

Paid Family Leave in New Jersey

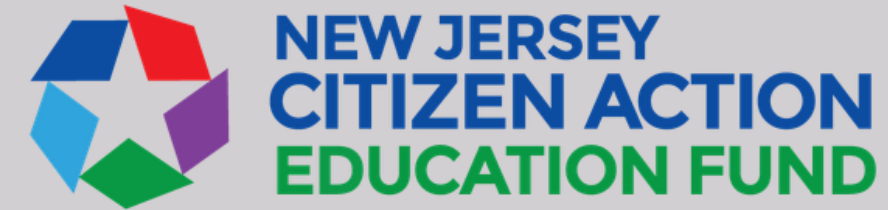
& other worker benefits and protections



Yarrow Willman-Cole



Yarrow Willman-Cole is the Workplace Justice Program Director at New Jersey Citizen Action. She received her Master's Degree in Management and Labor Relations from Rutgers University and is bilingual in English and Spanish. She leads the [NJ Time to Care Coalition](#) which is focused on passing paid leave policies that help all workers balance the demands of work and care for their loved ones' health. Through this work, she helped to pass the state's first Earned Sick Leave law and expand the state's Paid Family Leave program and is considered an expert in those policies. She also works in the implementation and outreach of those laws.



www.njcitizenaction.org

New Jersey Citizen Action Education Fund is a non-profit organization founded in 1983 to empower low- and moderate-income people and communities of color through direct counseling and services, public policy research and advocacy, community education, and training on public policy issues important to working families.

We are also New Jersey Citizen Action -- a statewide coalition and grassroots organization that fights for social, racial, and economic justice for all.

Our Issues

The New Jersey Citizen Action engages in research, education, and training on policy issues important to low and moderate-income people.

Health Care



Workplace Justice



Consumer Protection and Financial Justice



Good Government



Electing Progressive Leaders



FAIR Auto Act



Services

We provide free direct services to low- and moderate-income individuals across New Jersey each year, empowering people to take control of their economic futures.

Free Tax Prep



Financial Coaching



First-Time Homebuyer, Rental & Foreclosure Counseling



Fair Housing



Free Health Care Enrollment Assistance



What is Paid Family and Medical Leave

How familiar are you with
paid family leave?



Have you taken it or helped someone take it?

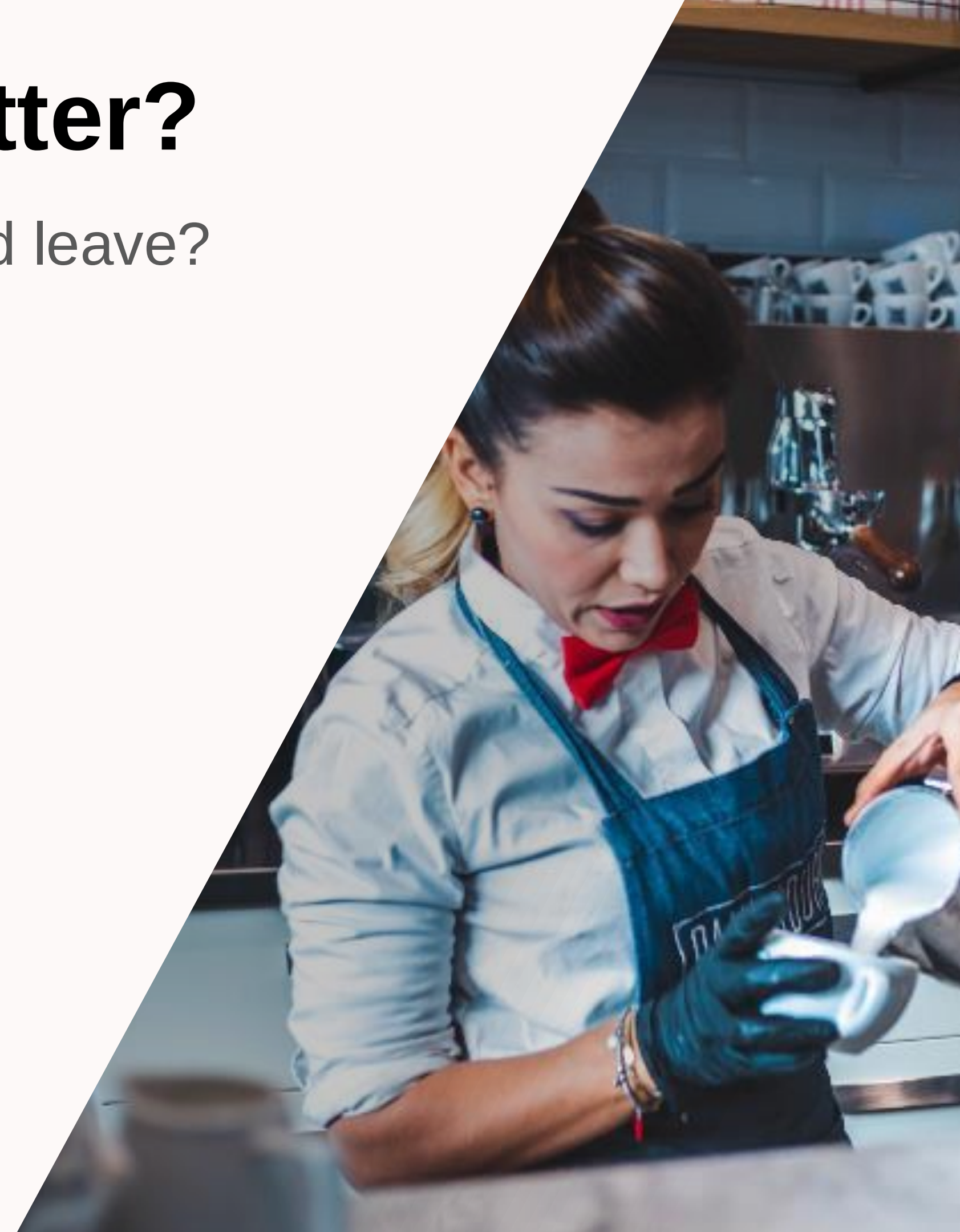
What is Paid Family and Medical Leave?

- **Wage Replacement** when taking leave from work to:
 - Care for loved ones coping with mental and physical health
 - Bond with new babies, adopted & foster children
 - Cope with issues related to domestic or sexual assault
(*Family Leave*)
- **Medical Leave:** for one's *own* health
 - Cope/Recover from Mental and Physical health conditions



Why does Paid Leave Matter?

