

LEGAL UPDATE NEW JERSEY

New Jersey Significantly Amends Family and Medical Leave Rights

New Jersey has [enacted](#) amendments to its Family Leave Act (FLA) that apply the law to smaller employers and reduce eligibility requirements for employees. The amendments also add job protection for employees receiving benefits under the state temporary disability insurance (TDI) and family leave insurance (FLI) programs.

The changes are contained in Assembly Bill (AB) 3451 and take effect **July 17, 2026**.

The FLA

The FLA entitles eligible employees of covered employers to up to 12 weeks of unpaid, job-protected leave every 24 months, for the following reasons:

- Baby bonding;
- Caring for a family member with a serious health condition;
- Caring for a family member with a suspected exposure to a communicable disease during a state of emergency; and
- Caring for the employee's child if their school or place of care is closed by order of a public official due to an epidemic of a communicable disease or another public health emergency.

Definition of "Employer" in the FLA

Currently, the FLA applies only to employers with 30 or more employees during at least 20 workweeks in the current or preceding calendar year. The employees do not have to work in New Jersey. The act also applies to state and local government agencies.

AB 3451 changes the definition of "covered employer" under the law, applying its requirements to employers with **15** or more employees.

Definition of "Employee" in the FLA

The FLA currently defines an eligible employee as an employee who has:

- Worked for their employer for at least 12 months; and
- Worked at least 1,000 hours during the 12-month period before the leave.

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Highlights

- New Jersey has amended the FLA and TDI/FLI programs to expand employee leave rights, effective July 17, 2026.
- The FLA will apply to smaller employers than it currently does, and employee eligibility requirements for FLA leave will be lowered.
- TDI/FLI recipients will have job restoration rights.

Family leave under the state FLA will apply to employers with just 15 employees.

AB 3451 changes the definition to employees who have worked for their employer for only **three months**, and for just **250 hours** during the 12 months before leave.

TDI and FLI

The New Jersey TDI and FLI programs provide cash benefits for employees who take leave for their own or a family member's care. Most New Jersey workers are covered, although they must meet earnings and work tenure thresholds. Employees may receive up to 26 weeks per year of TDI for nonwork-related illnesses or injuries, including pregnancy, that prevent them from working.

FLI benefits are capped at 12 weeks per year and are available for leave for reasons similar to those under the FLA, plus for specific purposes related to domestic violence and sexual assault.

Currently, TDI and FLI provide wage replacement only; they do not ensure job protection while an employee is on leave.

Job Restoration After TDI and FLI

As noted above, at present, TDI and FLI do not provide job protection to workers on TDI or FLI. However, as of July 17, 2026, the amendments appear to require employers to restore workers who have received TDI or FLI benefits to the position they held before their leave, or to an equivalent position. In addition, recipients of TDI or FLI must retain all rights under any layoff and recall system, including under a collective bargaining agreement, as if they had not taken leave.

This would mean that employers too small to be covered by the FLA would nonetheless have workers eligible for up to 12 weeks of job-protected family leave. Depending on the state's interpretation of the law, workers whose employers are covered by the FLA could be eligible for FLI leave in addition to FLA leave. Workers for employers of all sizes would be entitled to 26 weeks of job-protected medical leave under TDI.

Employers are advised to watch for official state guidance clarifying the amendments.

Interaction of Earned Sick Leave With TDI and FLI

The amendments state that employees who qualify for both [paid sick leave](#) under the state's Earned Sick Leave Law and either TDI or FLI may choose which of the leaves to use first and may not use more than one at a time. This provision prevents the leaves from running simultaneously, which can put employers at a disadvantage, as it extends the overall amount of leave available to an employee.

Employer Next Steps

Employers should stay alert for any forthcoming interpretations or clarifications of the law from the state, such as answers to frequently asked questions or regulations. Employers should also begin updating employee policies and handbooks to address the new requirements. In addition, managers, supervisors and HR representatives should be brought up to date on the changes.