

A COMPARATIVE GUIDE TO THE NJ-SAFE, NJFLA & FMLA¹

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SAFE	NJFLA	FMLA
<p>Employer coverage:</p> <p>Private sector: 25 or more employees (25 -49 employees, only SAFE)</p> <p><i>Public sector: 1 or more</i></p>	<p>Employer coverage:</p> <p>50 or more employees</p> <p>Division of Civil Rights (DCR) <u>regulations</u> include employees working outside of NJ within this calculation.</p>	<p>Employer coverage:</p> <p>Private sector: 50 or more employees</p> <p>Public sector: 1 or more</p> <p>Employee eligibility: 50 or more, 75 mile radius</p>
Employed 12 <i>non-consecutive</i> months	Same	Same
1,000 <i>base</i> hours during the prior 12 months <i>(*Worker's Comp. hours count)</i>	Same	1,250 working hours during the prior 12 months
Care for employee, spouse, child, parent, <i>civil union and domestic partners</i> .	<p>Same, except that:</p> <ol style="list-style-type: none"> 1. No coverage for employee; 2. Definition of parent under DCR <u>regulations</u> includes parent- in-law; 3. Provides other coverage unrelated to SAFE. 	<p>Same as SAFE, except that:</p> <ol style="list-style-type: none"> 1. No coverage for civil union or domestic partners; 2. Includes coverage to care for next of kin for service members; 3. Provides other coverage unrelated to SAFE.
<p>Concurrent coverage with NJFLA & FMLA:</p> <ul style="list-style-type: none"> -Recover from physical or psychological injuries; -Psychological or other counseling. 	Provides coverage if qualifies as serious health condition under the Act	Same as NJFLA.
Enforcement: law suit ?N.J. Dept of Labor?	Enforcement: law suit N.J. Division on Civil Rights	Enforcement: law suit Federal Dept. of Labor

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SAFE	NJFLA	FMLA
Employer can require certification No second opinion process	Same, except: scope is different and second/third opinion process applies	Same as NJFLA
Intermittent Leave: increments of no less than 1 day No reduced schedule leave	Intermittent Leave: intervals of at least 1 week Must be medically necessary & scheduled so as not to unduly disrupt the employer's business Reduced schedule leave applies	Intermittent Leave: smallest increment typically used by the employer Same as NJFLA regarding scheduling and reduced schedule leave
<u>Possible stacking</u> : Employer may require or employee may elect to use accrued paid time off (Negotiable item)	Same	Same
<u>NO STACKING</u> : SAFE leave <i>shall</i> run at the same time as time off under other laws/leave entitlements (TDB (incl. NJ-FLI), FMLA and NJFLA) (Non-negotiable!)	Possible stacking: An employer <i>may</i> require running NJFLA at the same time as other laws/leave entitlements. (Negotiable item)	Same as NJFLA.
<u>No</u> key employee restrictions	Key employee restrictions	Key employee restrictions

¹Please note, this chart is limited to comparable provisions related to the above three leave laws. The NJFLA and FMLA provide coverage for other leaves unrelated to leave under the NJ SAFE Act.

This material is provided solely for informational purposes and does not constitute legal advice. For legal advice, contact competent legal counsel.