

# New Jersey Amendments to Address COVID-19

As of April 14, 2020

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# Agenda

1. New Jersey Amendments to ESL, FLA and TDB

# Amended New Jersey ESL/FLA/TDB Law

## Summary

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- The NJ Earned Sick Leave (ESL), Family Leave Act (FLA), Temporary Disability Insurance (TDI) and the Family Leave Insurance (FLI) programs were amended to address issues relating to COVID-19.
- These programs were amended to, among other things, provide leave or wage replacement benefits during a declared state of emergency to employees who are under an order of quarantine or isolation issued by a healthcare provider or the commissioner or other public health authority due to an exposure or suspected exposure to a communicable disease, after the healthcare provider or authority have issued a determination that the presence in the community of the employee or family member may jeopardize the health of others.

## Status of Legislation / Timing

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- March 25, 2020: Legislation was signed by Governor Murphy
- Law is effective immediately (March 25, 2020)
- March 30, 2020: NJ DOL published chart summarizing available benefits:  
<https://www.nj.gov/labor/assets/PDFs/COVID-19%20SCENARIOS.pdf>
- April 14, 2020: Governor Murphy further amends FLA to expand the qualifying reasons for leave and to make technical corrections to TDI and FLI programs (Retroactive to March 25, 2020)

# New Jersey ESL/TDI/FLA Amendments



## Who is eligible for ESL, TDI and FLA?

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- ESL and TDI: nearly all employees who work in the State of NJ
- FLA: Employers with 30+ employees (all employees)
- Employees of certain public employers



## What are the qualifying events?

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- A state of emergency must be declared by the Governor or other public health authority and the employee is unable to work (or telework) due to one of the qualifying events resulting from an epidemic of a communicable disease



## What key provisions were modified?

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- Eligibility due to ordered isolation because of illness or symptoms, exposure, or prevention of the spread of a communicable disease
- Removal of the TDI elimination period under the amended qualifying events

# New Jersey Earned Sick Leave (ESL)

Qualifying Event Resulting in Inability to Work*	Duration	Benefit Amount	Benefit Maximum	Benefit Payer
Employee experiences an injury or illness	40 hours	100% Pay	None	ER
Employee has a suspected exposure to a communicable disease**	40 hours	100% Pay	None	
Employee is caring for a family member subject to the first 2 qualifying events	40 hours	100% Pay	None	ER
Ordered closure of the employee's workplace, or the school or place of care of a child of the employee	40 hours	100% Pay	None	

Note: Duration dependent on the quarantine period and Emergency Sick Leave remaining.

\* Employee must still be unable to work, including work from home, in order to qualify for expanded benefits

\*\* Orders of isolation or quarantine may not be self-imposed, but be ordered by a healthcare provider or public authority

- Under the existing ESL there were 5 qualifying events which allowed employees to use up to 40 hours of fully paid sick leave during a benefit year.
- The amended law modified two of these and added an additional qualifying event.



# New Jersey Temporary Disability Insurance (TDI)

## Qualifying Event:

The amended qualifying events **only apply** during a declared state of emergency by the Governor or other public authority due to an epidemic of a communicable disease

Qualifying Event Resulting in Inability to Work*	Elimination Period	Duration***	Benefit Amount	Benefit Maximum	Benefit Payer
Employee experiences an injury or illness caused by an epidemic of a communicable disease	0 days	Up to 26 weeks	1/1/20: 2/3 avg. weekly wage 7/1/20: 85% avg. weekly wage	1/1/20: \$667 7/1/20: \$881	
Employee has a known or suspected exposure to a communicable disease**	0 days	Up to 26 weeks	1/1/20: 2/3 avg. weekly wage 7/1/20: 85% avg. weekly wage	1/1/20: \$667 7/1/20: \$881	NJ State or Insurance Carrier
Efforts to prevent the spread of a communicable disease**	0 days	Up to 26 weeks	1/1/20: 2/3 avg. weekly wage 7/1/20: 85% avg. weekly wage	1/1/20: \$667 7/1/20: \$881	

