

New Jersey Expands Sick Leave, Family Leave and Temporary Disability Benefits

The Bottom Line

- *Legislation expanding New Jersey's Earned Sick Leave Law, Family Leave Act and Temporary Disability Benefits Law provides additional benefits to employees impacted by COVID-19 and other public health emergencies caused by communicable diseases.*
- *Companies with employees in New Jersey should review and revise their policies to ensure compliance with new legal requirements.*
- *Employers should also consult with legal counsel in situations where an employee who is impacted by a public health emergency may be entitled to benefits under both state and federal law.*

New Jersey's Governor recently signed into law a series of bills expanding New Jersey's Earned Sick Leave Law (NJ ESL), Family Leave Act (NJ FLA) and Temporary Disability Benefits Law (NJ TDB) in order to provide additional benefits to employees impacted by COVID-19 and other public health emergencies.

Expansion of Earned Sick Leave

The NJ ESL provides up to 40 hours of paid sick leave to employees for several covered reasons, including the employee's own health condition, to care for an ill family member or to take care of a child whose school is closed due to a public health emergency. To read more about New Jersey's sick leave law, please see our [previous alert](#).

Coverage under the NJ ESL has now been expanded to permit employees to use sick leave when:

- The employee's workplace or child's school or place of care is closed because of a state of emergency declared by the Governor due to an epidemic;
- There has been a determination that the employee's presence in the community, or the presence in the community of a family member in need of care, would jeopardize the health of others; or
- The employee is subject to quarantine or isolation, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease.

The amended legislation allows employees who are subject to isolation or quarantine for suspected exposure to a communicable disease to use paid sick leave, which means that the employee is not required to test positive for COVID-19 or other similar condition before using paid time off.

Family Leave Act Amendments

The NJ FLA permits eligible employees to take up to 12 weeks of unpaid leave in any 24-month period for the birth or adoption of a child or to take care of a family member with a serious health condition. For more information on the NJ FLA, please see our [previous alert](#).

The new legislation expands the definition of “family leave” during a declared state of emergency, or when directed by the Commissioner of Health or other public authority, to permit employees to take leave necessitated by an epidemic, a known or suspected exposure to a communicable disease such as COVID-19 or efforts to prevent the spread of such a disease.

Under the NJ FLA, family leave can be taken by an employee to care for:

- A child whose school or place of care has been closed by order of a public official due to an epidemic or other public health emergency;
- A family member subject to quarantine due to illness from, or known or suspected exposure to, a communicable disease because the presence of the family member in the community would jeopardize the health of others; or
- A family member who has been advised by a health care provider to voluntarily self-quarantine due to suspected exposure to a communicable disease.

Temporary Disability Benefits Law Amendments

The NJ TDB provides benefits to employees affected by non-job-related disabilities that prevent them from working. Similar to the expansion of the NJ ESL and NJ FLA, the NJ TDB expands eligibility for disability benefits during a state of emergency related to public health.

Under the amended law, “disability” includes:

- An illness caused by an epidemic of a communicable disease;
- A known or suspected exposure to such a communicable disease; or
- Efforts to prevent spread of the communicable disease, which requires in-home care or treatment of the employee.

To be eligible for disability benefits, an employee must also show that a health care provider or other public health authority has determined that the employee’s presence in the community may jeopardize the health of others, and the provider or authority has recommended, directed or ordered that the employee be isolated or quarantined as a result of suspected exposure to a communicable disease.

The NJ TDB also waives the 7-day waiting period for disabilities arising from the covered reasons noted above.

Resources for New Jersey Employees

To assist employees impacted by the COVID-19 pandemic, New Jersey’s Department of Labor & Workforce Development (NJ DOL) has added [FAQs](#) and other [resources and information](#) on the NJ DOL website about federal and state benefits for employees, including unemployment benefits.

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