Governor Murphy Signs Bill Expanding Family Leave Benefits

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Porzio Client Alert

What Employers Need to Know:

On February 19, 2019, Governor Murphy signed into law a significant expansion to New Jersey's Family Leave and Security and Financial Empowerment ("NJSAFE") Acts. These changes significantly expand employee entitlements to leave and other benefits and will increase the number of employers who are required to provide these benefits.

What's New?

Definition of "Family Members" Expanded: While previously the Family Leave Act only applied to employers with 50 or more employees, the recent changes increase the number of qualified employers by making the Act applicable to all employers with at least 30 employees. The revisions further expand the "family members" for whom leave can be taken. For example, the definition of "parent" was extended to include foster parents and those who became parents via a gestational carrier. The definition of "children" also was extended to include care for foster children and children who are born via a gestational carrier. Likewise, the definition of "family member" was increased to include siblings, grandparents and grandchildren, parents-in-law, domestic partners, and any individuals related to the employee by blood, and more broadly. Going further, the law provides that leave may be taken to care for "any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship." Naturally, this last provision greatly expands the applicability of "family leave" to include a wide-array of potential individuals. Employees also are eligible to take leave under the NJSAFE Act to care for any of these aforementioned individuals in the event of an incident involving sexual or domestic violence. These changes to the law take effect immediately.

Intermittent Leave: Under the Family Leave Act employees may now take leave for the birth or adoption of a child on an intermittent basis without the employer's approval. This change will take effect immediately.

Notice: The advance notice requirement under the Act has been reduced from 30 to 15 days when an employee requests intermittent leave to care for a family member with a serious health condition. This change will take effect immediately.

Family Temporary Disability: Benefits for family temporary disability leave were increased to 12 weeks of consecutive leave or 56 days of intermittent leave for any period of leave commencing on or after July 1, 2020. Employees taking disability and those taking family temporary disability leave on or after July 1, 2020 will be entitled to 85% of their average weekly wage, up to a maximum of 70% of the Statewide average weekly wage, for up to 12 weeks of consecutive leave or 56 days of intermittent leave. Additionally, employees who take leave under the NJSAFE Act now are eligible for Family Leave insurance benefits and can no longer be required to use accrued leave.

What Actions do Employers Need to Take?

Many of the amendments to the Family Leave and NJSAFE Acts take effect immediately. Employers should update their policies and procedures to ensure compliance with the revisions. It further is recommended that those responsible for granting and recording leave requests are notified and trained on the law's new requirement to prevent an employee from unlawfully being denied leave. Employers that have between 30-50 employees -- who were not previously required to comply with the Family Leave Act -- may need to implement new policies and procedures to comply with the law.