

IMPORTANT COVID-19 UPDATE

NJ SICK AND LEAVE LAWS UPDATED IN RESPONSE TO COVID-19 CONCERNS

New Jersey (NJ) has among the most comprehensive [Earned Sick Leave](#), [Temporary Disability](#) and [Family Leave Insurance](#) laws in the country, which cover all employees - full-time, part-time, temporary and seasonal. The NJ Department of Labor and Workforce Development (NJDOLE) has recently published a [Q&A regarding COVID-19](#) addressing how the current coronavirus emergency interacts with NJ's current employment laws. NJ Governor Phil Murphy has also signed [S2304](#) into law which is intended to broaden the availability of access to benefits under the NJ Temporary Disability and Family Leave Insurance laws amid the current COVID-19 crisis. The law targets epidemic-related illnesses such as COVID-19 and makes a number of changes to the existing statutory scheme for state-issued disability insurance benefits, family leave insurance benefits, and use of accrued paid sick time.

The [NJ "My Leave Benefits" website](#) is an excellent source for information for employers and employees on these laws, and includes answers to Frequently Asked Questions, and contact numbers and links to the NJ Division of Temporary Disability and Family Leave Insurance. The NJ website will be updated with more information as further clarity and regulations are issued related to the new laws. Many variables affect eligibility as well as the applicable benefit or protection under the various NJ laws. The NJDOLE will examine cases on an individual basis, and make individual eligibility determinations in accordance with the law.

NJ DOL Q&A

The NJ Department of Labor and Workforce Development (NJDOL) has published a [Q&A regarding COVID-19](#) and how it interacts with NJ's current employment laws. In particular, the NJDOL reminds employers and employees that:

- Those who experience a reduction in hours, are furloughed, or laid off may be eligible for full or partial unemployment benefits.
- Workers' compensation benefits may be available to employees who contract COVID-19 at work or who are required to quarantine because of exposure during work.
- The NJ Earned Sick Leave Law covers absences required because of COVID-19 illnesses, quarantines, and school or childcare closures, including absences required because the employee's healthcare provider has determined that they are at greater risk due to a pre-existing health condition. The latter may also entitle the employee to Temporary Disability Insurance benefits. Of note, if an employer remains open, absent the circumstances set forth above, the Earned Sick Leave Law does not entitle an employee to refuse to come to work if a public official has not closed their place of employment for a public health reason.
- Absences required so that an employee can care for a family member who has COVID-19 or its symptoms may be eligible for job protected leave under the NJ Family Leave Act and for NJ Family Leave Insurance benefits.

NJ Adopts S2304 Law

NJ Governor Phil Murphy signed [S2304](#) into law aimed at making job-protected leave and paid benefits available to more employees amid the current COVID-19 crisis. The law is intended to broaden the availability of access to benefits under NJ Temporary Disability and NJ Family Leave Insurance. The law targets epidemic-related illnesses such as COVID-19 and makes a number of changes to the existing statutory scheme for state-issued disability insurance benefits, family leave insurance benefits, and use of accrued paid sick time. This new law is effective immediately.

The new law expands the definition of "serious health condition" for which an employee may obtain benefits for his own condition (Temporary Disability) or for the condition of a family member for whom the employees provides care (Family Leave Insurance). "Serious health condition" now includes, during a state of emergency, an illness caused by an epidemic of a communicable disease, a known or suspected exposure to such a disease, or efforts to prevent the spread of that disease, which requires in-home care or treatment of the employee or a family member due to an order from a public health authority or healthcare provider. The law



also eliminates the seven-day waiting period and makes benefits payable as of the first day of the disability for any benefits for illnesses, quarantine, or isolation related to a communicable disease during a state of emergency.

Given the continued expansion of NJ state leave and disability related laws, employers will want to work with their labor law and leave/disability advisers to develop processes to track both paid time off and unpaid time off correctly and comply with the various state and federal leave laws. Employers should also keep in mind that many of the laws protecting employees on leave or replacing wages on leave, including most state laws, do not require or provide for continuation of employee benefits during leave periods.

We will continue to provide updates on NJ benefits related rules as further information becomes available. Conner Strong & Buckelew is not a qualified wage and labor advisor and does not assist with general federal leave or state leave policy design or administration. Clients should continue to consult with qualified wage and labor advisors, human resources professionals, or their counsel for instructional guidance on leave policy design and assistance with general and complicated leave administration issues. Please contact your Conner Strong & Buckelew account representative toll-free at 1-877-861-3220 with any questions. For a complete list of Legislative Updates issued by Conner Strong & Buckelew, visit our online [Resource Center](#).

Conner Strong & Buckelew will continue to provide updates as they become available.

Please visit our [COVID-19 Resource Center](#) for more information.

