

New Jersey Legislature Advances Bill Expanding Job-Protected Family Leave to Smaller Employers

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Source: Saiber Employment Law Alert

The New Jersey Legislature has advanced A3451/S3451, a bill that would expand job-protected family leave rights to employees working for smaller employers. The bill has passed the Senate by a 24–12 vote and must now return to the Assembly for concurrence with Senate amendments before it can be presented to Governor Phil Murphy.

Under current law, employees may take up to 12 weeks of paid family leave to bond with a new child or care for a seriously ill family member. However, job protection, including reinstatement following leave, applies only to employers with 30 or more employees.

Scope of the Legislation

A3451/S3451 would lower the employee-count threshold for job-protected family leave in phases, making it applicable to:

- Employers with 20 or more employees upon enactment;
- Employers with 10 or more employees one year later; and
- Employers with five or more employees two years after enactment.

Once fully implemented, most New Jersey employers would be required to reinstate eligible employees returning from family leave. The bill also clarifies that employees may not receive overlapping paid leave benefits for the same period of time.

Legislative Intent and Policy Considerations

Supporters argue the bill ensures employees who contribute to the paid family leave system are not denied job protection based on employer size. Business groups have raised concerns about the operational impact on small employers, particularly those with limited staffing flexibility.

Implications for Employers

If enacted, the bill would affect many employers currently exempt from job-protected family leave obligations. Employers should consider:

- Reviewing and updating leave policies;
- Training managers on reinstatement requirements; and
- Planning for coverage during extended employee absences.

Final Considerations

Although not yet law, employers, particularly those with fewer than 30 employees, should monitor further developments and begin preparing for potential compliance obligations. Employers with questions about this legislation or other employment law matters should contact Jennifer O'Connor of Saiber LLC's Employment & Labor Law Practice.