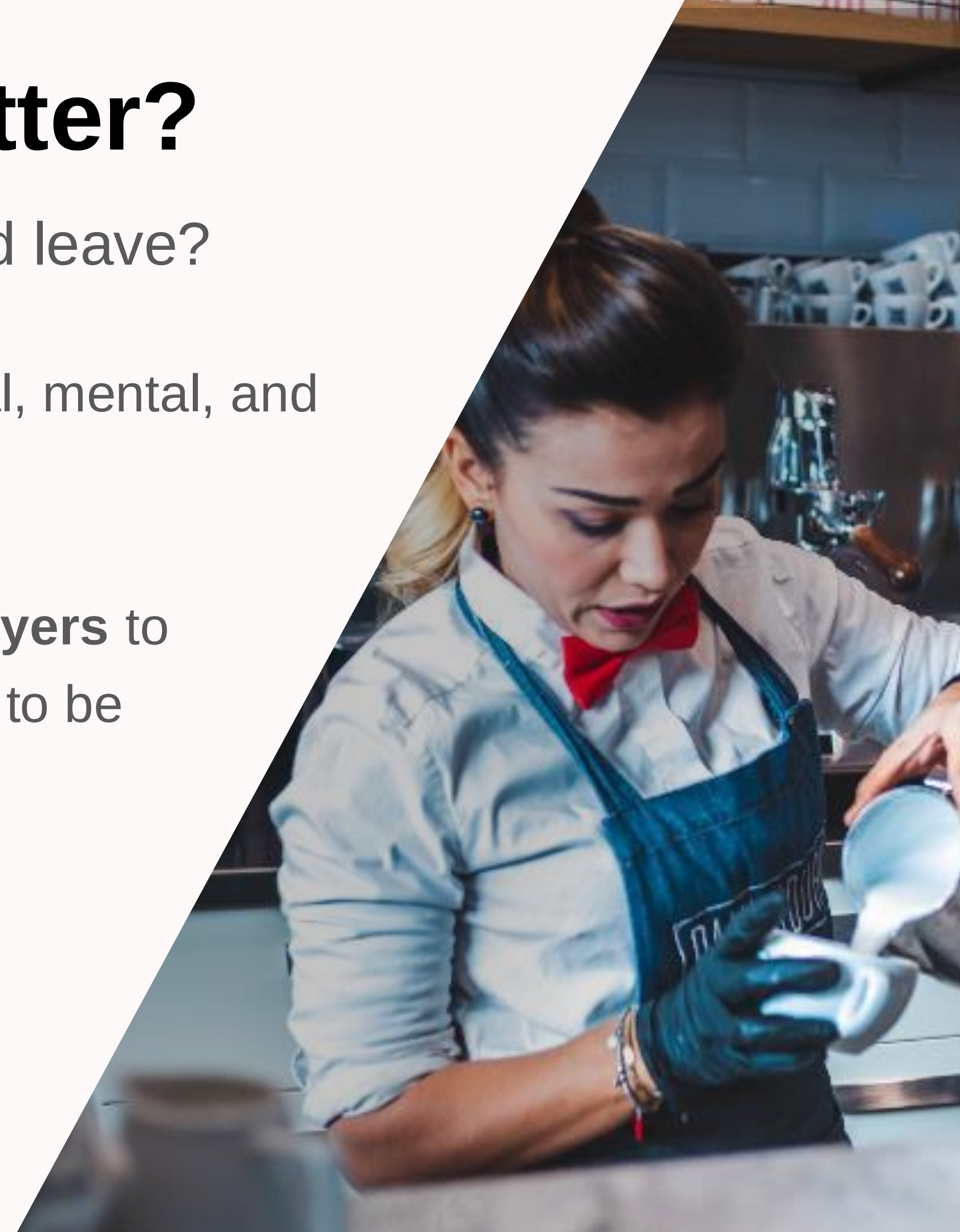
What happens when someone has NO paid leave?



Why does Paid Leave Matter?

What happens when someone has NO paid leave?

- **Elevated financial stress and harm** to physical, mental, and emotional health.
- **Financial Pressure and Pressure from employers** to continue to work even when care & health need to be prioritized
- **Financial Insecurity** from lost jobs or wage
- **Decreased** medical appointments & care



Paid Leave is essential for public health; *access is an important social determinant of health*

Access to paid family leave can help improve health outcomes. Research shows how essential paid leave is for the physical and mental health of individuals and their caregivers. It is also a critically important aging policy that can provide a lifeline to both older adults in the workforce and those who are not.

More Benefits!

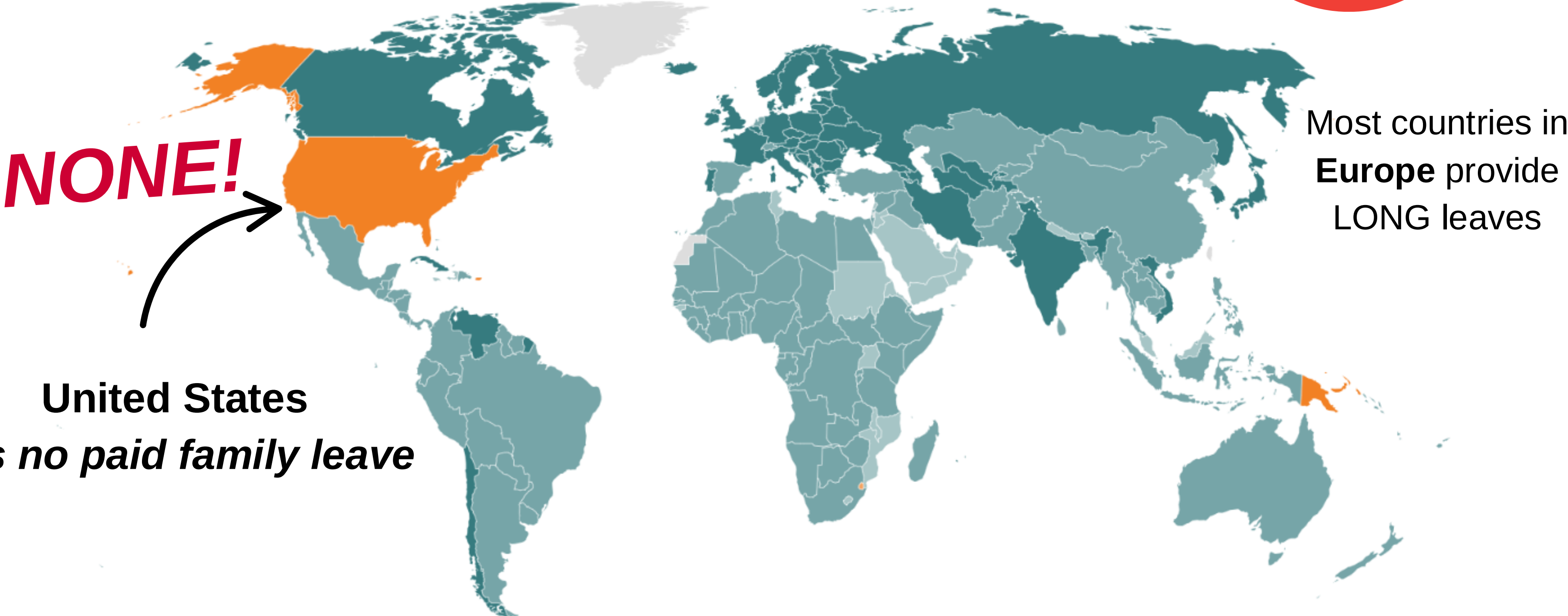
- Strengthen families' economic well-being and the overall economy
- Reduce disparities in access to care & health outcomes
- Workers can keep their health insurance (FMLA)
- Employers retain more employees reducing turnover costs, supporting employers' bottom line: boosting health of their workforce and improved morale and productivity
- Helps address racial and gender inequities in health, the workplace and in earnings

National Paid Family Leave



The U.S. is one of seven countries without national paid maternity leave. (Some of those nations, small islands in the western Pacific, are to be seen on this map.) The average length for those that have the leave is 29 weeks.

