



NJ Time to Care Coalition

Paid Leave Recommendations during COVID-19 and other Public Health Emergencies

The New Jersey Time to Care (TTC) Coalition works to promote equitable access to earned sick and safe days and paid family & medical leave. We advocate for paid leave and other policies that support working families and their ability to care for themselves and their loved ones.

The NJ TTC Coalition has formulated several recommendations for how the state of New Jersey can ensure that workers are aware of and able to access paid time off in connection with the COVID-19 outbreak and other potential future public health emergencies.

New Jersey has critical supports and protections already in place to help workers deal with COVID-19. We are one of just a few states with an Earned Sick Leave law that includes coverage for public health emergencies. We also have Unemployment, Temporary Disability, and Family Leave Insurance programs that provide partial wages when workers are out of work to deal with their own health and their loved ones' health.

Thanks to Governor Murphy, the Garden State is a leader in guaranteeing that its workforce can afford to take time off for events such as the COVID-19 outbreak, and our government should do everything it can to make sure the public is aware of the laws and programs already available. Despite these strong protections we still need to do more to address the gaps that some workers still fall through - by further expanding protections we can ensure that everyone is able to stay home for their health, their loved ones' health, and the health and economic security of our State during this public health emergency.

During crises, health and economic hardships impact lower-income workers and workers of color the most. We need to treat this emergency the same way we would a natural disaster and address the needs of those most vulnerable among us. Our recommendations focus on increasing awareness and expanding NJ state law and benefit programs as follows:

Increasing Awareness

NJ State Law & Benefit Programs

The Governor and other State Departments should encourage employers and schools to include in their outreach to employees, students, parents, and the community, information regarding their right to take Earned Sick Days, access to the state's Temporary Disability Insurance, Family Leave, and Unemployment Insurance. We applaud the Department of Labor and Workforce Development's (LWD) [COVID-19 page](#) and the Department of Health's [COVID-19 Information pages](#) which link to the LWD's Earned Sick Leave law.

However, we think that more can be done to create informative posts, graphics, and an easy to read comparison guide ([such as what Washington State created](#)), and engage with social media and other outreach efforts to help spread the word.

Awareness of this information is especially important when employers and schools are considering steps to take during a possible closure and the information about paid leave should be made available so that they can provide this information to their employees and parents. Additionally, as outlined further below, we recommend for the fast-track hiring of more LWD staff to assist with the need for increased outreach.

Private Employers and State Contractors

The nature of the outbreak calls for private companies to take strong action to protect vulnerable workers and the public from the spread of the virus. The Governor and other State Department Commissioners should use their leadership position to call on New Jersey businesses to “front load” their employees’ required paid sick time before accrued and offer additional paid sick time beyond the required minimum. Employers should be encouraged to offer paid sick time to those who need to be tested, treated, or who are sick -- and for workers’ loved ones who need to be tested, treated or if sick. Employers not required to follow FMLA or NJ Family Leave Act, should be encouraged to guard the jobs of those who miss time because of treatment, quarantine, self-isolation, or care.

The Governor and the LWD should require or incentivize city and state contractors to offer additional paid sick time for employees dealing with the virus. Also ensure that contracted workers who might suffer loss of work receive back pay.

New Jersey State Law and Benefit Programs

Improve the state NJ Earned Sick and Safe Days Law:

Our law should cover as many workers as possible and remove any barriers for workers in accessing their time during a public health crisis. As made evident by this year’s virulent flu season and the current COVID-19 outbreak, 5 paid sick days is often not enough and we believe we need to at a minimum increase the number of earned sick days required by law from 5 to 7 days, the same number as in the federal paid sick days bill, the Healthy Families Act. In addition, we propose the following expansion to our current state Earned Sick and Safe Days law during the outbreak of COVID-19 or other public health emergencies:

- Immediately require 14 additional days when there is a public health outbreak or emergency.
- Remove the 120 day waiting period after an employee’s first day of work to access their accrued paid sick days.
- Include coverage for workers currently excluded (per diem health care workers, independent contractors, construction workers under a union contract, and state employees already receiving paid sick pay) under the law.
- Remove the ability for employers to require a doctor’s note after 3 days’ consecutive absence, and allow for self-certification in lieu of documentation.

Expand availability and protections when taking Paid Family and Medical Leave:

Again, our benefit programs should cover all workers, regardless of immigration status, and be as accessible as possible during this public health emergency. Just as with Earned Sick Leave, we would like to see the following expansions for any workers in New Jersey taking leave when dealing with the virus — for those affected by the outbreak who need longer recovery time or time for quarantine, isolation or caregiving.

- The New Jersey Temporary Disability Insurance (TDI) and Family Leave Insurance (FLI) programs need to include short-term job protection for all leave-takers.
- Waive eligibility requirements for workers who do not meet the minimum earnings requirement or who are not covered because they work as independent contractors, freelancers, or gig workers.
- Consider how to allow for self-certification for TDI and FLI leave related to quarantine, isolation, or school or work closures in lieu of medical certification.
- Currently the TDI program has a one week waiting period. We recommend removing this waiting period just as it was removed for Family Leave Insurance.
- The public is largely unaware how New Jersey's benefit programs might apply to them during this crisis. While TDI is available when a medical care provider determines that a worker's disabling condition prevents them from being able to work, and FLI when workers need to care for a loved one with a serious medical condition, it is unclear if they are eligible to receive unemployment benefits when following guidance to isolate or quarantine themselves as a result of potential exposure. Further clarification is necessary and providing the LWD with additional resources to spread this information will make it easier for workers to know about and access the programs during public health emergencies:
 - The Department of Labor and Workforce Development is engaging in proactive outreach and messaging to employers, health care providers, and the public regarding when workers might be covered by TDI or FLI. We need to support their effort as much as possible and fast-track hiring additional staff to assist in this outreach. The public must be made aware that these programs and supports are available in the case of a public health emergency and that COVID-19 is a public health emergency.
 - Additionally, if dealing with additional claims, the TDI and FLI Division should be equipped with additional staff to handle the influx. While the Division has already been working to hire more claims adjudicators, the on-boarding and hiring process should be further fast-tracked.
- And finally ensure that Unemployment Insurance is meeting the needs of workers under or unemployed during this pandemic.

Other Solutions

Economic Stimulus or Emergency Fund

- Any potential emergency funds should be used to ensure all working people in NJ can access ESD, TDI, FLI and UI as needed, including those not currently eligible. Currently there is a pending federal bill, *Families First Coronavirus Response Act*, that would reimburse states that use their paid family and medical leave insurance programs for this purpose. NJ can close the gaps in these policies and programs now, making them truly universal. In addition, the crisis may lead to unanticipated increased usage that could result in burdensome tax increases on workers, who wholly fund FLI and partially fund TDI (and UI), that our state would want to offset.
- And finally, financial support should also be made available for small businesses that pay workers the additional 14 paid sick days and if they experience any hardship as a result of the public health crisis.