EXECUTIVE SERIES:
LABOR & EMPLOYMENT

STATE-BY-STATE EXPANSION OF FAMILY AND DISABILITY LEAVES



Presented by:
Ruth Rauls, Partner, Erik Pramschufer, Partner,
Mark Nehme, Associate

SAUL EWING
LLP

1

AGENDA AND TIMING

EXECUTIVE SERIES:
LABOR & EMPLOYMENT

01	Federal leave entitlements
02	New Jersey Family Leave Act Amendments (“NJFLA”)
03	The Minnesota Paid Leave Law (“MPLL”)
04	Maryland Family and Medical Leave Insurance (“FAMLI”)

© 2026 Saul Ewing LLP

2

01

PART ONE

FEDERAL LEAVE ENTITLEMENTS



3

FMLA BASICS

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Covered employer

- 50+ employees for 20+ workweeks in the current or preceding calendar year
- Workweeks do not need to be consecutive
- Public agencies and schools covered regardless of size

Eligible employee

- 12 months of service, need not be consecutive
- 1,250 hours worked in the preceding 12 months
- Works at a site with 50+ employees within 75 miles

Employer duties

- Maintain group health coverage during leave
- Restore to the same or an equivalent position
- Must provide the employee with an eligibility notice, a rights and responsibilities notice, and a designation notice

© 2026 Saul Ewing LLP

4

FMLA - QUALIFYING REASONS FOR LEAVE AND TIMING

EXECUTIVE SERIES: LABOR & EMPLOYMENT

12 weeks

Standard entitlement in a 12-month period

- Birth and bonding with a newborn
- Adoption or foster placement
- Employee's own serious health condition
- Care for a spouse, child, or parent
- Qualifying exigency from a deployment

26 weeks

Military caregiver leave in a single 12-month period

- Available to a spouse, child, parent, or next of kin
- Servicemember or covered veteran with a serious injury or illness incurred or aggravated on active duty
- A per-servicemember, per-injury entitlement

Watch the measuring method — The employer picks one of four ways to measure the 12-month period — calendar year, fixed year, rolling forward, or rolling backward — and that choice drives when an entitlement resets. Military caregiver leave runs on its own clock.

© 2026 Saul Ewing LLP

5

LEAVE OBLIGATIONS THAT SIT OUTSIDE THE FMLA

EXECUTIVE SERIES: LABOR & EMPLOYMENT

ADA **Leave as a reasonable accommodation**	Unpaid leave beyond an exhausted FMLA entitlement can itself be an accommodation. No rigid maximum-leave limits. Employers must engage in the interactive process, bounded by undue hardship
PWFA / PDA **Pregnancy and related conditions**	The Pregnant Workers Fairness Act requires reasonable accommodation for known limitations related to pregnancy and childbirth — including leave — absent undue hardship. The PDA independently bars pregnancy-based discrimination
USERRA **Uniformed service**	Protects service members' employment and reemployment rights, generally for cumulative absences up to five years, with prompt reinstatement, benefit continuation, and no-cause discharge protection after return

© 2026 Saul Ewing LLP

6

WHAT FEDERAL LAW DOES NOT REQUIRE

EXECUTIVE SERIES: LABOR & EMPLOYMENT

No federal paid leave mandate
The FLSA sets minimum wage and overtime standards. It does not require paid sick leave, paid family leave, vacation, or holidays for private employers

No coverage below 50 employees
Employers with fewer than 50 employees are not covered by the FMLA

A narrow definition of family
The FMLA reaches a spouse, parent, and child. It does not reach siblings, grandparents, grandchildren, in-laws, or a domestic partner

Unpaid means unpaid
Employers may require, and employees may elect, to substitute accrued paid time — but the statutory entitlement itself carries no wage replacement

© 2026 Saul Ewing LLP

7

02

PART TWO

NEW JERSEY FAMILY LEAVE ACT AMENDMENTS ("NJFLA")



SAUL EWING LLP

8

OVERVIEW OF THE NJFLA

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Leave entitlement

- Provides eligible employees of covered employers with up to 12 weeks of job-protected leave during any 24-month period
- Leave is unpaid
- Employees may receive wage replacement through New Jersey Family Leave Insurance ("FLI")

Scope and scheduling

- Does not cover leave for the employee's own serious health condition (FMLA and/or Temporary Disability Insurance typically apply for that)
- Leave may be taken as a continuous block, intermittently, or on a reduced schedule (subject to rules)