0 weeks Up to 4 weeks 4 to 12 weeks 12 to 24 weeks 24 weeks or more



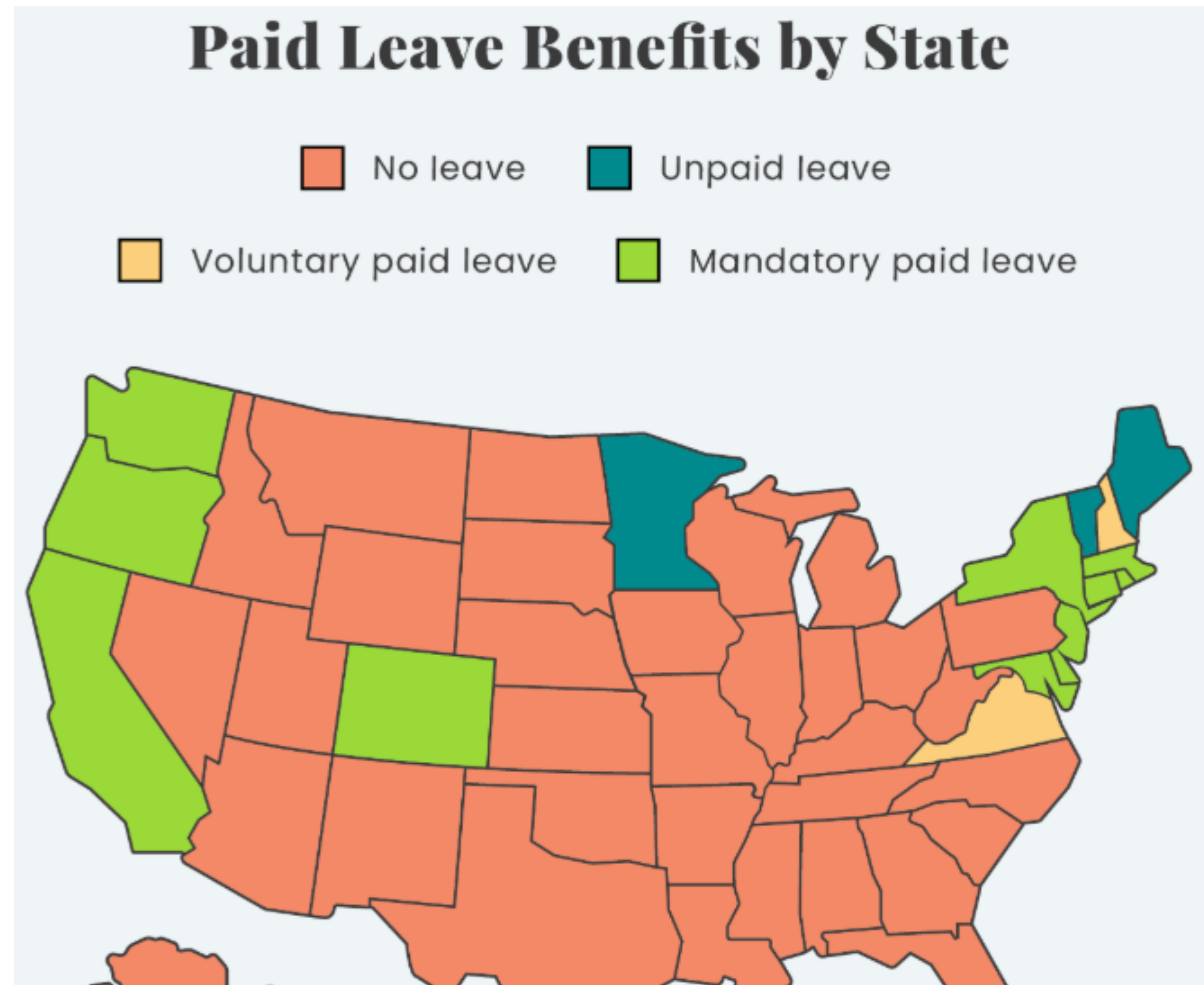


Signed into law 32 years ago in 1993 provides eligible workers with 12 weeks of unpaid, job-protected leave

Nearly Half of Workers Are Not Eligible for FMLA Leave

Among workers who are NOT protected by the FMLA, nearly 2.6 million each year need leave but do not take it because they fear losing their job.

New Jersey was the second state to pass a paid family leave program which has been available for nearly 17 years.



There are now thirteen states and the District of Columbia that have a paid family and medical leave program

HOW DID NJ PAID LEAVE COME TO EXIST?

*By advocating and working in coalition,
we can make policy for people*

2008: NJ Paid Family Leave passes (2nd in the country)

2018: NJ Earned Sick Days becomes law

2019: Expansion of NJ Paid Family Leave

2026: Expanded Job Protected Leave



***In New Jersey there are TWO
paid leave programs:***

- Paid **MEDICAL** Leave: Temporary Disability Insurance or TDI
- Paid **FAMILY** Leave: Family Leave Insurance or FLI

NJ Paid Family & Medical Leave

What can it be used for?



**Physical or Mental
Health Condition**



**Bonding with a new child
(birth, adoption, foster)**



**Cope with (or care for)
Issues with Domestic or
Sexual Violence**



**Care for a loved one
with a physical or
mental health condition**

CARE FOR A LOVED ONE

Workers can take FLI to care for family or any **loved one** with a physical or mental health condition.

A health care provider certifies their health condition.

A loved one can travel to care for a loved one in another state or country

myLeaveBenefits.nj.gov

NJ TEMPORARY DISABILITY AND FAMILY LEAVE INSURANCE GUIDANCE FOR MEDICAL PROVIDERS



NJ Temporary Disability Insurance provides cash benefits to employees in NJ who are unable to work due to a compensable physical or mental health condition or other disability unrelated to their work, including pregnancy/childbirth recovery and COVID-19.

NJ Family Leave Insurance provides cash benefits to employees in NJ who are unable to work because they need to bond with a new child, care for a family member with a physical or mental health condition (including COVID-19; see the generous definition of "family" under the law at myleavebenefits.nj.gov), or handle certain matters related to domestic or sexual violence.

See myleavebenefits.nj.gov for helpful information to share with your patients and staff.

What is the medical provider's role in Temporary Disability and Family Leave Insurance applications?

For Temporary Disability Insurance, your patient is applying for benefits; for Family Leave Insurance, the caregiver of your patient is applying for benefits. Online applicants are responsible for providing you with their Form ID after completing their portion. Once you receive their Form ID, **it is your responsibility to complete the online medical section certifying their disability or need for care**. Paper applicants must provide you with their application to complete your portion. You or the applicant can fax or mail the completed application to us.

✓ *Forms completed by a PA-C must be certified/signed by the supervising physician.*

We encourage online applications, however, this may not be possible for some applicants. Kindly consider printing applications for those who need them at: myleavebenefits.nj.gov/paperapp.

When should I submit the medical section?

Once the applicant provides you with the online Form ID, submit the medical section within 14 days of the request, or claim processing could be significantly delayed for your patient or their caregiver.

✓ *Applicants filing online may start their applications 60 days in advance of the anticipated period of leave.*

What information do I, as the medical provider, need to provide?

