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New Jersey's Family Leave Act: Prepare for Expansion in 2026

WRITTEN BY

Nancy Fisher Onaderu | Tracey E. Diamond

On January 17, Governor Phil Murphy signed a bill into law (A3451/S2950) that significantly amends the New Jersey Family Leave Act (NJFLA). The new rules, which take effect on July 17, 2026, will expand the employers covered under the NJFLA and the employees eligible for job-protected leave.

The new law also amends the Temporary Disability Insurance (TDI) and Family Leave Insurance (FLI) laws to provide job protection for individuals receiving these benefits. Previously, the TDI and FLI laws provided for wage replacement benefits but did not guarantee reinstatement.

Current NJFLA Requirements

Employer Obligations: Under the current NJFLA, employers with 30 or more employees (including out-of-state employees) must provide eligible employees up to 12 weeks of job-protected leave during a 24-month period for the following reasons:

- To care for or bond with a child, as long as the leave begins within one year of the child's birth or placement for adoption or foster care;
- To care for a family member who has a serious health condition; or
- During a state of emergency:
  - To care for a family member who has been isolated or quarantined because of suspected exposure to a communicable disease; or
  - To provide required care or treatment for a child if their school or place of care is closed due to a public health emergency.

Eligible Employees: Employees are eligible for protected leave under the NJFLA if they have been employed for at least one year and have worked at least 1,000 hours in the past 12 months.

Job Protections: Employees returning to work from NJFLA leave are entitled to return to the same position they held before leave or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment.

Key Changes in 2026

- More employers are covered— the NJFLA will apply to employers with at least 15 employees (including out-of-

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state employees).

- Employee eligibility requirements are reduced— employees who have been employed for at least three months and worked at least 250 hours during the preceding 12 months will be eligible for NJFLA leave.
- The same job protections provided to employees returning from NJFLA leave must be afforded to employees returning from TDI or FLI leave. Previously, TDI and FLI were considered to be strictly wage replacement benefits and employers had no obligation to reinstate employees at the end of the benefits period.
- Employees who are eligible for earned sick leave *and* either TDI or FLI may choose which type of leave to take first and only one type of paid leave may apply at a time.

Action Items for Employers

Employers with at least 15 employees should plan to comply with the NJFLA and:

- Review and update policies and handbooks to reflect the amended rules and procedures for requesting leave;
- Train human resources, managers, and supervisors on the expanded protections;
- Provide notice to employees of their rights and obligations under the NJFLA; and
- Document employee leaves, including employee start and return dates; reasons for leave; type of leave taken; when and why leave is approved or denied; and when leaves are taken sequentially or overlap.

Nationwide Family Leave Updates

Employers with employees in multiple states should keep in mind other recent state law amendments that may affect their leave policies. Some examples are:

- *Colorado*: As of January 1, the Paid Family and Medical Leave Insurance Act provides employees an additional 12 weeks of paid leave if they have a child receiving inpatient care in the neonatal intensive care unit (NICU).
- *Delaware*: Benefits under the Healthy Delaware Families Act are payable beginning January 1, and the law provides employees up to 12 weeks of paid leave for parental bonding and up to six weeks of paid leave for serious health conditions or military exigencies.
- *Maryland*: As of January 1, employers must provide each employee with written notice of their rights under the Family and Medical Leave Insurance program at the time of hire, annually, and within five days of requesting leave.

We will continue to monitor the implementation of the NJFLA and other state leave laws. If you have questions about how the NJFLA, or any other state or local family leave law, applies to your organization, please reach out to your Troutman Pepper Locke employment counsel.

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