Engage PEO Client Alert

New Jersey – Amendments to Rules Regarding Family Leave Insurance Benefits

WHAT'S NEW: Effective August 21, 2023, New Jersey's final rules regarding Family Leave Insurance Benefits are in effect. Under New Jersey law, employees may take 26 weeks of leave for their own temporary disability or 12 weeks of leave for a family member's disability.

The amended rules clarify that family leave covers:

1. Caring for a family member with a serious health condition;
2. Caring for a child during the first 12 months after their birth or placement;
3. Circumstances relating to New Jersey's Security and Financial Empowerment Act (NJ Safe Act) for victims of domestic violence or sexually violent offenses; and
4. Situations when the governor has declared a state of emergency, or the state department of health has so indicated as a result of an epidemic of communicable disease where the employee or their family member must receive in-home care or treatment.

The amended rules also clarify that an employee may take intermittent leave for reasons relating to the SAFE Act. The employee should provide written notice to the employer of the need for such leave as far in advance as possible if the leave is foreseeable. The state may require the employee to provide certification to support the absence, regardless of whether the employer has requested it.

Employers are required to provide notice to their employees of their rights under the law. The amended rules specify that an employer must provide notice of the benefits to be provided by a private insurance plan by:

- Posting, including posting on an internet or intranet site, to which all employees have access;
- Providing individual notice once the private plan is established, including via email;
- Providing notice at the time of hire, including via email;
- Providing notice within three business days of when the employer knows or should know that an employee may need disability benefits, including via email.

Here is the required general posting.

WHY IT MATTERS: While NJ Family Leave Insurance requirements have been in effect for some time, the amended rules provide additional clarity regarding the circumstances under which employees may be eligible for benefits, the fact that intermittent leave may be used in connection with the SAFE Act, and that employers must notify employees of the availability of such benefits under a private insurance plan.

WHAT EMPLOYERS SHOULD DO: Employers should take note of the circumstances under which their employees may be eligible for family leave and provide notice to their employees, at the appropriate time and in the appropriate manner, of the availability of family leave benefits under a private insurance plan.

Please reach out to your Engage Human Resources Consultant if you have any questions concerning this alert or other H.R.-related matters.