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Posting And Notice Requirements for New Jersey Paid Family Leave

>>> *Following the rules will help employers and employees.*

By Ian D. Meklinsky, Esq.

Signed into law by 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 have conspicuously posted, in a place accessible to all employees, a notification of the rights granted to employees under the PFL law. The DOL's form of poster containing the required notice is available on the DOL website under the Family Leave Insurance link. This poster 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 have provided written notice to employees of their rights under the PFL law no later than December 15, 2008. Written notice must also be given:

1. at the time of an employee's hiring
2. whenever an employee notifies the employer that he/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. The proposed regulations provide that employers may distribute notices to employees electronically. A general e-mail distribution to employees along with a copy of the DOL's form of posting should be adequate. Employers may consider the following text for the distribution e-mail:

New Jersey's Paid Family Leave (PFL) law requires employers to post notice to employees of their rights and obligations under the law. Additionally, written notice must be provided to employees of their rights and obligations under that law: (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; and (3) at any time, upon an employee's request. The New Jersey Department of Labor and Workforce Development has also indicated that a written notice of employee rights and obligations under the law must be provided to employees at this time. This notice is being provided to you in accordance with that requirement. You should print out the attached PFL Posting for more information about the PFL law. The PFL Posting will also be posted along with the employment related (federal and state) postings in the lunch room. Thank you.

Other Important Information About

PFL

- The law applies to all employers that are otherwise covered by the unemployment compensation benefits law.

- Employers are not required to financially contribute to the program, although they are required to withhold employees' contributions from taxable wages. As of January 1, 2009, the applicable tax rate to be applied to employee wages is 0.00090 percent. For 2009, the maximum wages taxable for PFL purposes is \$28,900.

- Employers must report wages and PFL deductions and submit payment to the DOL as of January 1, 2009, on forms provided by the DOL.

- Beginning July 1, 2009, employees may apply for the leave benefits, and if eligible, covered employees will receive "weekly benefits amounting to no more than two-thirds of their weekly pay," subject to the same "maximum" requirement set forth in the temporary disability insurance law for an individual's own disability—a weekly maximum benefit rate of \$546 in 2009.

If you have any questions about these posting and notice requirements, the implementation of PFL program or the PFL law itself, employers should contact their legal counsel.

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