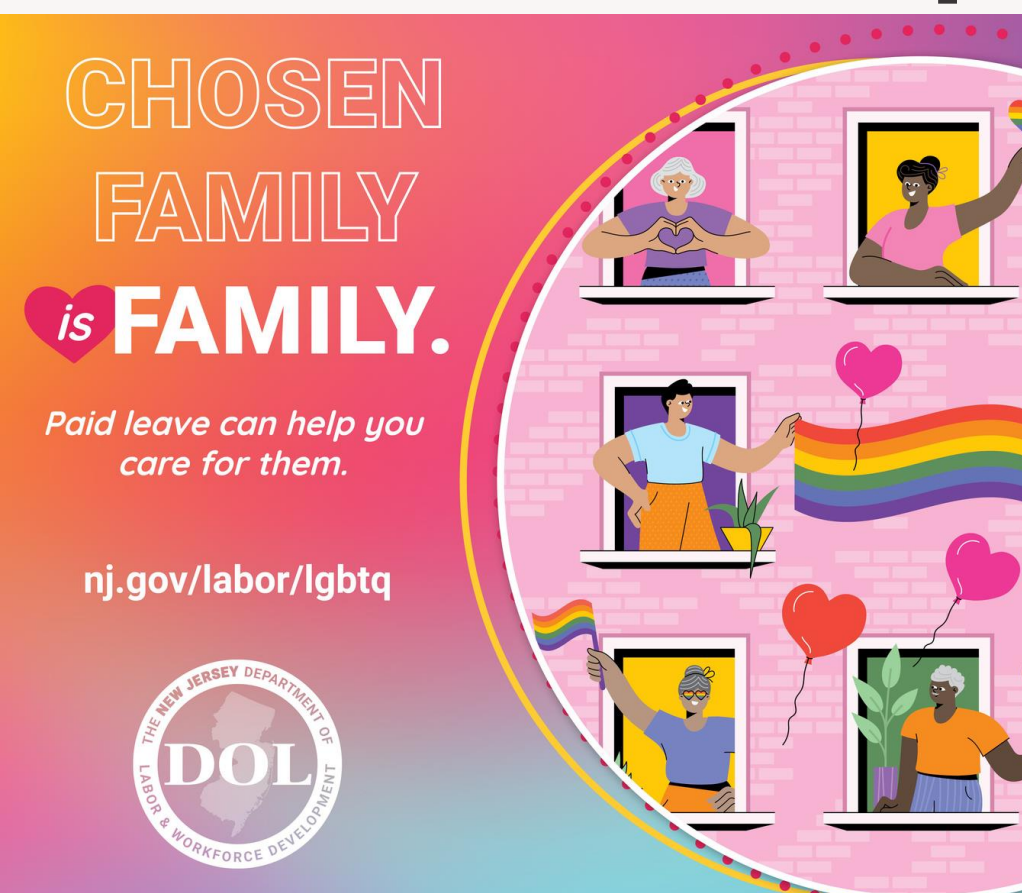
WHO ARE "LOVED ONES"

A loved one is any family member or individual who is considered to be family.

"Any individual with a close association equivalent of a family relationship"

But also:

Child, Spouse, Parents, Siblings, Grandparents, Grandchildren, In-laws, Any blood relation, **Chosen** Family



Paid Leave Benefits: *Who is Covered?*

Most New Jersey employees

Exemptions include:

Federal government employees

Out-of-state employees

Faith-Based Organization employees (FLI)

Workers who are not employees (i.e., contractors)

For Temporary Disability:

NJ County & Municipal employers are exempt from

being required to participate



Qualifications

An employee must have **worked** 20 weeks earning at least \$310 weekly

or

Earned a combined total of \$15,500 in the base year*

You must have a valid SS#

**A standard base year is the first 4 of the last completed 5 quarters (when employers report wages) before taking leave.*



Benefits

Benefits are paid at **85% of a worker's average weekly wage**, with a maximum weekly benefit of \$1,119 in 2026

TDI – **Disability** is available for 26 weeks every 12 month period with medical certification.

FLI – Family Leave is available for 12 continuous or 8 intermittent weeks every 12 month period.



Paid Leave

Where to apply?

Apply for benefits once you are on leave at the NJ Department of Labor

website: www.myleavebenefits.nj.gov

Referrals to for 1-1 Guidance & non-legal advice:

www.njtimetocare.com/getsupport



There are many
**common
barriers**
for NJ workers

Barriers



Awareness

Only about half (53%) of workers are aware of NJFLI, yet those earning less than \$100,000 – traditionally workers of color – are least aware (41%)



Comprehension

Nearly 60% of workers are unsure whether they qualify, and many employees report confusion between types of leave they're eligible for (intermittent v. continuous)



Culture

More than half of eligible workers (55%) do not use NJFLI benefits due to fear of job loss, and/or loss of seniority and potential job advancement

Under-used, particularly by those most likely to need it

When confronted with the heightened need to take off from work to care for a loved one, low-wage workers are most likely to need financial support yet least likely to use NJFLI.

IN 2020

In 2023, approx. 4.0 million NJ workers were covered by FLI but there were only [53,338 eligible claims filed.](#)

The highest number of claims were by individuals with **associate or bachelor's degrees**

Over 50% of claimants were White, 17% were Hispanic/Latino and 14% were Black

75% of total claims were by **females**

Real Stories

Cultural stigma

“[Employers] are like, ‘You could go to yoga on your lunch hour, and/or go to your 30-minute class, but don’t take time off for your dad’s heart attack.’”

“...This [male co-worker] got a little bit of, I don’t want to say backlash....but, like, from co-workers, he’d get like little nitpicker comments of, ‘Why are you taking leave? You know, it’s not like you had the baby or stuff like that.’”

”



The more
you know,
the more
you can help

Tips to help support patients & their family *in taking paid leave in NJ*

01

PAID LEAVE IS ESSENTIAL FOR PUBLIC HEALTH AND ACCESS IS AN IMPORTANT SOCIAL DETERMINANT OF HEALTH

Access to NJ paid family leave can help improve health outcomes. Research shows how essential paid leave is for the physical and mental health of patients and their family or other caregivers. Paid leave can mitigate financial strain, reduce stress, and improve access to healthcare, particularly for vulnerable populations.

02

YOU DONT HAVE TO BE AN EXPERT

Taking leave can be very confusing. NJ workers may just need some basic guidance to make sure they know whats available to them and what steps to take so they can afford to take time to recover, heal and caregive. Many NJ working families are not aware of their ability to take NJ paid family and/or medical leave or they may only understand some aspects of the benefit program. Employers and HR are also often uninformed and your role can be very helpful!

03

SHARE THE BASICS

The majority of people working & paying payroll taxes in New Jersey are eligible for NJ paid family and medical leave; For one's own health you can access Temporary Disability (TDI) and to care for a loved one its Family Leave Insurance (FLI). To be eligible workers must meet minimum gross earnings and have a valid social security number.

04

JOB PROTECTIONS ARE SEPARATE

Paid leave benefits (TDI & FLI) are wage replacement programs and they do not provide job protection while on leave. However, during the period someone is on leave (receiving benefits or not), their job may be protected under state or federal law (FMLA or NJFLA). For more, visit www.njtimetocare.com/njjobprotections

05

HOW & WHEN TO APPLY

To apply to the state, visit myleavebenefits.nj.gov. Application can be started 60 days in advance, but to be processed it must be submitted after leave begins OR within 30 days AFTER starting leave. For TDI benefits or FLI caregiving, a medical provider must certify the claim for it to be processed. Its recommended to always keep employers informed about plans to take leave and you must give your employer between 15-30 days notice when planning to take FLI leave.

