

[Second Reprint]

**ASSEMBLY, No. 3451**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED FEBRUARY 1, 2024

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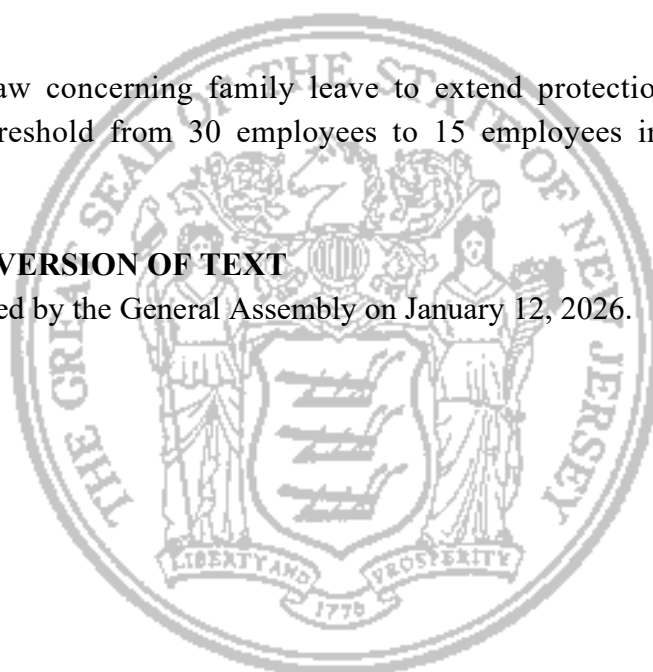
**Assemblywomen Hall, McCoy and Senator McKnight**

**SYNOPSIS**

Revises law concerning family leave to extend protection by reducing employee threshold from 30 employees to 15 employees in definition of employer.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on January 12, 2026.



**(Sponsorship Updated As Of: 12/22/2025)**

1 AN ACT concerning reinstatement of employees after taking family  
2 leave and amending various parts of the statutory law.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 3 of P.L.1989, c.261 (C.34:11B-3) is amended to  
8 read as follows:

9 3. As used in this act:

10 a. "Child" means a biological, adopted, foster child, or resource  
11 family child, stepchild, legal ward, or child of a parent, including a  
12 child who becomes the child of a parent pursuant to a valid written  
13 agreement between the parent and a gestational carrier.

14 b. "Director" means the Director of the Division on Civil  
15 Rights.

16 c. "Division" means the Division on Civil Rights in the  
17 Department of Law and Public Safety.

18 d. "Employ" means to suffer or permit to work for  
19 compensation, and includes ongoing, contractual relationships in  
20 which the employer retains substantial direct or indirect control  
21 over the employee's employment opportunities or terms and  
22 conditions of employment.

23 e. "Employee" means a person who is employed for at least  
24 <sup>1</sup>[12] <sup>2</sup>[~~six~~<sup>1</sup>] three<sup>2</sup> months by an employer, with respect to whom  
25 benefits are sought under this act, for not less than <sup>1</sup>[1,000]  
26 <sup>2</sup>[~~500~~<sup>1</sup>] 250<sup>2</sup> base hours during the immediately preceding 12-  
27 month period. Any time, up to a maximum of 90 calendar days,  
28 during which a person is laid off or furloughed by an employer due  
29 to that employer curtailing operations because of a state of  
30 emergency declared after October 22, 2012, shall be regarded as  
31 time in which the person is employed for the purpose of  
32 determining eligibility for leave time under this act. In making the  
33 determination, the base hours per week during the layoff or  
34 furlough shall be deemed to be the same as the average number of  
35 hours worked per week during the rest of the 12-month period.

36 f. "Employer" means a person or corporation, partnership,  
37 individual proprietorship, joint venture, firm or company or other  
38 similar legal entity which engages the services of an employee and  
39 which:

40 (1) (Deleted by amendment, P.L.2019, c.37);

41 (2) (Deleted by amendment, P.L.2019, c.37);

42 (3) With respect to the period of time from the 1,095th day  
43 following the effective date of P.L.1989, c.261 (C.34:11B-1 et seq.)  
44 through June 30, 2019, employs 50 or more employees for each

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted December 15, 2025.

<sup>2</sup>Assembly floor amendments adopted January 12, 2026.

