



## **NJ Workers' Right to take Paid Leave and Job Protection**

*For reasons related to COVID or for non COVID reasons.*

**In New Jersey, workers have many protections under various programs and laws to help ensure that they can take time off for their own health, as well as for loved ones' health. Some protections are related to COVID-19 and others are permanent. Some programs and laws are state laws and other are federal. See a summary below.**

New Jersey's **Earned Sick Leave** law guarantees workers the right to earn 40 hours or 5 days of paid sick time. The law covers most\* full-time, part-time and temporary workers regardless of their immigration status. Employers can require workers to accrue their sick leave, earning 1 hour of paid sick time for every 30 hours worked. You can use the time for your own health reasons or to care for a loved one -- health reasons can be related to COVID-19 or not. For more information visit the NJ Department of Labor website [www.mysickdays.nj.gov](http://www.mysickdays.nj.gov) & file a complaint: <https://wagehour.dol.state.nj.us/>

New Jersey also has paid family and medical leave, called **Temporary Disability and Family Leave Insurance** benefit programs. These programs provide 85% of your average weekly wage up to \$903/week when you take leave for the following reasons; if you are unable to work because a health condition prevents you from doing so (including COVID-19 diagnosis, treatment, and/or quarantine), if you need to care for a seriously ill loved one (including reasons related to COVID-19), and for both parents to bond with a new child (adopted, foster, or birth). Currently to receive these benefits you need to meet minimum gross earnings (you have worked 20 calendar weeks earning at least \$220 in those 20 weeks, or \$11,000 in the base year period before taking leave), and have a social security number. To receive these benefits, you apply to the NJ State Department of Labor. For more and to apply, visit [www.myleavebenefits.nj.gov](http://www.myleavebenefits.nj.gov)

Additionally, in response to coronavirus, Governor Murphy signed a law **that prohibits an employer from firing** or otherwise punishing an employee who requests time off or takes time off from work based on a medical professional's determination that the employee has, or is likely to have, COVID-19. The law only applies during the COVID-19 pandemic and related public health emergency. For more details visit, [www.nj.gov/labor/assets/PDFs/CovidDiscrimination\\_FINAL.pdf](http://www.nj.gov/labor/assets/PDFs/CovidDiscrimination_FINAL.pdf)

Your **job may also be protected** when you need to take leave to bond with or care for a loved one under the NJ Family Leave Act (FLA), or the federal Family Medical Leave

Act (FMLA). These are permanent job protected leave laws that now also include protections for taking leave for reasons related to COVID-19 including caring for children who are at home because of closed schools or day care or lack of childcare related to COVID-19. For more details, visit [www.nj.gov/oag/dcr/downloads/fact-FLA.pdf](http://www.nj.gov/oag/dcr/downloads/fact-FLA.pdf) and [www.njtimetocare.org/njjobprotections](http://www.njtimetocare.org/njjobprotections)

New Jersey laws protects you **against retaliation** from your employer when asserting many of your workplace rights. Retaliation for standing up for your rights can take many forms. It can include: getting fired, getting a poor performance review, changed salary, increased oversight on job duties, changed workplace responsibilities, getting denied a raise, getting excluded from meetings that you would typically attend, getting transferred, and many other scenarios. If you believe you have been retaliated against it may require your employer hearing from the Department of Labor directly to end the retaliation being taken against you, you can **contact the NJ Department of Labor at 609-292-2305**.

The **Families First Coronavirus Response Act or FFCRA** was a temporary federal law that guaranteed paid leave for reasons related to COVID-19. This law expired at the end of 2020 and it no longer requires employers to provide paid leave. However, if companies with fewer than 500 employees voluntarily pay workers when they take emergency paid sick leave and emergency childcare FMLA leave, they may receive federal tax credits till September 31st of this year to reimburse their costs. For more on the federal paid leave tax credit that was included in the American Recovery Plan visit A Better Balance: [www.abetterbalance.org/resources/american-rescue-plan-tax-credits](http://www.abetterbalance.org/resources/american-rescue-plan-tax-credits)

***All of these laws and programs can be confusing. Try not to feel discouraged and see support from others and organizations that can help you.***

You can also check out the various possible different [scenarios and benefit options in this guide](#) ([other languages available here](#)) on the NJ Department of Labor Website. However, keep in mind, some employers may have their own more generous policies. Consider speaking with your employer about alternatives that may be available such as paid time off, working remotely, taking a leave of absence, and other opportunities or flexibilities that may be available.

\* Workers excluded from the law are those employed in the construction industry under a union contract, per diem health care employees, public employees who are provided with sick leave at full pay under any other NJ law or rule, and independent contractors who do not meet the definition of an employee under NJ law.

## **Enforcement!**

If your employer does not want to negotiate options with you, or if they refuse to cooperate and follow the **laws**, there are several ways you can take action to enforce your rights.

Here are some suggested steps you can take!

### **1. Learn about your rights and take notes.**

This is just a summary about worker rights but there may be other protections or laws that could help you. Reach out to any local worker community organization if you would like to learn more and get support. You can learn more about your rights at <http://myworkrights.nj.gov/>

If you have questions specific to your rights to paid leave you can fill this google form out to seek 1-1 advice and/or be connected to a local community worker organization that can support you: <https://bit.ly/WorkerRightsConsejo>

### **2. Reach out and connect with coworkers and local worker organizations.**

It can be helpful to connect with coworker, if you have a union or a health and safety committee, start there! Or just speak with coworkers you feel comfortable speaking with about your issue, maybe they have the same concerns or experience. You can discuss how to take action together. And find out if there is a local community organization that can support you in your area.

### **3. Inform your employer of the law and keep notes.**

Your employer may know about their obligations under the law or they may not. If you feel comfortable speaking with your employer, you may want to let them know what you have learned. You could consider attempting to leave the information with them anonymously or it could come from a group of workers. Also, try to keep proof and document your conversation and communications with your employer as best you can. Keeping notes about the details of your situation can be helpful later.

### **4. File a complaint with the appropriate state agency or contact a lawyer.**

There are several state agencies you can contact if you think your employer is not following the law. You can start at the new [NJDOL webpage](#) to see the full details of protections and on the right hand side of this page you can see details about how to bring a complaint to enforce the new Executive Order. You can also contact an attorney to see if bringing a private right of action might be a viable option for you. You could start by contacting the free Legal Services of NJ, [www.lsnj.org/](http://www.lsnj.org/)