06

WHEN BENEFITS ARE DELAYED

It is not unusual to wait as long as 4-6 weeks for benefits to be approved. Let patients know they can check their claim status online. When taking TDI, double check that the Dr. has certified the claim or it could be delayed or denied. If denied, submit the medical certification asap or file an appeal within 10 days.

07

RESOURCES

www.njtimetocare.com

www.njcaef.org

NJ Department of Labor:

www.myleavebenefits.nj.gov



OTHER RELATED PROGRAMS & LAWS



**Retaliation &
Job Protections**



Earned Sick Days



Other Work Rights

Retaliation & Job Protections

The Federal Family & Medical Leave Act (FMLA) and NJ Family Leave Act (FLA) may protect a worker's job while they are on leave.

Additionally, it is illegal for an employer to retaliate against an employee for taking or seeking to take their TDI or FLI benefits. An employee has the right to take private legal action.



Job Protections

www.njtimetocare.com/njjobprotections



Changing July 17

Wage Replacement

Temporary Disability Insurance (TDI) and Family Leave Insurance (FLI)

*Most employees in NJ are covered.**

To be eligible you must be an employee and work in NJ, and for **2026**, you must have worked 20 weeks earning at least \$310 weekly, OR \$15,500 in the base year period before taking leave (approx. 18 months).

The size of your employer is irrelevant!

**Exceptions are federal employees & out of state workers. TDI is optional for county & municipal employees (including many teachers)*

Job Protections

Federal Medical Leave Act (FMLA)

To be eligible you must have:

- worked for your employer for at least 12 months,
- worked at least 1,250 hrs in those 12 months and;
- the employer has at least 50 employees within 75 miles.

NJ

Family Leave Act (NJFLA)

To be eligible you must have:

- worked for your employer for at least 12 months,
- worked at least 1,000 hrs in those 12 months and;
- your employer has at least 30 employees or is a government entity regardless of size.

Eligibility for Leave



Job Protections

Changes coming July 17!

EXPANDED JOB PROTECTED LEAVE

Changes to the New Jersey Family Leave Act (NJFLA) and the NJ Temporary Disability Insurance (TDI) program will strengthen workers' job protections when taking leave.



Starting July 17, 2026



In addition to changes to the NJFLA (described below)

NJ workers taking NJ Temporary Disability (TDI) benefits for their own medical condition will have the right to get their jobs back following disability leave regardless of the size of the employer and duration of employment. TDI requires medical certification, is available for up to 26 weeks in a year, and eligibility is based on earnings.



(more below)

Changes to the NJ Family Leave Act

NJFLA COVERAGE Requirements

	new!	OLD
Number of employees	15 or more	30 or more
Duration of employment	3 months	12 months
Hours worked in the last 12 months	250 hours	1,000 hours

Enacted in 1989, the NJFLA is enforced by the NJ Division on Civil Rights and provides job protection to NJ employees who meet the above coverage requirements with the *current employer* they are taking leave from.

NJ Earned Sick & Safe Leave Law

Requires all NJ employers to provide 5 paid sick days (40 hours) a year to all employees *regardless of immigration status.*

Employers can require workers earn the time:
30 hr worked = 1 hr

Time can be used for one's own health (illness or preventative care), caring for loved ones, to address issues related to domestic violence, for work/school closures due to public health emergency, quarantine, vaccination and recovery.



NJ Earned Sick Leave Cont'



Who is **Not** Covered?

The following people **will not** receive sick leave under this law:

- Union construction workers under a collective bargaining agreement
- Most per diem healthcare workers
- Public employees who are provided sick leave with full pay pursuant to any state law, rule or regulation
- Independent contractors (1099)

Other Work Rights

NJ Minimum Wage:

nj.gov/labor/minwage

- NJ is on the path to a \$15 minimum wage for all workers
- Most employers must pay their workers \$15.92 in 2026 but agricultural, seasonal and small employers and tipped workers are at different rates

Right to be paid

- **Workers are due the full amount of wages** owed, for all hours worked, and no less than the applicable minimum wage
- **Overtime:** Most non-salaried workers are owed 1.5 times regular hourly rate of pay for hours worked over 40 hours a week.
- Missclassified as independent contractor (1099) or paid cash off the books. Workers are not at fault but could be deprived of work rights and other benefits. Misclassified employees may be entitled to financial award.



Other Work Rights

Domestic Workers Rights:

(childcare, cooking, cleaning, or other domestic service)

nj.gov/labor/domesticworkers

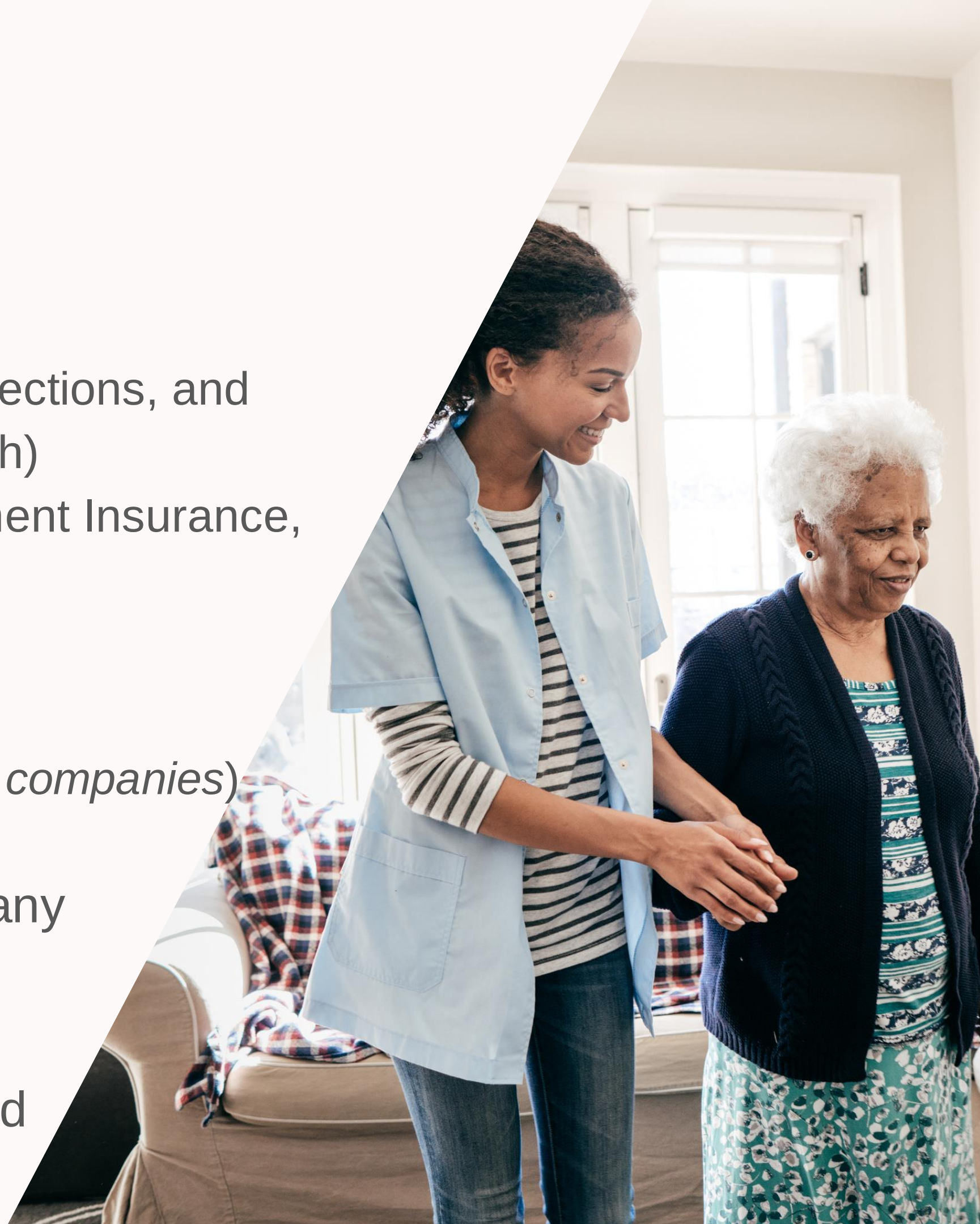
- The right to breaks, privacy, safety, discrimination protections, and written contract (if working more than 5 hours in a month)
- Coverage under Workers' Compensation, Unemployment Insurance, and Temporary Disability & Family Leave

