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On March 26, 2020, New Jersey Governor Murphy signed legislation that expands the Temporary Disability Benefits (TDB) and Family Leave Insurance (FLI) programs effective immediately. The law also provides for job protection under the New Jersey Family Leave Act (NJFLA) and expands the Earned Sick Leave Law.

Temporary Disability Benefits and Family Leave Insurance Programs

The law expands the definition of a “serious health condition” in response to the COVID-19 pandemic to include an illness caused by a public health emergency. Workers now have access to TDB and FLI if they are unable to work because they are diagnosed with or suspected of exposure to a communicable disease or they are taking care of a family member in the same situation. The bill does not specifically refer to COVID-19, therefore, this expansion applies to COVID-19 and any public health emergencies declared by the Governor or Commissioner of Health or other public health authority.

The bill eliminates the current one-week waiting period for temporary disability benefits for public health emergency related cases.

Earned Sick Leave

New Jersey’s Earned Sick Leave (“ESLL”) laws are expanded to allow the use of earned sick time for quarantine or isolation recommended or ordered by a health care provider or public health official as a result of suspected exposure to a communicable disease or to care for a family under the same situation.

Family Leave Act

The legislation modifies New Jersey’s Family Leave Act so that the rights to reinstatement to employment provided also apply to those taking leaves for public health emergencies as provided for in the law.

Employer Action

Employers should review their leave policies to ensure compliance with the new guidance.