

# Genova, Burns & Vernoia

## NEWS ALERT

May 2, 2008

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## New Jersey Legislature Approves Paid Family Leave

On May 2, 2008, Governor Jon Corzine signed the Paid Family Leave Act, (the "PFLA"), making New Jersey the third state that provides workers with paid family leave benefits. The PFLA extends temporary disability insurance or TDI to provide paid family leave benefits of up to six weeks during any twelve month period for employees caring for sick family members, newborn and newly adopted children. Benefits under this new law will be substantially the same as employees on temporary disability leave for their own disabilities. The employee is entitled to collect two-thirds of their weekly salary up to \$524, beginning after a one-week waiting period. The TDI benefit under the PFLA will be funded partially through employee contributions of approximately \$33 per year, along with mandatory employer contributions. The PFLA provides that employee contributions will begin on January 1, 2009, and the payment of benefits will begin on July 1, 2009.

Employees must give notice to their employer of their intention to take paid leave under the Act. However, the amount of notice depends upon the reason for the leave.

Moreover, the PFLA does not on its own, grant employees any entitlement to job reinstatement. However, for employers with fifty or more employees, the paid leave under the PFLA runs concurrently with any unpaid leave under the New Jersey Family Leave Act ("NJFLA") or the federal Family and Medical Leave Act ("FMLA"). Therefore, employers with fifty or more employees must be sensitive to all requests for leave as such requests could qualify for job restoration under the NJFLA, or the FMLA. Of course, large and small employers alike must still be sensitive to leave requests as they could implicate the Americans with Disabilities Act ("ADA") as a reasonable accommodation or the New Jersey Law Against Discrimination ("NJLAD"), along with the PFLA.

This new development is important for employers. In order to adhere to the requirements outlined in the PFLA, the best course of action is to:

1. Carefully review your company's current policies regarding paid and unpaid leave;
2. Provide written notice to your employees alerting them of the upcoming requirements of the new PFLA;
3. Consider carefully any requests for leave, as they may qualify under the new PFLA, the NJFLA, the NJLAD, the FMLA, or the ADA; and
4. Consult with an attorney if you require assistance in

bringing your company into compliance with the new PFLA, or have questions regarding employee's requests for leave.

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