, siblings, grandparents, and any other individual related by blood to the employee, or whom the employee shows to have a close association with which is the equivalent to a family relationship. Prior to this amendment, only children, parents, spouses, domestic partners and civil union partners of the employee qualified. Further, the new law also extends leave eligibility to parent-child relationships established through foster care.

The new law also lowers the employer-size threshold for employer's subject to NJFLA. Whereas previously NJFLA only applied to NJ employers with 50 or more employees, the law has been amended so that effective June 30, 2019, NJ employers with 30 or more employees (globally) will now also be required to provide their New Jersey employees with NJFLA job-protected leave.

Changes to New Jersey Family Leave Insurance and Temporary Disability Insurance law:

The NJFLI provides wage replacement benefits to employees on family leave through the state's temporary disability leave benefits program. For leave beginning on or after July 1, 2020, the new law increases the number of weeks for NJFLI from 6 weeks to 12 weeks in any 12-month period and increases the intermittent paid leave period from 42 days to 56 days in any 12-month period. The new law will also increase NJFLI and NJ Temporary Disability Insurance wage replacement payments to 85% of an employee's pay, up to \$859 per week (currently at \$650 per week).

NJFLI has also been amended to include an anti-retaliation provision barring covered employers from retaliating or discriminating against employees for requesting family leave.

Changes to NJ SAFE Act:

The NJ SAFE Act provides job protection for leave taken due to domestic or sexual violence either where the employee is the victim, or the employee is caring for a "family member" who is a victim. Effective July 1, 2020, employees taking leave under the NJ SAFE Act to care for a family member that has been a victim of domestic or sexual violence will now also be eligible to claim NJFLI wage replacement benefits. The NJ SAFE Act has also been amended to expand the definition of "family member" to match the expanded definition under the NJFLA.

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