POLICY ANALYSIS SERIES | IN BRIEF

Temporary Disability and Family Leave Insurance in New Jersey: The Report in Brief

Information current as of July 19, 2026

The bottom line

New Jersey runs two insurance programs that replace part of your pay when you cannot work: Temporary Disability Insurance (TDI) for your own illness, injury, or recovery from childbirth, and Family Leave Insurance (FLI) for bonding with a new child, caring for a seriously ill family member, or safe leave connected to domestic or sexual violence. In 2026, both pay 85 percent of your average weekly wage, up to $1,119 per week. Since July 17, 2026, a new law (P.L. 2025, chapter 279) also protects your job while you use these benefits, and it expands the separate New Jersey Family Leave Act (NJFLA) to smaller employers and newer workers. Benefit amounts, durations, and financing did not change.

What the programs pay in 2026

How much. Both programs pay 85 percent of your own average weekly wage, capped at $1,119 per week. Watch out for a common mistake: $1,199, a figure many summaries repeat, is the workers' compensation maximum, a different program for injuries at work. The TDI and FLI maximum is $1,119.

How long. TDI pays up to 26 weeks per period of disability; its one waiting week is paid back to you after three straight weeks of benefits. FLI pays up to 12 consecutive weeks, or 56 separate days, in a 12 month period, with no waiting period at all.

Who qualifies, and how to claim. You qualify if you earned at least $310 per week for 20 weeks, or at least $15,500 in total, during the base year, roughly the year before your claim. Working in New Jersey is what counts, not living here. Bonding claims need no medical paperwork. For FLI, tell your employer 30 days before continuous bonding leave and 15 days before each separate period; late notice can cost you 14 days of benefits.

Who pays. Workers fund both programs through payroll deductions on the first $171,100 in wages: 0.19 percent for TDI and 0.23 percent for FLI in 2026, both lower than in 2025. Employers contribute to TDI on a smaller wage base; employers pay nothing at all for FLI. Every covered worker pays for FLI, whether or not they ever use it.

What changed on July 17, 2026

Your job is now protected. Until this year, these programs paid money only: a worker at a small company could collect benefits and legally lose the job anyway. The new law says a worker returning from TDI or FLI leave is entitled to the same position back, or an equivalent one with the same seniority, benefits, and pay. State guidance applies this protection when the leave is not already covered by the NJFLA or the federal FMLA, at employers of any size, with no minimum time on the job. The guidance is operative for now; formal rules are still to come and could refine it.

The NJFLA reaches more people. The NJFLA gives unpaid, job protected leave of up to 12 weeks in a 24 month period. The new law lowers its private employer threshold from 30 employees to 15, and shortens how long you must work to qualify from 12 months and 1,000 hours to three months and 250 hours. Provisions phasing the threshold down to 10 and then five employees were removed before passage, so claims that New Jersey enacted an automatic phase down are wrong: it stops at 15.

If your rights are violated. You can now sue in Superior Court and seek your job back, lost wages, damages, fines of $1,000 to $2,000 for a first violation and up to $5,000 for each later one, plus attorney's fees. For NJFLA violations you can also file a free complaint with the Division on Civil Rights within 180 days. And if you have both earned sick leave and TDI or FLI, you choose the order, but cannot collect two paid benefits for the same days.

The numbers behind the report

By the numbers. These figures come from state agencies, the Legislature's fiscal office, federal surveys, and university research, cited in full in the report:

$1,119	**The 2026 maximum weekly benefit for TDI and FLI,** at 85 percent of your average weekly wage, up from $1,081 in 2025. The often repeated $1,199 belongs to workers' compensation, not these programs.
400,000+	**Workers gaining job protected leave under the new law,** per the Governor's office; the Legislature's fiscal office independently estimated about 410,000, a 14 percent increase.
$1.2 billion	**Paid out in 2024, nearly,** on more than 216,000 new claims to the two State Plans; 83 percent of eligible FLI claims were for bonding with a new child, and pregnancy and childbirth led TDI claims.
67%	**Of workers earning under $100,000 feared** that taking leave would cost them their job, against 40 percent of higher earners. Researchers found about 1.55 million workers lacked NJFLA job protection in 2021, concentrated among low wage, Hispanic, and non citizen workers.

Both sides of the question

Consistent with ARA's nonpartisan mandate, the report presents the case for and against on equal terms. **Supporters**, including the sponsors and worker advocates, argue that workers fund FLI entirely yet many could not safely use it, and that job protection turns a benefit workers already pay for into one they can actually take. **Employer groups**, led by the Employers Association of New Jersey, formally asked the state to delay the job restoration rules, citing three gaps: no hardship exception, no required overlap with FMLA or NJFLA leave, and claim notices that arrive by mail weeks late, while lawsuits are possible from day one. The state did not delay; the law took effect on schedule, and formal rulemaking has not yet begun. The report states both positions and lets readers weigh them.

Where New Jersey stands, and what to do

- **Apply online.** Both programs run through the NJDOL's MyLeaveBenefits portal at nj.gov/labor, which also shows the current figures. Medical and caregiving claims need certification; bonding claims do not. If your employer uses a state approved private plan, you apply through the plan, with benefits at least equal to the State Plan's.
- **Check your coverage in minutes.** The state's free Job Protection Checker, in English and Spanish, shows whether the FMLA and NJFLA cover your job. NJFLA complaints go to the Division on Civil Rights within 180 days of an incident.
- **Timing matters.** Leave that ended before July 17, 2026 falls under the old rules, FMLA or NJFLA only; leave ending on or after that date gets the new restoration right.
- **Veterans and military families.** The new law says nothing specific about military status; veterans and their caregivers use these programs under the same general rules. Federal law adds one extra: FMLA military caregiver leave of up to 26 weeks, including to care for certain recent veterans.
- **Taxes.** FLI benefits arrive with a Form 1099-G and are federally taxable but not taxed by New Jersey; TDI benefits are partly taxable, through your employer's W-2. Ask a qualified tax professional; this is not tax advice.

A practical step for any year

If a leave may be in your future, take ten minutes now: run the Job Protection Checker, note the FLI notice deadlines (30 days for bonding, 15 for intermittent leave), and keep copies of anything you file. If you run a business with 15 to 29 employees, the NJFLA now applies to you for the first time: plan to track leave, keep benefits in place, and return workers to their jobs.

About this summary. Agard Research Associates Inc. (ARA) is a nonpartisan, nonprofit research institute in New Jersey. This document summarizes the full ARA report, Temporary Disability and Family Leave Insurance in New Jersey (July 2026), with complete citations for every figure above. It neither supports nor opposes any party, candidate, or legislation, and it is general information, not legal or tax advice. Version 1.0, July 2026.