

Expansion of the New Jersey Family Leave Act (and its interplay with other leave laws)

July 15, 2026

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Today's Roadmap

What's changing on July 17, 2026?

NJFLA eligibility and covered leave

How NJFLA interacts with FMLA, NJ Sick Leave, NJ SAFE Act, TDI/FLI, ADA & NJLAD

Common employer mistakes

Practical case study and takeaways

NJ Family Leave Act – What stays the same

12 weeks of unpaid family leave in a 24-month period

May receive partial wages through Family Leave Insurance benefits

Job protections

NJ Family Leave Act – What stays the same: Covered Uses

- To care for or bond with a child, as long as within one year of the child's birth or placement for adoption or foster care;
- To care for a family member with a serious health condition;
- During a state of emergency:
 - To care for a family member who has been isolated or quarantined because of suspected exposure to a communicable disease; or
 - To provide required care or treatment for a child if their school or place of care is closed by order of a public official due to an epidemic of a communicable disease or other public health emergency

July 17, 2026 - Key Changes

	Current	Starting July 17, 2026
Employer-size threshold	Private employers with 30 or more employees	Private employers with 15 or more employees (further reduction to 10 on July 17, 2027 and 5 on July 17, 2028)
Employee length-of-service	12 months	3 months
Employee hours worked requirement	1,000 hours in preceding 12 months	250 hours in preceding 12 months

Why Leave Administration Just Got Harder



Family Leave Insurance (FLI) Benefits

Family Leave Insurance

- Partial wage-replacement program
- Funded by payroll deductions
 - For 2026, workers contribute .23% on the first \$171,100 in covered wages
- Provides NJ workers cash benefits for up to 12 weeks to:
 - (1) Bond with a newborn or newly placed adoptive or foster child;
 - (2) Provide care for a seriously ill or injured loved one; or
 - (3) Handle matters related to domestic and/or sexual violence.
- Up to 12 weeks continuously or 8 weeks on an intermittent basis

Temporary Disability Insurance (TDI) Benefits

Temporary Disability Insurance

- Provides cash benefits to employees who are unable to work due to a physical or mental health condition or other disability unrelated to their work, including pregnancy/childbirth recovery
- Most employees are eligible

Temporary Disability Insurance

- To qualify starting in 2026, employee must have:
 - (1) Worked 20 weeks earning at least \$130 weekly; OR
 - (2) Earned a combined total of \$15,500 in the base year
- Employees paid 85% of their average weekly wage up to the maximum weekly benefit rate for the year
 - Maximum weekly benefit rate in 2026: \$1,119 per week

New Jersey Earned Sick Leave

NJ Earned Sick Leave

- Applies to all private employers, regardless of size (subject to limited exceptions)
- Up to 40 hours of paid leave per year
 - Accrue (1 hour for every 30 hours starting day one) or front load
- Can use after 120 days of employment

NJ Earned Sick Leave: Permitted Uses

1

(1) Care for own, or a family member's, physical or mental health or injury

2

(2) Address domestic or sexual violence against themselves or a family member

3

(3) Attend a child's school-related meeting, conference, or event

4

(4) Take care of their children when school or childcare is closed due to an epidemic or public health emergency

New Jersey SAFE Act

NJ SAFE Act

- Up to 20 days of unpaid leave in a 12-month period
- Must have worked at least 1,000 hours in preceding 12 months
- For an employee who is a victim of domestic violence or sexually violent offense
 - Or parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, civil union partner, or any other individual that the employee has a close association with equivalent of a family relationship
- Employers with 25 or more employees

NJ SAFE Act: Covered Reasons

- (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence
- (2) Obtaining services from a victim services organization
- (3) Obtaining psychological or other counseling
- (4) Participation in safety planning
- (5) Seeking legal assistance
- (6) Attending, participating in, or preparing for a criminal or civil court proceeding

Family and Medical Leave Act

FMLA – Back to Basics

- Employees may be eligible for up to 12 weeks of unpaid leave if:
 - Employed by covered employer for 12 months
 - Worked 1,250 hours in the preceding 12 months and
 - Worked at a location with 50+ employees within a 75-mile radius
- Covered employers
 - Private employers with 50+ more employees
 - Public agencies, including local, State and Federal employers, and schools

The 12-Month “Leave Year”

- The employer may choose any one of 4 methods to determine the 12-month period in which an employee is entitled to take his/her FMLA allotment
 - Calendar year
 - Any other fixed 12-month “leave year”
 - A 12-month rolling period measured forward from the date the employee’s FMLA leave begins
 - A 12-month rolling period measured backward from the date an employee uses FMLA leave