Temporary Workers Rights:

(temporary help service firm and do certain jobs for client companies)

nj.gov/labor/domesticworkers

- The right to equal pay and benefits as client company employees doing the same or similar work
- No fees for transportation or check cashing
- Paid hours if your assignment is canceled or moved



Unemployment

Gives financial support to people who lose their jobs or whose work hours are reduced through no fault of their own.

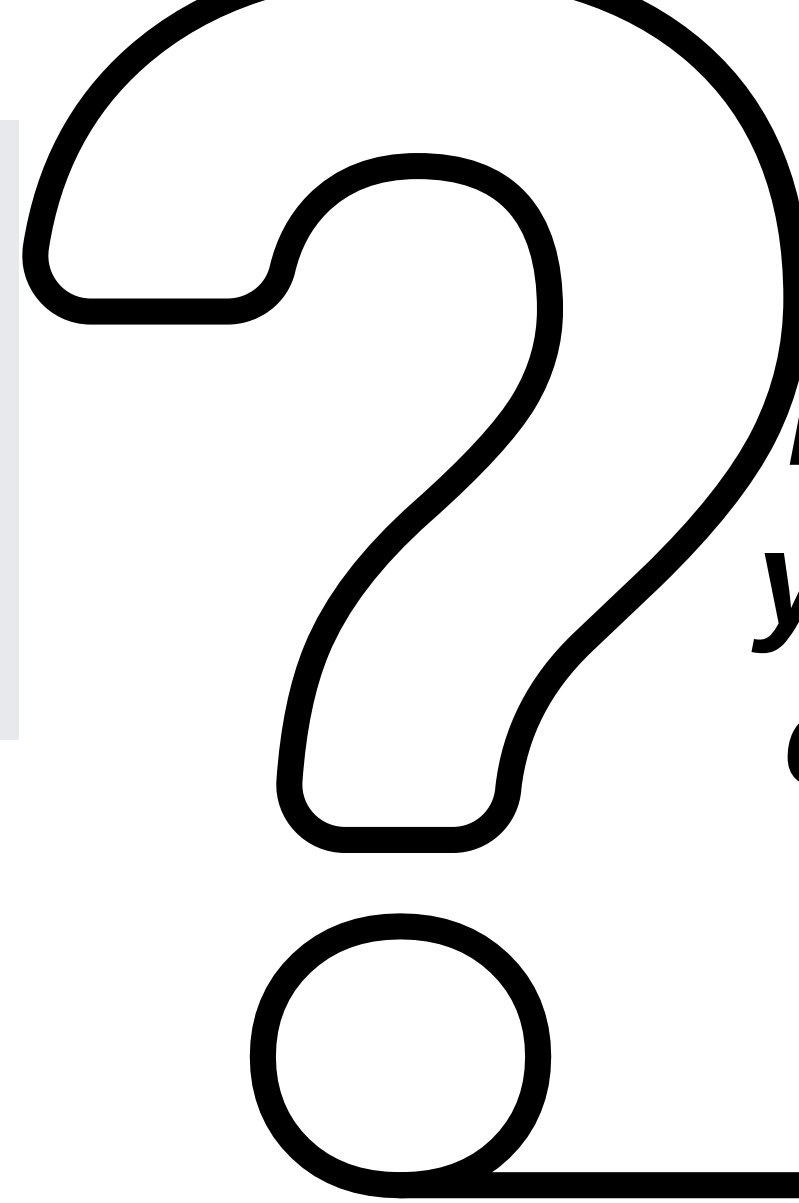
Benefits available for 26 weeks/year (different if transitioning from one program to another -- ex: the maximum amount of benefits you can collect total (during Unemployment, Disability During Unemployment, and Family Leave During Unemployment benefits combined) is one and one-half times the max benefit amount of your initial Unemployment claim.

60% of your average weekly wages, up to a maximum amount that adjusts annually (For 2026, \$905.

Requires a valid Social Security Number

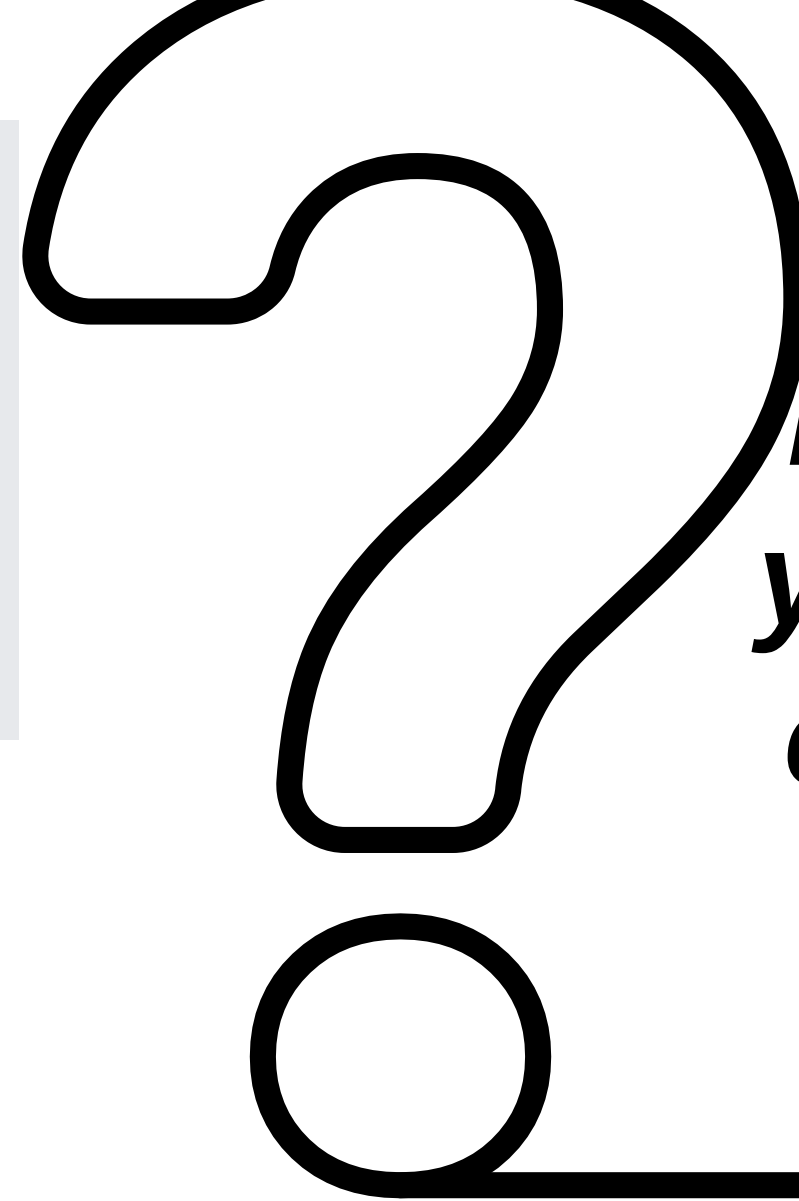


**Frequently
Asked
Question #1**



Do you have to work at your job for a year to be eligible for family leave or temporary disability insurance benefits?