1 working day during each of 20 or more calendar workweeks in the  
2 then current or immediately preceding calendar year; <sup>1</sup>~~and~~<sup>1</sup>

3 (4) With respect to any period of time ~~on or after~~ from June  
4 30, 2019 until the effective date of P.L. , c. (pending before the  
5 Legislature as this bill), employs 30 or more employees for each  
6 working day during each of 20 or more calendar workweeks in the  
7 then current or immediately preceding calendar year; <sup>1</sup>~~and~~<sup>1</sup>

8 (5) With respect to any period of time after the effective date of  
9 P.L. , c. (pending before the Legislature as this bill), employs  
10 <sup>1</sup>~~20~~ <sup>15</sup> or more employees for each working day during each of  
11 20 or more calendar workweeks in the then current or immediately  
12 preceding calendar year<sup>1</sup> ~~;~~

13 (6) With respect to any period of time after the 365th day  
14 following the effective date of P.L. , c. (pending before the  
15 Legislature as this bill), employs 10 or more employees for each  
16 working day during each of 20 or more calendar workweeks in the  
17 then current or immediately preceding calendar year; and

18 (7) With respect to any period of time after the 730th day after  
19 the effective date of P.L. , c. (pending before the Legislature as  
20 this bill), employs five or more employees for each working day  
21 during each of 20 or more calendar workweeks in the then current  
22 or immediately preceding calendar year<sup>1</sup> ~~;~~

23 "Employer" includes the State, any political subdivision thereof,  
24 and all public offices, agencies, boards or bodies.

25 g. "Employment benefits" means all benefits and policies  
26 provided or made available to employees by an employer, and  
27 includes group life insurance, health insurance, disability insurance,  
28 sick leave, annual leave, pensions, or other similar benefits.

29 h. "Parent" means a person who is the biological parent,  
30 adoptive parent, foster parent, resource family parent, step-parent,  
31 parent-in-law or legal guardian, having a "parent-child relationship"  
32 with a child as defined by law, or having sole or joint legal or  
33 physical custody, care, guardianship, or visitation with a child, or  
34 who became the parent of the child pursuant to a valid written  
35 agreement between the parent and a gestational carrier.

36 i. "Family leave" means leave from employment so that the  
37 employee may provide care made necessary by reason of:

38 (1) the birth of a child of the employee, including a child born  
39 pursuant to a valid written agreement between the employee and a  
40 gestational carrier;

41 (2) the placement of a child into foster care with the employee  
42 or in connection with adoption of such child by the employee;

43 (3) the serious health condition of a family member of the  
44 employee; or

45 (4) in the event of a state of emergency declared by the  
46 Governor, or when indicated to be needed by the Commissioner of  
47 Health or other public health authority, an epidemic of a

1 communicable disease, a known or suspected exposure to the  
2 communicable disease, or efforts to prevent spread of a  
3 communicable disease, which:

4 (a) requires in-home care or treatment of a child due to the  
5 closure of the school or place of care of the child of the employee,  
6 by order of a public official due to the epidemic or other public  
7 health emergency;

8 (b) prompts the issuance by a public health authority of a  
9 determination, including by mandatory quarantine, requiring or  
10 imposing responsive or prophylactic measures as a result of illness  
11 caused by an epidemic of a communicable disease or known or  
12 suspected exposure to the communicable disease because the  
13 presence in the community of a family member in need of care by  
14 the employee, would jeopardize the health of others; or

15 (c) results in the recommendation of a health care provider or  
16 public health authority, that a family member in need of care by the  
17 employee voluntarily undergo self-quarantine as a result of  
18 suspected exposure to a communicable disease because the presence  
19 in the community of that family member in need of care by the  
20 employee, would jeopardize the health of others.

21 j. "Family member" means a child, parent, parent-in-law,  
22 sibling, grandparent, grandchild, spouse, domestic partner, or one  
23 partner in a civil union couple, or any other individual related by  
24 blood to the employee, and any other individual that the employee  
25 shows to have a close association with the employee which is the  
26 equivalent of a family relationship.

27 k. "Reduced leave schedule" means leave scheduled for fewer  
28 than an employee's usual number of hours worked per workweek  
29 but not for fewer than an employee's usual number of hours worked  
30 per workday, unless agreed to by the employee and the employer.

31 l. "Serious health condition" means an illness, injury,  
32 impairment, or physical or mental condition which requires:

33 (1) inpatient care in a hospital, hospice, or residential medical  
34 care facility; or

35 (2) continuing medical treatment or continuing supervision by a  
36 health care provider.

37 m. "State of emergency" means a natural or man-made disaster  
38 or emergency for which a state of emergency has been declared by  
39 the President of the United States or the Governor, or for which a  
40 state of emergency has been declared by a municipal emergency  
41 management coordinator.

