



Reminder: Significant Changes to New Jersey's Family Leave Act Take Effect on July 17, 2026

Client Advisories

07.15.2026

By: Peter L. Frattarelli

All New Jersey employees face a significant change to employee rights under the New Jersey Family Leave Act ("NJFLA"), beginning on Friday, July 17, 2026. Although much of the fanfare of these changes is related to the process of applying this to more small businesses, other changes involving which employees are eligible for NJFLA leave will affect all employers. These changes – which are not merely rules or regulations but an amendment to the law itself – take effect on July 17th, and businesses should be prepared to feel the impact immediately.

New Jersey amended the NJFLA in a law signed by Governor Murphy at the end of his administration, on January 17, 2026, with the changes to take effect exactly six months later. The most notable and publicized change is that the NJFLA now applies to businesses that employ 15 or more employees. The current threshold is 30 or more employees. In addition, this threshold will continue to drop under the amendments. The threshold will be reduced to 10 employees on July 17, 2027, and then to 5 employees on July 17, 2028. The NJFLA already is much lower than the federal threshold under the Family and Medical Leave Act ("FMLA") which remains at 50 or more employees. These amendments capture many small businesses in New Jersey that did not have to offer NJFLA rights to their employees previously.

Yet, the second major change will affect all employers subject to the NJFLA. This change significantly lowers the required time with the employer, and hours worked, so that many employees not previously eligible for NJFLA rights will now have them. Specifically, the existing law states that, in order to be eligible to take NJFLA, an employee (1) has to be employed by the employer for at least 12 months AND (2) have worked 1,000 hours in the prior 12 months. After July 17, 2026, those requirements drop, so that an employee (1) has to be employed by the employer for only 3 months or more AND (2) have worked only 250 hours or more in the prior 12 months.

The impacts of these eligibility changes are extremely significant. First, new employees will get NJFLA rights much sooner in their tenure with the company. Second, employees who have missed significant time, due to personal or medical reasons, now will be able to obtain NJFLA rights despite any lengthy absences. And third, many more part-time employees will now also be eligible for NJFLA leave.

Two other changes in the amendments are also significant. First, the amendments have confusing language about whether employees who take time off for NJ State disability (TDI) or NJ Family Leave Insurance (NJFLI) now have guaranteed job protection. Although commentators disagreed as to whether that was the true intent, because those are separate laws, the State of New Jersey on July 15, 2026 issued guidance expressly stating that job protection is available for leaves under TDI or NJFLI, even if the NJFLA is not involved. This is certainly a broad interpretation of the amendments, and would mean that even the smallest of employers must provide job protection to employees on TDI or NJFLI leave. This is language that may be subject to litigation, but for the time being, the State's position is that any employee on TDI or NJFLI has job protection. Second, the NJFLA amendments state that employees can choose the sequence when they can take New Jersey earned sick leave, TDI and NJFLI. They still cannot take these monetary benefits at the same time, but the employee can choose how they wish to sequence these leaves.

Two important reminders: these are not amendments to the federal FMLA. The NJFLA overlaps with the FMLA as to a new child or an ill family member, but the NJFLA does NOT apply to an employee's own medical absence or illness. So, these changes do not impact FMLA time for an employee's own illness. In addition, the other reminder is that NJ Family Leave is only 12 weeks off every 24 months, not every 12 months, like under federal law. The amendments have not changed that provision. So, it will be even more important to track NJFLA at the same time FMLA is being tracked.

All employers should be aware of these amendments. Smaller employers now need to begin complying with the NJFLA depending on their number of employees, which would include issuing notices and having a process in place to comply with the NJFLA. Employers who already are within the purview of the NJFLA should also consider revising their employee handbooks to adjust the new NJFLA eligibility threshold and sequencing rules, and revising their forms as well. And, all employers, even small employers, now face the prospect that any employee on TDI or NJFLI leave has job protection, even if the NJFLA does not apply as to that employee.

If you have questions about these NJFLA amendments, please contact **Peter Frattarelli** at 856-354-3012 or pfrattarelli@archerlaw.com, or any member of the Archer & Greiner Labor & Employment Group.

DISCLAIMER: This client advisory is for general information purposes only. It is a summary, not a full analysis, of the topic. It is not intended, and should not be construed, as legal advice, and may not be used or relied upon as a substitute for legal advice by a qualified attorney regarding a specific matter. It may be considered an advertisement for certain purposes.



Related People



Peter L. Frattarelli

Partner

✉ pfrattarelli@archerlaw.com

☎ 856.354.3012

Related Services

- Labor & Employment

© 2026 Archer & Greiner, P.C. All rights reserved.

