

## NJFLA protections are EXPANDING (A3451)

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Protections for employees needing family leave have expanded. Previously, only employees working for businesses with **30 or more employees** were guaranteed job protection (the right to be reinstated to their job) when taking family leave under NJFLA.

### Expanded Coverage and Eligibility Requirements

Under [A3451](#), on **July 17, 2026**, that threshold will be lowered to employers with **15 or more employees**. On July 17, 2027, the threshold drops to 10 employees and on July 17, 2028 the threshold drops to 5 employees.

Also effective July 17, 2026, the bill accelerates employee eligibility to qualify for job-protected family leave. Eligibility requirements for employees of covered employers are reducing from twelve (12) months of employment to **three (3) months** and from one thousand (1,000) working hours in the past year to **two hundred and fifty (250) working hours in the past three months**.

The law also clarifies that employees who receive monetary benefits through **Family Leave Insurance (FLI) or Temporary Disability Insurance (TDI)** shall be returned to their previous job or an equivalent position with comparable pay, benefits, and seniority. It also strengthens protections against employer retaliation for an employee's exercise of their rights to use, or any attempt to use, family leave.

Lastly, an employee eligible for multiple kinds of leave—earned sick leave, TDI, or FLI—can choose the order in which to use them, though they cannot receive more than one type of paid leave at the same time.

These sweeping structural changes to NJFLA will gradually impact most small employers across New Jersey. It is important employers understand how these changes will impact their business and their employees.

### What Employers Should Do Now

Employers should review existing leave policies, update compliance procedures, and plan ahead for expanded NJFLA coverage. If you have any questions regarding the changes, please reach out to our experienced [Employment Law Team](#).

#### Attorney

- Tracy Armstrong

#### Practice

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