42 n. "Health care provider" means a duly licensed health care  
43 provider or other health care provider deemed appropriate by the  
44 director.

45 (cf: P.L.2020, c.23, s.1)

1       2. Section 24 of P.L.2019, c.37 (C.43:21-55.2) is amended to  
2 read as follows:

3       24. a. Any covered individual who took any temporary disability  
4 benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.), or family  
5 temporary disability leave benefits pursuant to P.L.2008, c.17  
6 (C.43:21-39.1 et al.), shall, upon the expiration of the leave, be  
7 entitled to be restored by the employer to the position held by the  
8 employee when the leave commenced or to an equivalent position  
9 of like seniority, status, employment benefits, pay, and other terms  
10 and conditions of employment, except that nothing in this section or  
11 any section of P.L.2008, c.17 (C.43:21-39.1 et al.) shall be  
12 construed as increasing, reducing or otherwise modifying any  
13 entitlement provided to a worker by the provisions of the "Family  
14 Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) to be restored to  
15 employment by the employer after a period of family temporary  
16 disability leave. The employee shall retain all rights under any  
17 applicable layoff and recall system, including a system under a  
18 collective bargaining agreement, as if the employee had not taken  
19 the leave.

20       b. An employer shall not discharge, harass, threaten, or  
21 otherwise discriminate or retaliate against an employee with respect  
22 to the compensation, terms, conditions, or privileges of employment  
23 on the basis that the employee requested or took any temporary  
24 disability benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.),  
25 or family temporary disability leave benefits pursuant to P.L.2008,  
26 c.17 (C.43:21-39.1 et al.), including retaliation by refusing to  
27 **【restore】** reinstate the employee to employment following a period  
28 of leave**【**, except that, pursuant to section 2 of P.L.1948, c.110  
29 (C.43:21-26), nothing in this section or any other section of  
30 P.L.1948, c.110 (C.43:21-25 et al.) or P.L.2008, c.17 (C.43:21-39.1  
31 et al.) shall be construed as increasing, reducing or otherwise  
32 modifying any entitlement provided to a worker by the provisions  
33 of the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) to  
34 be restored to employment by the employer after a period of family  
35 temporary disability leave**】**, if, and as, required by subsection a. of  
36 this section.

37       **【b.】** c. Upon a violation of subsection a. or b. of this section,  
38 an employee or former employee may, as an alternative to any  
39 action that the employee is permitted to take for the violation  
40 pursuant to the provisions of P.L.1948, c.110 (C.43:21-25 et al.),  
41 P.L.2008, c.17 (C.43:21-39.1 et al.), or the "Family Leave Act,"  
42 P.L.1989, c.261 (C.34:11B-1 et seq.), institute a civil action in the  
43 Superior Court for relief【. All】 in which all remedies available in  
44 common law tort actions shall be available to a prevailing plaintiff.  
45 The court may also order any or all of the following relief:

- 1 (1) an assessment of a civil fine of not less than \$1,000 and not  
2 more than \$2,000 for the first violation of any of the provisions of  
3 this section and not more than \$5,000 for each subsequent violation;
- 4 (2) an injunction to restrain the continued violation of any of the  
5 provisions of this section;
- 6 (3) reinstatement of the employee to the same position or to a  
7 position equivalent to that which the employee held prior to  
8 unlawful discharge or retaliatory action, or other failure to reinstate  
9 the employee in violation of this section;
- 10 (4) reinstatement of full fringe benefits and seniority rights;
- 11 (5) compensation for any lost wages, benefits and other  
12 remuneration; and
- 13 (6) payment of reasonable costs and attorney's fees.
- 14 d. An employee who is eligible for both earned sick leave  
15 pursuant to P.L.2018, c.10 (C.34:11D-1 et seq.), and either  
16 temporary disability benefits pursuant to P.L.1948, c.110 (C.43:21-  
17 25 et al.), or family temporary disability leave benefits pursuant to  
18 P.L.2008, c.17 (C.43:21-39.1 et al.) shall have the option of using  
19 either the earned sick leave or whichever is applicable of temporary  
20 disability benefits or family temporary disability leave benefits, and  
21 may select the order in which the different kinds of leave are taken,  
22 but shall not receive more than one kind of paid leave  
23 simultaneously during any period of time.  
24 (cf: P.L.2019, c.37, s.24)
- 25
- 26 3. This act shall take effect <sup>1</sup>**[immediately]** six months  
27 following enactment<sup>1</sup>.