FMLA Qualifying Reasons

- Birth of a son/daughter or care for a newborn
- Placement with employee of a son/daughter for adoption or foster care
- To care for employee's spouse, son, daughter, or parent with a serious health condition
- For certain qualifying exigencies relating to the military service of the employee's spouse, son, daughter or parent
- FMLA provides up to 26 workweeks of military caregiver leave during a single 12-month period

FMLA: Unpaid Leave

- The FMLA only requires unpaid leave
- The law generally allows for an employee to elect, or the employer to require the employee, to use accrued paid vacation, sick or PTO time
 - Exceptions:
 - The forced substitution of paid leave for unpaid leave is not permissible where the FMLA leave is taken in connection with disability benefits or workers' compensation benefits
 - The employer and employee may agree to have accrued paid leave supplement such paid benefits

Intersection of Various Leave Laws

- Employees eligible for Sick Leave, Disability, or Family Leave Insurance benefits may elect the order in which they use those benefits
- Cannot earn sick leave at same as TDI or FLI
- NJFLA may run concurrently with leave under the FMLA, where applicable

Employer Size

Law	Employer Size?
NJ Family Leave Act	15 or more starting July 17, 2026 (decreases to 10 then 5)
NJ Earned Sick Leave	All employers
NJ SAFE Act	25 or more employees
Temporary Disability Insurance	All employers
FMLA	50+ employees
Family Leave Insurance	All employers

Employee Eligibility

Law	Employer Size?
NJ Family Leave Act	250 hours during previous 12-month period, employed for at least 3 months
NJ Earned Sick Leave	120-day waiting period
NJ SAFE Act	1,000 hours in last 12 months, employed for at least 12 months
Temporary Disability Insurance	20 weeks earning \$145+ each week OR earned at least \$7,300 in past 52 weeks
FMLA	1,250 hours of service in past 12 months, employed for at least 12 total months
Family Leave Insurance	20 weeks earning at least \$310 OR earn \$15,500 in a base year

Paid vs. Unpaid

Law	Paid?
NJ Family Leave Act	Unpaid
NJ Earned Sick Leave	Paid
NJ SAFE Act	Unpaid
Temporary Disability Insurance	Partial payment
FMLA	Unpaid
Family Leave Insurance	Partial payment

Employee is out of leave...then what?

Americans with Disabilities Act and NJ Law Against Discrimination

- These statutes prohibit disability discrimination against applicants and employees who are “qualified individuals with disabilities” by providing for equal opportunities for work and the right to reasonable accommodations needed to perform the essential functions of their position
- A leave of absence is one of the most common accommodations requested under the ADA and there is no specific time limit on such leaves



Blanchet v. Charter Communications, LLC

6th Cir. 2022

- Employer relied upon third-party leave administrator, and advised employee to communicate her needs only with the TPA
- Pregnant employee took standard parental leave (FMLA & STD)
- Developed postpartum depression and requested more leave.
 - Granted 5 months, ending in February 2017.
- February 2017: Requested additional 60 days leave.
 - TPA verbally approved, with formal written approval to follow.
- March 2017: Received termination letter, effective Jan. 10, 2017.
 - Never told her leave was denied.
 - Received approval letter after the termination letter.

Blanchet v. Charter Communications, LLC

6th Cir. March 8, 2022

- Summary judgment for employer at District Court; 6th Circuit reversed.

***“Medical leave as an accommodation
is not a novel concept.”***

- Rejected argument request not reasonable merely because no definite (as opposed to estimated) end date.

Tucker v. Wells Fargo Bank

D. New Mexico, March 2022

- Bank teller with PTSD.
- FMLA leave requested and granted (Jan. - April 2020).
- After leave, requested additional leave due to COVID-19 and her disability.
- Court: Motion to dismiss granted:
 - “[E]mployers are not obligated to retain a disabled employee on leave indefinitely or for an excessive amount of time.”

Interplay Between FMLA, NJFLA, NJ LAD & ADA

- Employers will now need to consider whether all NJ leave and/or FMLA has been exhausted.
- Once maximum leave under NJ and FMLA have run but the employee has not been released to return to work:
 - Urge: “Quick, let’s terminate while we can!”
 - Pitfall: The ADA and NJ LAD may pick up where those statutes leave off....
- Consider whether longer unpaid leave periods are necessary as a reasonable accommodation
- Case-by-case analysis

Five Common Employer Mistakes

- Assuming FMLA exhaustion means termination
- Failing to evaluate ADA/NJLAD accommodations
- Not documenting leave designations
- Allowing supervisors to make promises about leave

Employer Action Checklist



1. Review whether your workforce is covered



2. Update leave policies and handbooks



3. Train supervisors and HR on overlapping leave laws



4. Coordinate payroll and leave administrators



5. Review medical-leave terminations with counsel

Questions?

Thank You

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It is not to be considered as legal advice.
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