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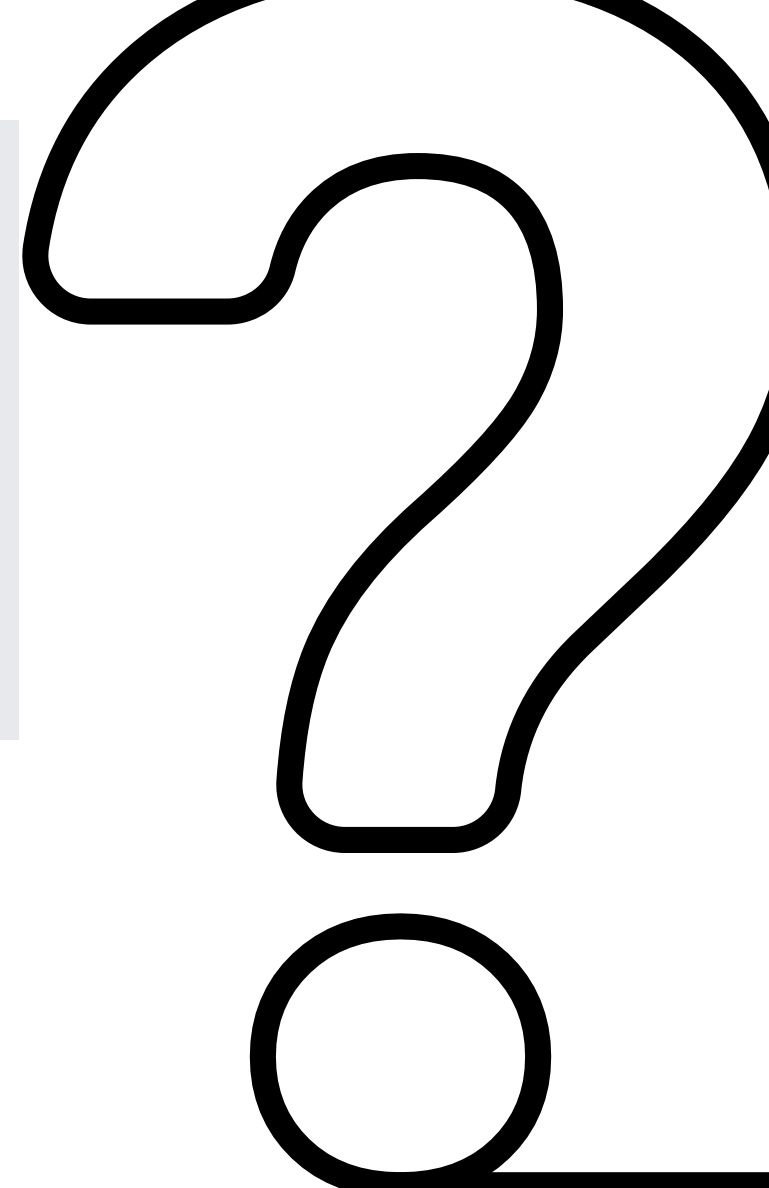
Do you have to work at your job for a year to be eligible for family leave or temporary disability insurance benefits?

No!

You only have meet minimum earnings (\$15,500 in 2026). For job protections you DO have to work for your employer for one year!

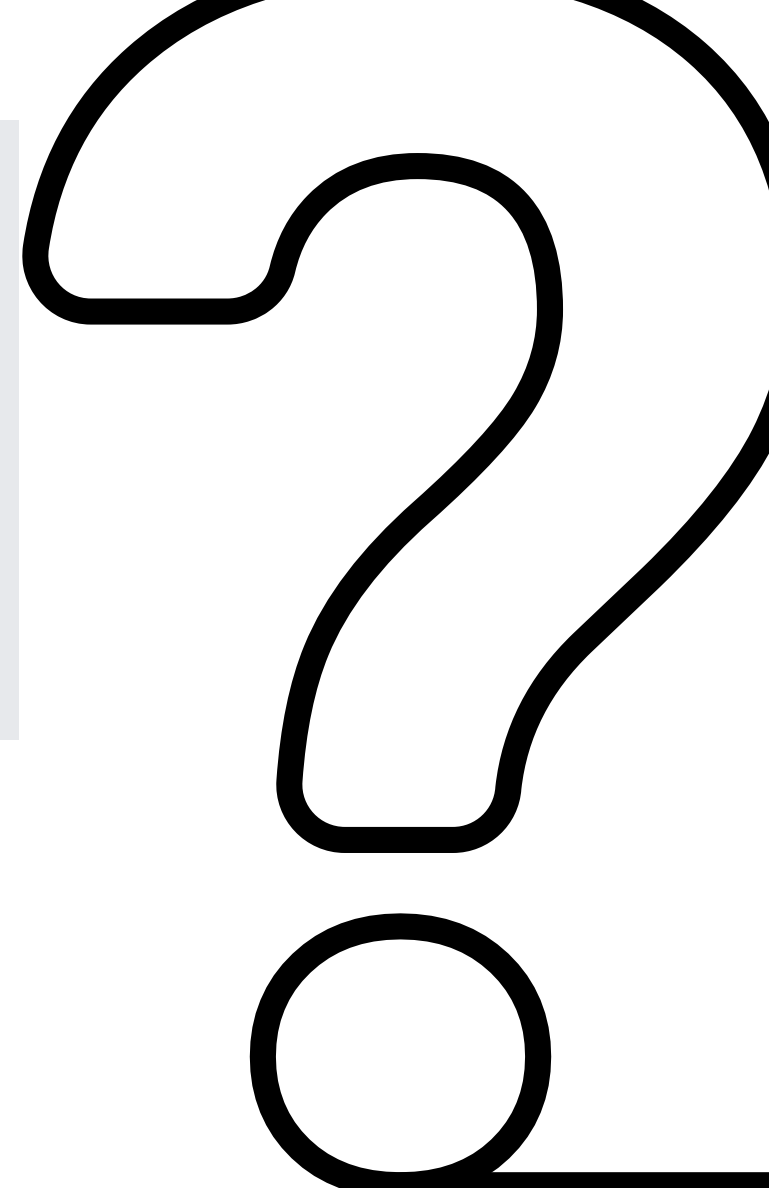
• Answer

**Frequently
Asked
Question #2**



Do you have to have 50 employees where you work to be eligible for paid leave or disability benefits?

**Frequently
Asked
Question #2**



Do you have to have 50 employees where you work to be eligible for paid leave or disability benefits?

No!

The size of your employer is irrelevant!

