

Management Alert



New Jersey Puts Family First with Paid Family Leave Expansion

By Howard M. Wexler and Meredith-Anne Berger

Seyfarth Synopsis: New Jersey Governor Phil Murphy signed an expansive paid family leave bill which provides for increased leave time and pay while on leave beginning in 2020, a broader definition of covered employers and family members, and a right to reinstatement for more employees. The benefits remain employee-funded under the law.

On February 19, 2019, [Governor Murphy signed into law](#) legislation that expands New Jersey's paid family law. Under the amendments, New Jersey employees are entitled to more paid family leave ("PFL") and temporary disability ("TDI") benefits than ever before. While New Jersey had PFL in place since 2009, beginning in 2020, employees will now be granted 12 weeks of leave, instead of six, greater pay while on leave, and effective immediately, may take leave to care for additional family members, among other changes.

The new legislation expands the definition of employer beginning June 30, 2019, to employers with 30 or more employees. To be covered, an employer must have the requisite number of employees on each working day during each of 20 or more calendar workweeks in the current or immediately preceding calendar year. Employers with 30 or more employees are now subject to the non-discrimination and non-retaliation provisions of the law, and must reinstate employees upon returning from leave.

Beginning in 2020, employees may take 12 weeks of leave in a 12-month period. The intermittent leave allotment increases with the new legislation from 42 days to 56 days in a 12-month period, starting in July 2020.

In addition, employees are entitled to 85% of their weekly wage, with the maximum possible benefit of 70% of the statewide average weekly wage. In 2020, the maximum benefit will likely increase from \$650 to \$860 per week. In turn, the employee contribution will also increase.

New Jersey's PFL law provides that leave may be taken continuously or intermittently. Previously, employees could only take intermittent leave for a family member's health condition if medically warranted, or for bonding if the employer allowed it. However, now, intermittent leave may be taken for any reason. In addition, bonding leave may also be taken in connection with foster placement. Employers may not require an employee to exhaust unused, accrued, paid time off prior to using PFL. However, if an employer provides paid leave for any reason covered by PFL, or if the employee is eligible for TDI or FMLA leave, it is deemed to run concurrently with PFL.

The definition of “family member” now includes the additional individuals in **bold**:

- Child **(including a foster child)**
- Parent
- **Parent-in-law**
- **Sibling**
- **Grandparent**
- **Grandchild**
- Spouse
- **Domestic Partner** or partner in a civil union
- **Any other individual related by blood to the employee, or**
- **Any other individual “that the employee shows to have a close association with the employee which is the equivalent of a family relationship.”**

The law further expands the reasons for leave, allowing employees to use TDI if the employee or a family member (as defined above) is the victim of domestic violence or a sexual offense and requires legal, medical, or other assistance, or to participate in a civil or legal proceeding, pursuant to the New Jersey Security and Financial Empowerment Act.

New Jersey is following many other states that are providing generous PFL benefits, including [New York](#) and [Massachusetts](#). Seyfarth will continue to track this law as additional guidance becomes available.

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