

**Sent:** Thursday, March 26, 2020 12:32 PM

**Subject:** Emergency Leave Law

Good afternoon. I hope all is well. Late yesterday, Governor Murphy signed into law **Senate, No 2304** (*Sweeney D-3/Scutari D-22*)(*Sumter D-35/Chapparro D-3*), which expands the scope of the State's temporary disability insurance (TDI), so that workers may obtain TDI or Family Leave Insurance (FLI) benefits by expanding that law's definition of a "serious health condition" for which a worker may obtain the benefits, either for the worker's own condition in the case of TDI benefits, or for the condition of a family member of the worker cared for by the worker in the case of FLI benefits.

In summary, the new law declares that during a state of emergency declared by the Governor, Commissioner of Health, or other public health authority, a "serious health condition" includes an illness caused by an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent spread of a communicable disease, which: 1) in the case of FLI benefits, prompts the issuance by a public health authority of a determination that the presence in the community of the worker's family member in need of care by the worker, would jeopardize the health of others; or 2) in the case of FLI or TDI benefits, results in the recommendation of a healthcare provider or public health authority that a worker, or a family member of the worker in need of care by the worker, voluntarily undergo self-isolation or self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that worker or family member would jeopardize the health of others.

The law also eliminates the current one-week waiting period for disability benefits in the indicated epidemic-related cases. The law further modifies the Family Leave Act (FLA) so that the rights to reinstatement to employment provided to workers by that act are applied to the epidemic-related cases, and modifies P.L.2018, c.10 (C.34:11D-1) so that the earned sick leave provided by that law is provided in all of the epidemic-related cases accordingly. I hope you find this information helpful, and please do not hesitate to contact me with any questions or concerns.

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