\* Employee must still be unable to work, including work from home, in order to qualify for expanded benefits

\*\* Orders of isolation or quarantine may not be self-imposed, but be ordered by a healthcare provider or public authority

\*\*\* The 26 week paid duration is not specific to a declared state of emergency, but is the total allowed for all reasons under TDI for each period of disability

# New Jersey Family Leave Insurance (FLI)

Qualifying Event Resulting in the Employee's Inability to Work*	Elimination Period	Duration***	Benefit Amount	Benefit Maximum	Benefit Payer
Employee's family member under employee's care experiences an illness caused by an epidemic of a communicable disease	1/1/20: 7 days	1/1/20: 6 weeks	1/1/20: 2/3 avg. weekly wage	1/1/20: \$667	NJ State
	7/1/20: 0 days	7/1/20: 12 weeks	7/1/20: 85% avg. weekly wage	7/1/20: \$881	
Employee's family member under employee's care has a known or suspected exposure to a communicable disease*	1/1/20: 7 days	1/1/20: 6 weeks	1/1/20: 2/3 avg. weekly wage	1/1/20: \$667	
	7/1/20: 0 days	7/1/20: 12 weeks	7/1/20: 85% avg. weekly wage	7/1/20: \$881	
Employee's family member under employee's care takes efforts to prevent the spread of a communicable disease**	1/1/20: 7 days	1/1/20: 6 weeks	1/1/20: 2/3 avg. weekly wage	1/1/20: \$667	
	7/1/20: 0 days	7/1/20: 12 weeks	7/1/20: 85% avg. weekly wage	7/1/20: \$881	

## Qualifying Event:

The amended qualifying events **only apply** during a declared state of emergency by the Governor or other public authority due to an epidemic of a communicable disease

\* Employee must still be unable to work, including work from home, in order to qualify for expanded benefits

\*\* Orders of isolation or quarantine may not be self-imposed, but rather ordered by a healthcare provider or public authority

\*\*\* The 6 or 12 week paid duration is not specific to a declared state of emergency, but is the total allowed for all reasons under FLI in a 12-month period

# New Jersey Unpaid Family Leave Act (FLA)

## Qualifying Event:

Each of the amended qualifying events have different requirements

Qualifying Event Resulting in Inability to Work*	Job Protected Leave	Unpaid Duration**	Benefit Amount
Family member experiences an illness caused by an epidemic of a communicable disease***	Yes	12 weeks	N/A
Family member has a known or suspected exposure to a communicable disease <sup>+</sup>	Yes	12 weeks	NA
Efforts to prevent the spread of a communicable disease <sup>+</sup>	Yes	12 weeks	N/A
Ordered closure of the school or place of care of a child of the employee <sup>++</sup>	Yes	12 weeks	N/A

\* Employee must still be unable to work, including work from home, in order to qualify for expanded benefits.

\*\* The 12 week unpaid leave allotment is not specific to a declared state of emergency, but is the total allowed for all reasons under the FLA within a 24 month period

\*\*\* Additional requirements include (1) state of emergency; (2) determination from a public health authority requiring (3) responsive or prophylactic measures due to the illness caused by an epidemic or known/suspected exposure to a communicable disease because (4) the presence in the community of a family member may jeopardize the health of others

+ Additional requirements include (1) state of emergency; (2) determination from a health care provider or public health authority (3) recommending that the family member self-quarantine (4) as a result of suspected exposure to a communicable disease

++ Additional requirements include (1) state of emergency; (2) closure ordered by a public official; (3) in-home care of the child & (4) one of the following: epidemic of a communicable disease, known/suspected exposure to a communicable disease; or efforts to prevent the spread of a communicable disease



# Thank you.

[https://www.metlife.com/COVID-19\\_US\\_Customer/](https://www.metlife.com/COVID-19_US_Customer/)

<https://www.nj.gov/labor>



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