



LABOR & EMPLOYMENT DEPARTMENT

ALERT

POSTING & NOTICE REQUIREMENTS FOR NEW JERSEY PAID FAMILY LEAVE

Signed into law by New Jersey Governor Jon Corzine on May 2, 2008, the Paid Family Leave (PFL) law allows New Jersey employees to take up to six weeks of paid leave (or 42 days if the leave is intermittent) to care for sick family members, and newborn and newly-adopted children. Recently, the New Jersey Department of Labor and Workforce Development (DOL) issued guidance on the posting and notice requirements that employers must follow in order to comply with the law.

POSTING REQUIREMENT

According to the DOL, as of December 15, 2008, New Jersey employers must conspicuously post, in a place accessible to all employees, a notification of the rights granted to employees under the PFL law. A copy of the DOL's poster may be found on the DOL's Web site by clicking [here](#), and it is also reproduced on the back of this *Alert*. This notice should be placed where the employer posts its other federal and state employment-related postings.

ADDITIONAL NOTICE REQUIREMENTS

In addition to the posting requirement, the DOL has indicated that employers must provide written notice to employees of their rights under the PFL law

no later than December 15, 2008. Written notice also must be given:

1. at the time of an employee's hiring
2. whenever an employee notifies the employer that he or she is taking time off for a covered period of leave
3. at any time, upon the employee's request

Employers should make sure that they distribute notice to their employees in a timely fashion. A general distribution to employees along with a copy of the DOL's form of posting should be adequate.

For a more detailed analysis of the PFL law, you can review our May 2008 *Alert* on PFL by clicking [here](#) or going to our [Web site](#). Please note that the maximum weekly benefit rate has been increased to \$546 per week for 2009 from \$524 per week for 2008.

If you have any questions about these posting and notice requirements, or about the implementation of the PFL program or the PFL law itself, contact Ian Meklinsky at 609.895.6756 or imeklinsky@foxrothschild.com, or Daniel Kuperstein at 973.994.7579 or dkuperstein@foxrothschild.com, or any member of the Fox Rothschild Labor & Employment Department. Visit us on the Web at www.foxrothschild.com.

JOIN US FOR A PAID FAMILY LEAVE LAW SEMINAR

While taxes for the PFL program must be collected from employees and remitted effective January 1, 2009, employees are not eligible to take leave until July 1, 2009. Fox Rothschild is holding seminars throughout New Jersey to educate its clients and friends on the impact the PFL law will have on their business and to provide them with the tools necessary to deal with employee leave requests.

SAVE THE DATE - Seminars will be held in Fox Rothschild's respective offices on (more information to follow)

- January 15 - Princeton
- January 22 - Roseland
- January 29 - Atlantic City

Attorney Advertisement

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NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

(To be posted in a conspicuous place)

This employer is subject to the Family Leave Insurance provisions of the New Jersey Temporary Disability Benefits Law.

Beginning July 1, 2009, New Jersey law will provide up to six (6) weeks of Family Leave Insurance benefits. Benefits are payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan to:

- **Bond with a child** during the first 12 months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the covered individual.
- **Care for a family member with a serious health condition** supported by a certification provided by a health care provider. Claims may be filed for six consecutive weeks, for intermittent weeks or for 42 intermittent days during a 12 month period beginning with the first date of the claim.

Family member means a child, spouse, domestic partner, civil union partner or parent of a covered individual.

Child means a biological, adopted, or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than 19 years of age or is 19 years of age or older but incapable of self-care because of mental or physical impairment.

New Jersey State Plan

Employees covered under the New Jersey State Plan can obtain information pertaining to the program and an application for Family Leave Insurance benefits (Form FL-1), after June 1, 2009, by visiting the Department of Labor and Workforce Development's web site at www.nj.gov/labor, by telephoning the Division of Temporary Disability Insurance's Customer Service Section at (609) 292-7060, or by writing to the Division of Temporary Disability Insurance, PO Box 387, Trenton, NJ 08625-0387.

If an employee is receiving State Plan temporary disability benefits for pregnancy, after the child is born, the Division will mail the employee information on how to file a claim for Family Leave Insurance benefits to bond with the newborn child. If a claim is filed to have Family Leave Insurance benefits begin immediately after the employee recovers from her pregnancy-related disability, she will be paid at the same weekly benefit amount as she was paid for her pregnancy-related disability claim and no waiting period will be required.

Private Plan

An employer can elect to provide workers with Family Leave Insurance benefits coverage under a private plan approved by the Division of Temporary Disability Insurance. The Division will not approve a private plan requiring employee contributions unless a majority of the employees, covered by the private plan, have agreed to private plan coverage by written election. Employers will provide information regarding the private plan and the proper forms to claim benefits to employees covered under the private plan.

Financing of the Program

This program is financed by employee contributions. Beginning January 1, 2009, employers are authorized to deduct the contributions from employee wages for all employees covered under the State Plan. These deductions must be noted on the employee's pay envelope, paycheck or on some other form of notice. The taxable wage base for Family Leave Insurance benefits is the same as the taxable wage base for Unemployment and Temporary Disability Insurance.

Employees covered under an approved private plan will not have contributions deducted from wages for Family Leave Insurance benefits coverage unless a majority of the workers consent to contribute to the approved private plan. If employees consent to contribute to the private plan, the contributions cannot exceed those paid by workers covered under the State Plan.

Enforced by:
New Jersey Department of Labor and
Workforce Development
Division of Temporary Disability Insurance
PO Box 387
Trenton, New Jersey 08625-0387

Additional copies of this poster or any other required posters may be obtained free of charge by contacting the New Jersey Department of Labor and Workforce Development, Office of Constituent Relations, PO Box 110, Trenton, New Jersey 08625-0110 - (609) 777-3200 or from our website: www.nj.gov/labor.

The New Jersey Department of Labor and Workforce Development is an equal opportunity employer with equal opportunity programs. Auxiliary aids and services are available upon request to individuals with disabilities

If you need this document in Braille or large print, call (609) 292-2680. TTY users can contact this department through New Jersey Relay: 7-1-1.



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