

The Day New Jersey Overtook California on Employee-Friendly Leave Policies

Labor & Employment Law Alert

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As of July 17, 2026, New Jersey employers of **any size** will have to provide job protected leave to employees, regardless of how long an employee has worked for the employer. If an employee is receiving TDI or FLI benefits, the employer must hold their job, with no minimum company size and no minimum tenure requirement standing in the way. This is a brand-new, stand-alone protection, which applies to employers of all sizes – something not even California requires. They say winning is a great feeling, but it is doubtful employers in New Jersey will savor this victory over California.

The state's Temporary Disability Insurance (TDI) and Family Leave Insurance (FLI) programs previously were not job protection leave laws. But now, any employee who is eligible for, and receives TDI or FLI benefits, will be entitled to job protection, even if that leave isn't covered by the New Jersey Family Leave Act (NJFLA) or the federal Family and Medical Leave Act (FMLA). And the minimum eligibility requirements under the NJFLA have been drastically reduced, sweeping far more employers into compliance obligations and covering far more employees than before.

As of July 17, 2026, here is what all New Jersey employers need to know:

- **Federal Law:** the FMLA has not changed as it is a federal law and still only applies to employers with 50 or more employees counted in accordance with extensive statutory and regulatory rules and applies to employees of that employer who work for the employer for at least 12 months, at least 1250 hours of service during the prior 12 months, and at a work site where the employer has at least 50 employees within 75 miles. If covered by the FMLA, the employer must provide up to 12 weeks of job protected leave.

- New Jersey Law:
 - The NJFLA now applies to employers with as few as 15 employees counted in accordance with extensive statutory and regulatory rules (formerly 30 employees) and renders employees of that employer eligible if they have worked as little as 3 months and 250 hours in the past 12 months. If covered by the NJFLA, the employer must provide up to 12 weeks of job protected leave.
 - According to NJ DOL guidance, if an employee is not eligible for NJFLA or FMLA leave but does qualify for TDI or FLI benefits, **all employers regardless of size** must provide job protected leave as follows: (1) up to *26 weeks of leave* for the employee's own health condition; (2) up to *12 weeks of leave* for caregiving and bonding time; and (3) *22-24 weeks or more* for maternity/bonding time. Additionally, employers also must treat the employee as covered by the TDI/FLI while his or her benefits application is pending.
 - The new TDI/FLI job protection benefits apply to leave that began before July 17, 2026, provided the employee is still drawing benefits from the program on or after the effective date of the amendments.
 - "Job protection" means the same thing employers already know from NJFLA and FMLA: reinstatement to the same job, or an equivalent one with the same pay, benefits, and seniority.

This change effectively means every New Jersey employer — not just larger ones with dedicated HR and leave-tracking systems — now needs a process for recognizing when an employee's leave triggers this protection, tracking notice requirements for FLI leave, and coordinating any use of PTO to supplement TDI/FLI benefits without running afoul of the state's separate Earned Sick Leave Law.

Because the right combination of leave laws, plan structures, and workforce policies varies from business to business, now is a good time for employers to review their leave and reinstatement policies. Brach Eichler's Labor & Employment team of attorneys is available to guide clients through any changes specific to your workforce and amend your internal policies.

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