

July 26, 2013

Governor Signs New Jersey Domestic Violence Leave Law

On July 17, New Jersey Gov. Chris Christie signed into law the New Jersey Security and Financial Empowerment ("SAFE") Act. The act, which goes into effect on October 1, requires employers with 25 or more employees to provide 20 days of unpaid leave to any employee who is a victim of a domestic violence incident or a sexually violent offense or to any employee whose child, parent, spouse or partner was the victim of such an incident.

To be eligible for SAFE leave, an employee must have been employed by the employer for at least 12 months and have worked at least 1,000 hours during the preceding 12 months. The 20-day leave is available to the employee for up to one year following the incident. An employee requesting leave must provide advanced written notice for foreseeable leave. The employer may require documentation to substantiate the need for leave and must maintain the confidentiality of the documentation.

An employee may take SAFE leave on an intermittent basis of no less than one day. Leave may be taken to seek medical attention, obtain services from a victim services organization or counseling, participate in safety planning, relocate, seek legal assistance, or attend court proceedings. An employer may require its employee to use available paid leave or leave under the Family and Medical Leave Act and/or the New Jersey Family Leave Act concurrently with SAFE leave.

In addition to providing leave, the SAFE Act requires employers to post a notice of employees' rights and obligations under the SAFE Act. The posting is not yet available from the Commissioner of Labor and Workforce Development. Further, employers are prohibited from discriminating or retaliating against employees who exercise their rights to such leave. The SAFE Act provides a private right of action for aggrieved employees to recover damages and attorneys' fees as well as civil fines for violations.

Employers should update their leave policies, post the required notice when it becomes available and train their managers to understand the nature of this new protected leave in advance of its effective date.