

E-ALERT: New Jersey Passes Changes to Family Leave, SAFE Act, and Disability Benefits

Background

New Jersey has made significant changes to several state laws regarding family leave, domestic violence leave, and disability benefits. These amendments include changes to the New Jersey Family Leave Act, New Jersey Security and Financial Empowerment (SAFE) Act, and New Jersey Temporary Disability Benefits Law. The amendments also clarify reinstatement rights for smaller employers.

Summary

New Jersey Family Leave Act

This law required employers with 50 or more employees to provide 12 weeks of unpaid leave in a 24-month period for the birth of a child, adoption, or care for a family member with a serious health condition. Employees out on leave could also receive up to six weeks of paid benefits for a maximum of \$650 per week for a 12-month period. The amendments change the law as follows effective June 30, 2019:

- The law will apply to employers with 30 or more employees for each “working day” during 20 or more calendar workweeks in the current or preceding calendar year;
- A revised definition of “family leave,” “child,” and “parent” regarding leave in situations involving fostering a child or birthing a child by means of a gestational carrier (a woman who carries a pregnancy and gives birth to a child for another woman or couple);
- A broader definition of “family member” to include in-laws, siblings, grandparents, grandchildren, domestic partners, any other relatives, or a close individual with whom the employee has the equivalent of a family relationship;
- Expansion of the leave duration from 24 consecutive weeks to 12 consecutive months; and
- A requirement to grant intermittent leave for the birth or adoption of a child, and the birth of a child via a gestational carrier.

New Jersey SAFE Act

Under the New Jersey Security and Financial Empowerment (SAFE) Act, employers with 25 or more employees must provide 20 days of unpaid leave for employees to tend to situations regarding domestic violence toward themselves or a family member. The act has been amended to now include:

- A broader definition of “family member” as defined in the New Jersey Family Leave Act (see above);
- Employees now have the option to use paid personal, vacation, or sick leave, rather than being

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

required to do so; and employees are allowed to use benefits under the New Jersey Temporary Disability Benefits Law for covered domestic violence reasons.

New Jersey Temporary Disability Benefits Law

Under the New Jersey Temporary Disability Benefits Law, employees can apply to the state to partially replace wages to bond with a newborn or newly adopted child, or to care for themselves or a family member with a serious illness, injury, or disability. The amendments, effective July 1, 2019:

- Eliminate the one-week waiting period for family leave causing benefits to be paid immediately;
- No longer require employees to use accrued personal, vacation, or sick leave, but give them the option to do so at their own discretion;
- No longer allow employers to require an employee to use their paid sick leave, vacation time, or other leave at full pay, before they would be able to collect family temporary disability benefits;
- Include a broader definition of "family member," "child," and "parent" as defined in the New Jersey SAFE Act and New Jersey Family Leave Act;
- Add more notice requirements for employers with private plans;
- Require private plans under a collective bargaining agreement to have the majority of employees sign documentation to agree to contribute or waive their right;
- Incur a \$250 penalty on employers that do not provide the required notices, and extend penalties of up to \$1,000 and imprisonment of up to 90 days for certain circumstances; and
- Include antiretaliation provisions that prohibit employers from discharging or discriminating against employees who requested or used their protected leave time under state law, including "refusing to restore an employee following a period of leave." Remedies include civil fines, reinstatement to work, reinstatement of benefits and seniority, compensation for lost wages or benefits, reasonable costs and attorney's fees, and more.

Effective July 1, 2020, the amendments will provide:

- Increased benefits from six to 12 weeks for family leave in any 12-month period;
- Increased paid family leave benefits from 42 days of intermittent leave to 56 days; and
- Increased benefit rate for temporary disability leave and family leave from 66% to 85% of the employee's average weekly wage, up to a maximum of \$860 per week.

New obligations on smaller New Jersey employers

The new legislation also provides guidance to employers who do not meet the 30-employee threshold for coverage under the New Jersey Family Leave Act. These smaller employers may not be required to reinstate employees to their previous job just because they used benefits under the New Jersey Temporary Disability Benefits Law.



Employer Next Steps

- All New Jersey employers should review their organization's policies to ensure they are consistent with the new law.
- All New Jersey employers should review their employment posters to ensure the required notices are made available for all employees. The HRK All-In-One poster satisfies the posting requirements for employers of all sizes, including these new postings. Failure to post required federal and state labor law notices may result in both federal and state fines. If you are not an HRK Full Service or Virtual HR client, you can purchase our discounted rate All-In-One posters [here](#).
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

The People Simplifying HR

For almost twenty years, HR Knowledge has made it our mission to demystify the complex and daunting process of HR management. We do more than just provide the level of service and technology you'd expect from an industry leader. We combine unparalleled passion for service with our decades of HR, payroll, and benefits experience to provide our clients with personalized and actionable advice that is second—to—none. From managed payroll to employee benefits to HR support, we can help your organization thrive, grow, and reduce operating costs—no matter what industry you serve. Whether you're interested in our Full-Service solution or just need your employee handbook written, HR Knowledge can help you minimize risk while staying on top of compliance regulations. The bottom line? We're not just another cloud-based technology company that also does HR, #WeAreHR.

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).