

Imminent Posting Deadline: Employers Subject to the New Jersey Paid Family Leave Law Must Post Notification by December 15, 2008

December 10, 2008

On May 2, 2008, New Jersey Governor John Corzine signed an amendment to the Temporary Disability Benefits Law (TDBL) requiring that employers provide notice to employees of their rights under the TDBL. Morgan Lewis previously issued a LawFlash on April 17, 2008 reviewing the amended law and its impact on employers, which can be accessed at http://www.morganlewis.com/pubs/LEPG_NJProvidePaymentsForLeave_LF_17apr08.pdf.

Although employees cannot claim benefits under the New Jersey Family Leave Insurance Program (the Program) until July 1, 2009, the amended TDBL requires employers to conspicuously post notifications detailing Program information and employee rights to Program benefits by **December 15, 2008**. Like other required notifications, the Program poster is to be displayed in a place or places accessible to all employees, and employers with multiple workplaces in New Jersey must conspicuously display the required poster in each workplace. The Program poster can be downloaded directly from the New Jersey Department of Labor website at http://lwd.state.nj.us/labor/fli/content/emp_requirements.html.

In addition, employers must also provide each employee with a written copy of the Program notification no later than December 15, 2008, as well as

- At the time of an employee's hiring
- Whenever an employee gives notification that he or she is taking time off to bond with a newborn or a newly adopted child or to care for a seriously ill family member
- At any time, upon the request of an employee

The written notification may be electronically transmitted to employees.

Employers Should Continue to Monitor the Family Leave Insurance Program

The New Jersey Legislature recently introduced two bills seeking to delay implementation of the Program. Again, although employees cannot seek benefits under the Program until July 1, 2009, payroll deductions used to fund the Program are currently scheduled to begin January 1, 2009. Assembly Bill A3421 (introduced on November 13, 2008) seeks to delay implementation of the Program for one year; Assembly Bill A3466 (introduced on November 17, 2008) seeks a delay of two years. Both bills have been referred to the Assembly Labor Committee. Although it is doubtful that any action on these bills will occur before January 1, 2009, employers should continue to monitor any developments related to the Program.

Conclusion

New Jersey employers must obtain, post, and distribute the required Program notification before the December 15 deadline and at the subsequent times identified above. Employers should also be prepared to implement the Program's mandatory wage deductions scheduled to begin on January 1, 2009.

In light of these developments and the recent Family and Medical Leave Act regulations issued by the U.S. Department of Labor on November 17, 2008, which go into effect on January 16, 2009, employers should review their existing leave policies and benefits, consider how those will interact with the new TDBL and the FMLA regulations, and make necessary modifications to handbooks, policies, and procedures to address these recent changes in the law. Morgan Lewis's November 25 LawFlash regarding the new FMLA regulations can be accessed at http://www.morganlewis.com/pubs/LEPG_ChangesToFMLA_LF_25nov08.pdf.

Morgan Lewis's Labor and Employment Practice regularly advises employers with respect to all aspects of federal and state leave, including the development and implementation of policies, day-to-day guidance under such policies, and litigation of claims under the various leave laws.

If you would like further information regarding the issues raised in this Morgan Lewis LawFlash, please contact any of the following Morgan Lewis attorneys:

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