



10 W Lafayette Street  
Trenton, NJ 08608-2002

609-393-7707  
www.njbia.org

**Michele N. Siekerka, Esq.**  
President and CEO

**Christine Buteas**  
Chief Government  
Affairs Officer

**Raymond Cantor**  
Vice President

**Christopher Emigholz**  
Vice President

**Nicole Sandelier**  
Director of Economic  
Policy Research

**Hunter Griffin**  
Policy Analyst

Aaron Scherzer, Chief of Strategic Initiatives and Enforcement  
Department of Law and Public Safety  
Division on Civil Rights  
31 Clinton Street, 3rd Floor  
PO Box 46001  
Newark, New Jersey 07102

**RE: Proposal Number: PRN 2021-021 (Family Leave Act Rules Comments)**

Dear Mr. Scherzer,

On behalf of our member companies that provide 1 million jobs in our state and make NJBIA the largest statewide business association in the nation, thank you for the opportunity to comment on PRN 2021-021.

NJBIA is proud of the efforts undertaken by its member companies to continue to provide goods and services to New Jersey residents during the pandemic, while prioritizing the health and safety of employees. Moreover, our employer community prides itself on providing some of the most extensive family leave benefits in the nation. However, some of the proposed rules would create new burdens for businesses as they struggle to stay afloat.

Specifically, our members are concerned about the revised definition of “Employer” in Section 13:14-1.2, which lowers the threshold from 50 employees down to 30 employees under this Act. This means some of the state’s smallest employers will be required to provide the expanded family leave benefits mandated by this Act.

NJBIA highlighted its concern when these law changes were still legislation, but our concern is even greater now after the year of devastation that the pandemic has had on small employers across the state. These new operational hurdles will be difficult to navigate at a time when main street businesses remain at partial capacity, unable to turn a profit.

Additionally, NJBIA is concerned about the definition of “Intermittent leave” in Section 13:14-1.2, which includes a proposed rule change that leave “...may be scheduled in increments of hours, days, or weeks.” Intermittent leave is currently available to be scheduled in non-consecutive increments of one or more full weeks. This will be a substantial change for employers who have, until now, only been required to provide for intermittent leave in weeklong terms.

We are concerned about the challenge this will pose to employers’ operations as they attempt to accommodate intermittent leave scheduled in increments of hours and days. Moreover, we are concerned that this provision takes the NJFLA out of coordination with Family Leave Insurance which provides leave in increments of days, not hours.

Finally, NJBIA supports the rule proposal in section 13:14-1.5 that allows employers to require “...an employee requesting intermittent or reduced leave to provide care for a family member who has been diagnosed with a communicable disease or is suspected of

having a communicable disease to work remotely during the time the employee is taking such leave to reduce or eliminate a health or safety risk.” Our members appreciate the flexibility this provision will provide to maintain a safe workplace.

Thank you for the opportunity to comment on the regulation proposal.

Sincerely,

A handwritten signature in black ink that reads "Chrissy Buteas". The signature is written in a cursive, flowing style.

Chrissy Buteas  
Chief Government Affairs Officer