

State and Federal Leave Laws
(does not include local sick leave ordinances)

Law	Covered Employers	Length of Leave	Eligibility	Reasons for Leave	Income Replacement In Law Itself	Job Restoration Rights In Law Itself
Americans with Disabilities Act (ADA), 42 USC §12101 et seq.	Private employers with at least 15 employees. - All public agencies.	Not specified; however the ADA can require that leave extend beyond the 12 weeks provided under the FMLA/NJFLA.	- Employees who have a "disability" which is broadly defined as an impairment that substantially limits one or more life activities, a record of such an impairment, or being regarded as having an impairment.	- Medical leave must be granted in certain circumstances. - Time off may be granted as a reasonable accommodation, if it would not impose undue hardship on employer.	No	Maybe – how long a job must be held for a person taking time off as an accommodation depends on at what point doing so will impose an undue hardship on the employer.
Family and Medical Leave Act (FMLA), 29 USC §2601 et seq.	- Private employers with ≥ 50 employees for at least 20 workweeks in current or preceding calendar year at one or more worksites within 75 miles. - All public agencies.	- Up to 12 weeks over 12 month period. - Can be run concurrently with company policy and PTO. - May be taken consecutively or intermittently.	Employees who have: - Been employed w/ the employer for at least 12 months (not necessarily consecutively). - Worked at least 1,250 hours/ past 12 months before leave was needed. - Been employed at worksite where at least 50 people w/in a 75 mile radius are employed.	- Birth or adoption of a child. - Serious health condition of spouse, child, or parent of employee. - Serious health condition of employee. - Qualifying exigency leave. - Military care giver leave.	No – requires employer to maintain group health insurance if it was provided prior to leave being taken. - Must be provided on same terms as if employee continued to work.	Yes – employer must generally return employee to same or substantially equivalent position.
New Jersey Family Leave Act (NJFLA), NJSA 34:11B-1 et seq.	All employers with ≥ 50 or more employees working ≥ 20 workweeks/past 12 months. - (Employees outside of NJ are included in count.)	- Up to 12 weeks over 24 month period. - Can run concurrently with company policy and PTO. - May be taken consecutively or intermittently.	Employees who have: - Been employed w/ the employer for at least 12 months. - Worked at least 1,000 hours/ past 12 months.	- Birth or adoption of child. - Serious health condition of spouse, child, parent of employee, parent-in-law, or partner in a civil union. * Not for the employee's own health condition.	No – but requires employers to maintain group health coverage for employees on leave at same level and under same conditions had the employee not taken leave. * However, if plan is governed by the Employee Retirement Income Security Act (ERISA), then continuation of benefits is determined in accordance with ERISA.	Yes – employer must generally return employee to same or substantially equivalent position.

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Family Leave Insurance Law, N.J.S.A. 43:21-25 et seq.	All employers (regardless of size) who employ one or more individuals and pay wages of at least \$1,000/ calendar year.	Up to 6 weeks: - May be taken consecutively or intermittently (42 days). - Intermittent leave for childcare at employer's discretion. - Employer may require use of two weeks paid time off which may reduce family leave allowance by up to 14 days.	Employees who have: - Worked 20 weeks for a covered employer and earned no less than minimum wage (\$165/ week) or earned at least \$1,000 times minimum wage (\$8,300) in year prior to leave. (Generally applies to employees as defined by New Jersey's unemployment compensation law.)	- Serious health condition of child, spouse, domestic partner, civil union partner or parent of a covered individual. - Birth or adoption of a child (first 12 months).	2/3 average weekly wage up to \$604/week (8 week look-back on wages).	No
New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-12	All public and private employers (except federal employers) regardless of size.	Not specified; however NJLAD can require that leave extend beyond the 12 weeks provided under the FMLA/NJFLA if doing so is a reasonable accommodation.	Employees working in New Jersey with a disability (term disability is very broadly defined, even broader than ADA).	Qualified individuals may take time off, as a reasonable accommodation, if the leave would not impose an undue hardship on the employer.	No.	Maybe – how long a job must be held for a person taking time off as an accommodation depends on at what point it will impose an undue hardship on the employer.

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New Jersey Security and Financial Empowerment Act (“NJ SAFE Act”), P.L. 2013, c.82	All private employers with ≥ 25 employees for each working day during each of 20 or more calendar workweeks. - All public agencies.	- Maximum of 20 days in one 12-month period, to be used in the 12-month period. - May be taken intermittently in intervals of no less than one day.	Employees who: - Have worked for an employer ≥ 1,000 hours during the immediately preceding 12-month period. - Are victims of domestic violence or sexually violent offenses. - Have children, parents, spouses, domestic partners, or civil union partners who are victims of domestic violence or sexually violent offenses. *Each incident of domestic violence or sexual violence constitutes a separate offense for which an employee is entitled to leave, provided that the employee has not exhausted the allotted 20 days for the 12-month period.	- Get medical attention or recover from physical or psychological injuries or help a family member with the same. - Get services from a victim services organization or help a family member with the same. - Get psychological or other counseling or help a family member with the same. - Participate in safety planning, relocating, etc., including steps to increase economic security or help a family member with the same. - Get legal assistance including preparing for court, or legal proceedings, or help a family member with the same.	No – but where an employer requires an employee to concurrently use paid time off during any part of the 20-day period, the employee must receive pay pursuant to the employer’s policies.	Yes – an employer cannot fire, harass, discriminate, retaliate (or threaten to do any of the above) against an employee because they took or requested leave.
Workers’ Compensation Law, N.J.S.A. 34:15-39.1 et seq.	All New Jersey employers, not covered by federal programs.	- Employees disabled due to on-the-job injury can receive up to 70% of average weekly wage for 450 weeks. - After 450 weeks, benefits are paid from NJ’s Jersey’s Second Injury Fund.	- Employees who suffer job-related injuries or illnesses. - Employee must be unable to work for seven days (including weekends and holidays) before becoming eligible for benefits.	- Job-related injuries or illnesses.	Yes - disabled workers receive up to 70 % of their regular income while on leave up to \$855/week.	No. However the law prohibits firing in retaliation for filing a claim or testifying at a hearing. - Low burden of proof for claims of retaliation.
Temporary Disability Insurance, N.J.S.A. 43:21-25 et seq.	With very limited exceptions for some governmental employers, public and private employers subject to the New Jersey Unemployment Compensation Law.	Up to 26 weeks per disability.	Employees who: - Worked at least 20 calendar weeks/ base year. - Earned \$8,300 in base year or at least \$165/ week. - Remain under medical care for duration of leave.	- Employees who are unable to work because of sickness or injury that is not job related.	- 2/3 average weekly wage up to \$604/week. - 8 week look back in determining wage.	No.

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