


# Overview of Family Leave Laws in the United States

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city family leave laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>or more information visit A Better Balance (<a href="https://www.ABetterBalance.org">ABetterBalance.org</a>)</p>	New Jersey
What purposes can leave be used for?	<p>Temporary disability insurance (TDI) can be used for a worker's own serious off-the-job illness or injury.</p> <p><i>In 2020, New Jersey's law was amended to specify that TDI and FLI can be used in the event of a state of emergency declared by the Governor (or when the Commissioner of Health or other public health authority has indicated that one is needed) when a worker or a family member has an illness caused by an epidemic of a communicable disease, has a known or suspected exposure to the communicable disease, or is taking efforts to prevent spread of the communicable disease, the worker or family member requires in-home care or treatment due to the issuance of a determination by a healthcare provider or a public health authority that the worker's or family member's presence in the community may jeopardize the health of others, and said healthcare provider or public health authority recommends or directs the worker or family member to isolate or quarantine as a result of suspected exposure to a communicable disease.</i></p> <p>Family leave insurance (FLI) can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; (2) care for a family member with a serious health condition; or (3) address certain non-medical needs arising from domestic or sexual violence, also known as "safe time."</p>



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New Jersey

**Who is covered?**

California, New Jersey, Rhode Island, Washington State, Massachusetts, and Connecticut also provide some coverage for previously covered workers who have a qualifying need for family or medical leave while they are unemployed, while New York and Hawaii also provide some coverage for previously covered workers who have a qualifying need related to the worker's own health. Details vary by state. States that aren't currently implementing their programs will also likely provide some coverage for previously covered workers during unemployment, though final regulations will be needed to specify details

Employees covered by the state unemployment insurance law are covered, with some exceptions for public sector employees.

**Are public sector workers automatically covered?**

Note that no state law covers federal employees.

Own health: No, with a few exceptions. Public employers can opt in to coverage.  
Paid family leave: Yes.

**Are domestic workers covered?**

Yes, subject to a low minimum payment requirement.

**Can self-employed workers opt-in to coverage?**

No.



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New Jersey

What are the requirements to qualify for benefits?

Workers must have either earned at least 20 times the minimum wage (currently, \$283) in at least 20 weeks or earned at least 1,000 times the minimum wage (currently, \$14,200) during the base year.

The base year is the first 4 of the 5 most recently completed quarters or the 4 most recent completed quarters or the 3 most recent completed quarters and the portion of the current quarter that has already occurred.

This can combine income from more than one employer.

What family members are covered?

A family member includes a worker's child, parent, parent-in-law, sibling, grand-parent, grandchild, spouse, registered domestic partner, civil union partner, any other person related to the worker by blood, and any other person that the worker shows to have a close association with the worker which is the equivalent of a family relationship.

How is the program funded?


Workers and employers share the cost of TDI. Workers contribute 0% of their wages. Employers contribute a percentage of workers' wages ranging from 0.10% to 0.75%. The percentage contribution for employees does not apply to a worker's wages above \$161,400/year; the percentage contribution for employers does not apply to a worker's wages above \$42,300/year.

Workers cover the full cost of FLI. The program is funded by a payroll deduction, currently set at 0.09% of wages. This deduction does not apply to wages above \$161,400/year.

*These percentages are based on participation in the state plan. If an employer chooses a private plan, employees can only be required to contribute as much as they would have contributed to the state plan; these employees can only be required to contribute if a majority of employees agree to the private plan before it goes into effect. See <https://myleavebenefits.nj.gov/labor/myleavebenefits/employer/index.shtml?open=PrivatePlan>.*

What percentage of wages do workers receive?

85% of a worker's average weekly wage

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<p>What is the maximum weekly benefit?</p>	<p>70% of the statewide average weekly wage  <i>Current: \$1,055/week</i></p>
<p>For how long can a worker receive benefits?</p>	<p>Own health: Up to 26 weeks for any period of disability.  <i>In addition, no worker can receive benefits worth more than 26 times their weekly benefit amount in a year.</i>          Family leave: Up to 12 weeks in a 12-month period.          New Jersey does not specify a cumulative limit.</p>
<p>Is there an unpaid waiting period?</p>	<p>Own health: Yes—there is a 7-day unpaid waiting period. However, if a worker is eligible for benefits during each of 3 consecutive weeks after the waiting period, that worker can also be paid benefits for the waiting period.  <i>The 7-day unpaid waiting period will not apply when a worker uses TDI in the event of a state of emergency declared by the Governor (or when the Commissioner of Health or other public health authority has indicated that one is needed) because the worker has an illness caused by an epidemic of a communicable disease, has a known or suspected exposure to the communicable disease, or is taking efforts to prevent spread of the communicable disease, the worker requires in-home care or treatment due to the issuance of a determination by a healthcare provider or a public health authority that the worker’s presence in the community may jeopardize the health of others, and said healthcare provider or public health authority recommends or directs the worker to isolate or quarantine as a result of suspected exposure to a communicable disease. Additionally, the 7-day unpaid waiting period will not apply when a worker uses TDI in the event of organ or bone marrow donation.</i>          Family leave: No.</p>



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New Jersey

Are workers entitled to have their jobs back when they return?

The law was amended to add additional anti-retaliation provisions, which may be clarified by regulation.

*Additionally, the law specifies that job-protected leave can be taken to be an organ or bone marrow donor.*

Workers may have protections under other laws, such as the FMLA or the New Jersey Family Leave Act.

How is the insurance provided?

By default, workers are covered through the state fund. Employers can apply for approval of a private plan, which must provide benefits at least equivalent to those available through the state.

Statutory Citation

N.J. Stat. Ann. § 43:21-25 et seq.