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### NEW JERSEY EXPANDS FAMILY LEAVE OBLIGATIONS

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Just days before leaving office, New Jersey Governor Phil Murphy signed into law legislation that significantly expands unpaid family leave benefits under the New Jersey Family Leave Act (“NJFLA”) and paid family leave benefits under the New Jersey Paid Family Leave (“NJPFL”) program. The changes will have a significant impact on New Jersey employers and will require small businesses that were previously exempt to provide job-protected paid family leave benefits to eligible employees.

Under the NJFLA, covered employers must allow eligible employees to take up to 12 weeks of unpaid family leave to bond with a new child or to care for a family member with a serious health condition, with the right to be reinstated to the same or an equivalent position upon return. The NJPFL program provides a paid family leave benefit for employees under the state’s Temporary Disability Insurance program. Employees are eligible for paid family leave regardless of whether they qualify for the unpaid family leave under the NJFLA; however, paid family leave is not “protected” leave so an employee does not have the same right to reinstatement as with unpaid family leave.

The new law does not change the length of unpaid leave available under the NJFLA (i.e., 12 weeks), but it dramatically expands who is covered by the law and who qualifies for that leave. Previously, the law applied to all employers in New Jersey with thirty or more employees, which is reduced to fifteen employees under the new legislation. Also, employees were previously required to have worked for an employer for at least 12 months and logged at least 1,000 hours during the prior year to be eligible for unpaid family leave under the NJFLA. The new law reduces those thresholds to just three months of employment and 250 hours worked, meaning employees may qualify for job-protected leave much earlier in their tenure.

The new law also changes the terms of the NJPFL program. Previously, paid family leave was not protected leave, meaning that an employee did not have the right to be reinstated to the same or an

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equivalent position once his or her paid family leave ended. Under the new law, employees taking paid family are now entitled to the same protections as employees taking unpaid family leave.

For business owners across New Jersey, these changes carry meaningful operational and compliance implications. Businesses with 15 to 29 employees, which have never been subject to the NJFLA must now provide protected leave benefits to employees. Also, by reducing the eligibility requirements for NJFLA benefits, the new law expands the number of employees that are potentially eligible for protected leave, which will impact all covered employers large and small. Further, employers will also be required to preserve jobs for employees that participate in the NJPFL program, which is a particularly burdensome requirement for small business owners who do not have the financial or operational ability to keep a job open for an extended period.

The changes to the NJFLA and the NJPFL program mark a significant shift in New Jersey's employment law landscape. Employers that act proactively to understand and prepare for these new obligations will be in a stronger position to maintain compliance while minimizing disruption to their operations. The attorneys in our Labor and Employment Law Practice Group have decades of experience assisting employers in navigating through issues associated with family leave benefits. Contact our Labor and Employment Law Practice Group if you need assistance or have questions about the new legislation and its impact on your business.

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