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New Jersey Family Leave Act Amendments Expanding Coverage Take Effect July 2026: What Employers Need to Know

Effective July 17, the eligibility requirements and job protections offered by the New Jersey Family Leave Act (NJFLA) will significantly change. The NJFLA provides job-protected leave to employees to care for a family member with a serious health condition, to bond with a newborn or newly adopted child within one year of the child's birth or placement, or to address certain issues related to a public health emergency affecting a family member's medical care or schooling. The NJFLA does not provide leave for employees for time off from work to address their own serious health condition.

One of the law's amendments materially expands the coverage under the NJFLA by (1) reducing the threshold hours worked for employee eligibility for leave to 250 hours in the twelve-month period prior to a leave (2) changing the minimum length of required employment for eligibility from twelve months to three months, and (3) requiring employers with 15 or more employees to provide NJFLA job-protected leave to eligible employees. Specifically, the definition of employer now includes any person or corporation, or other similar legal entity, that "employs 15 or more employees for each working day during each of 20 or more calendar workweeks in the … current or immediately preceding calendar year."

By comparison, under the current law, the NJFLA applies to New Jersey employees who have been employed for at least 12 months and have worked at least 1,000 base hours during the preceding 12-month period. The current definition of "employer" applies to entities that employ 30 or more employees for each working day during each of 20 or more calendar workweeks in the current or immediately preceding calendar year. For purposes of determining what constitutes an employer under the NJFLA, the 30-employee threshold counts all employees of the employer, whether working in New Jersey or not, as well as full- and part-time employees.

The new amendments further provide that any individual who utilizes paid family leave insurance (FLI) and New Jersey temporary disability insurance (TDI) benefits will be "entitled to be restored by the employer to the position held by the employee when the leave commenced or to an equivalent position of like seniority, status, employment benefits, pay, and other terms and conditions of employment." This leaves an open question as to whether the Legislature intended to provide job-protected leave for employees receiving FLI or TDI, which provide for income replacement during FLI family leave or TDI temporary disability leave. Because employees may be eligible for FLI and TDI benefits, under certain circumstances, for an aggregate of 26 weeks, this ambiguity may create a challenge for employers absent further guidance.

Lastly, the new amendments clarify that when an employee is eligible for sick leave under New Jersey's Earned Sick Leave Law and TDI, the employee can choose to use either earned sick leave, TDI benefits, or FLI, and can select "the order in which the different kinds of leave are taken," but will not receive more than one kind of paid leave at the same time. This change gives employees greater flexibility in coordinating available leave benefits.

Recommended Next Steps

With the effective date of July 17 on the horizon, employers, especially those with 15 to 29 employees, should review their policies, employee handbooks, and practices for compliance with the amendments. Additionally, employers should retrain their managers and those administering leave requests on the expanded coverage of the NJFLA to ensure compliance.

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