Again, for job protections employer size is a factor

(you must have 30 employees but in July that is lowered to 15)

• Answer

Share educational resources & referrals

- Informing and educating is so crucial. Workers cannot use benefits of a program if they're not aware that it exists or how it works.
- **NJ Department of Labor's website to apply and with many helpful resources: www.myleavebenefits.nj.gov**
- We can take referrals for 1-1 guidance: www.njtimetocare.com/getsupport
- We can tailor free workshops & trainings www.njtimetocare.com/trainings
- Share STORIES www.njtimetocare.com/share-story
- Join the movement and get e-action alerts www.bit.ly/PaidLeaveMovementNJ

Materials

www.nj.gov/labor/research-info/care.shtml

DON'T WORRY YOU'RE COVERED!

mysickdays.nj.gov

LEARN MORE AT:
myLeaveBenefits.nj.gov

NJ PAID FAMILY & MEDICAL LEAVE

CASH BENEFITS TO CARE FOR YOURSELF AND LOVED ONES

MOST NJ WORKERS ARE COVERED
and your job may be protected under federal and/or state law.

When you have to stop working to:

- Care for your own or a loved one's physical or mental health
- Care for yourself during pregnancy and childbirth recovery
- Bond with a new child
- Cope with domestic or sexual violence

Receive 85% of your average weekly wages, up to a maximum.

See the current year's max benefit level and eligibility requirements, and apply online for cash benefits:
myLeaveBenefits.nj.gov

DON'T WORRY YOU'RE COVERED!

mysickdays.nj.gov

NJ Workers
Now have the right to paid sick time. Full-time, part-time and temporary workers are eligible under the law.

Use sick time to care for yourself or a family member – the definition of family is generous:

- for physical/mental illness or wellness care
- to get the COVID-19 vaccine and/or recover from side effects
- to cope with domestic or sexual violence
- to attend a meeting at your child's school

Workers earn **1 hour of sick leave for every 30 hours they work**, up to 40 hours per year.

It's against the law for your employer to punish you for using sick leave you've earned, or to make you find a replacement for your shift. Your employer may not ask for documentation unless it's more than 3 days in a row.

5 Things You Should Know About Job-Protected Family Leave

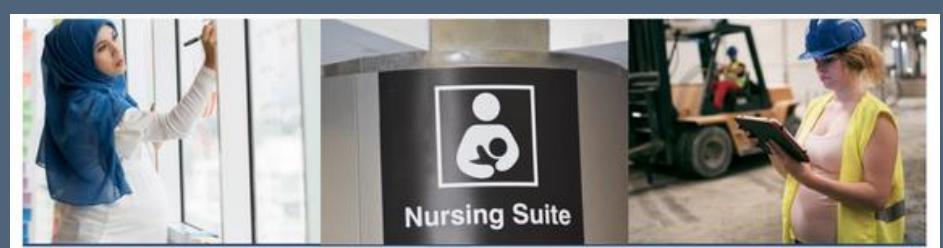
- Under the New Jersey Family Leave Act (NJFLA), if you work for a state or local government agency, or a company or organization with 30 or more employees worldwide, and you have been employed by the company for at least 1 year (and have worked at least 1,000 hours in the past 12 months), you generally can take up to 12 weeks of job-protected leave during any 24-month period.
 - To care for or bond with a child, as long as the leave begins within 1 year of the child's birth or placement for adoption or foster care;
 - To care for a family member, or someone who is the equivalent of family, with a serious health condition (including a diagnosis of COVID-19), or who has been isolated or quarantined because of suspected exposure to a communicable disease (including COVID-19) during a state of emergency; or
 - To provide required care or treatment for a child during a state of emergency if their school or place of care is closed by order of a public official due to an epidemic of a communicable disease (including COVID-19) or other public health emergency.
- You can take a consecutive block of up to 12 weeks of leave or you can take leave on an intermittent or reduced schedule.
- NJFLA leave is not the same as the Federal Family Medical Leave Act (FMLA), so you will not use up NJFLA leave while taking leave for your own serious medical condition under the FMLA. In some situations, you therefore may be entitled to take up to 12 weeks of FMLA leave for your own condition and 12 weeks of NJFLA leave to care for a family member, in a single 12-month period.
- If you are pregnant or just had a baby, you can take up to 12 weeks for pregnancy and recovery from childbirth under the FMLA, and you can then take an additional 12 weeks of NJFLA leave to bond with or care for your baby after your doctor certifies you are fit to return to work or you have exhausted your FMLA leave (whichever is earlier). Any parent may take leave under the NJFLA to bond with or care for a newborn or a child just placed for adoption or foster care.
- When you return to work, you are generally entitled to return to the same position you held before leave, and your employer may not retaliate against you because you took or attempted to take leave under the NJFLA.

To find out more or to file a complaint, go to NJCivilRights.gov or call 1.833.NJDCR4U

NJ Office of the Attorney General
NJCivilRights.gov

DIVISION ON CIVIL RIGHTS

01/13/21



5 Things You Should Know About Accommodations for Pregnancy and Breastfeeding at Work

- The New Jersey Law Against Discrimination (LAD) requires your employer to grant you a reasonable accommodation for pregnancy, childbirth, related medical conditions, and breastfeeding to enable you to continue working while maintaining a healthy pregnancy or return to work after giving birth. The LAD is more protective than the federal Pregnancy Discrimination Act in this regard.
- If you are pregnant, your employer must grant you a reasonable accommodation recommended by your doctor, including bathroom breaks, water breaks, rest breaks, assistance with manual labor, job restructuring, modified work schedules, and a temporary transfer to less strenuous or hazardous work, unless your employer can

BENEFITS & PROTECTIONS FOR NEW & EXPECTING PARENTS WHO WORK IN NJ

CASH BENEFITS: NJ TEMPORARY DISABILITY AND FAMILY LEAVE INSURANCE
JOB PROTECTION: FEDERAL AND STATE LAWS

<p>DURING MY PREGNANCY & RECOVERY</p> <p>How to Receive Benefits</p> <p>Temporary Disability Insurance Apply at: myleavebenefits.nj.gov/maternity Typically provides 10-12 weeks of cash benefits so you can stop working to care for yourself before and after childbirth Eligibility details in next section</p>	<p>WHILE BONDING WITH MY BABY</p> <p>How to Receive Benefits</p> <p>Family Leave Insurance Apply at: myleavebenefits.nj.gov/maternity Provides up to 12 weeks of cash benefits so you can stop working to bond with your new child Eligibility details in next section</p>
<p>How to Protect My Job</p> <p>Federal Family & Medical Leave Act (FMLA) Enforced by US Department of Labor: dol.gov/agencies/whd/fmla Up to 12 weeks of unpaid job-protected leave to care for yourself before and after childbirth and to bond with your new child</p>	<p>How to Protect My Job</p> <p>NJ Family Leave Act (NJFLA) Enforced by NJ Division on Civil Rights: njcivilrights.gov Up to 12 weeks of job-protected leave to bond with your new child</p>

Parents who gave birth can transition directly to bonding benefits

Take up to 12 weeks of FMLA for pregnancy/recovery and/or a related serious health condition + up to 12 weeks of NJFLA for bonding = up to 24 weeks of job protection

PAGE 1 OF 4

KNOW YOUR LGBTQ+ Worker Rights

nj.gov/labor/lgbtq

LOVE IS LOVE

THE NEW JERSEY DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

DOL



Free Presentations & Trainings



www.njtimetocare.org/trainings



QUESTIONS?