© 2026 Saul Ewing LLP

9

QUALIFYING REASONS FOR NJFLA LEAVE

EXECUTIVE SERIES: LABOR & EMPLOYMENT

An eligible employee may take NJFLA leave for:

Bonding with a new child	To care for or bond with the employee's child following birth, adoption, or foster care placement. Leave must begin within one year of the birth or placement
Care for a family member	Care for a family member with a serious health condition. Includes physical care, emotional support, assistance with treatment, transportation, and daily living needs "Family member" is defined broadly: child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, civil union partner, blood or marriage relatives, or any individual with a close association equivalent to a family relationship
Public health emergency	During a declared state of emergency

© 2026 Saul Ewing LLP

10

NJFLA JOB PROTECTION

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Job Protection

- Restoration to the same or equivalent position (same pay, benefits, seniority, and terms)
- Limited exception for certain highly compensated employees if leave would cause substantial and grievous economic injury (narrow and does not apply in most public-health-emergency situations)

NJFLA and FMLA coordination

- Leave under the NJFLA and federal FMLA often runs concurrently when both apply
- Leave taken solely for the employee's own condition under the FMLA does not count against the NJFLA entitlement

© 2026 Saul Ewing LLP

11

AMENDED NJFLA – EFFECTIVE JULY 17, 2026

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Eligibility	Significantly expands employees eligible for leave and reinstatement rights
Programs affected	Amends not only the NJFLA but also New Jersey Temporary Disability Insurance ("TDI") and Family Leave Insurance ("FLI")
Employer approach	Employers should take an inclusive view of NJFLA, TDI and FLI

© 2026 Saul Ewing LLP

12

AMENDED NJFLA – EFFECTIVE JULY 17, 2026

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Threshold	Before the amendment	On and after July 17, 2026
Employer coverage	30 or more employees	**15 or more employees**
Length of service	12 months of employment	**3 months of employment**
Hours worked	1,000 hours in the prior 12 months	**250 hours in the prior 12 months**

Who this newly captures

Smaller employers
The 15–29 employee band picks up first-time reinstatement duties

Newer hires
Three months of service now qualifies, down from a full year

Part-time and seasonal
The 250-hour test reaches workers averaging under five hours a week

Out-of-state employers
An out-of-state employer may owe leave to its New Jersey–based staff

© 2026 Saul Ewing LLP

13

JOB PROTECTION CHANGES – TDI AND FLI

EXECUTIVE SERIES: LABOR & EMPLOYMENT

There are no minimum employer size requirements or work history requirements to be eligible for TDI/FLI benefits. Eligibility for benefits is based on recent earnings

Job protection

Employees who receive FLI or TDI benefits must be restored to their original position or to an equivalent position with equivalent seniority, status, employment benefits, pay, and other terms and conditions, consistent with NJFLA job-protection principles

Use of benefits / sick time

Employees who are eligible for TDI or FLI and sick time may now choose which type of leave or leave benefit to take first, provided that only one type of paid leave will apply at a time

© 2026 Saul Ewing LLP

14

TEMPORARY DISABILITY INSURANCE ("TDI")

EXECUTIVE SERIES: LABOR & EMPLOYMENT

What is TDI?

- Wage replacement benefits for an employee's own sickness or injury that prevents the employee from working
- Up to 26 weeks of state-provided partial wage benefits

Eligibility in 2026:

- Worked 20 weeks earning at least $310 weekly, or earned a combined total of $15,500 in those four quarters (the base year)

© 2026 Saul Ewing LLP

15

FAMILY LEAVE INSURANCE ("FLI")

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Qualifying leave

Partial wage replacement benefits when on leave to:

- Care for a family member with a serious health condition;
- Bond with a new child during the first 12 months after a child's birth or placement (adoption or foster);
- Handle certain domestic or sexual violence matters; and
- Care for a family member when there's a state of emergency, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent the spread of the communicable disease

Benefits Provided

- Up to 12 weeks of state-provided partial wage benefits or 56 days of intermittent leave within a 12-month period
- Employee must apply for benefits within 30 days of the first day of leave

Eligibility in 2026:

- Worked 20 weeks earning at least $310 weekly, or earned a combined total of $15,500 in those four quarters (the base year)

© 2026 Saul Ewing LLP

16

COMPARISON: PRIOR NJFLA AND AMENDED NJFLA

EXECUTIVE SERIES: LABOR & EMPLOYMENT

	Before July 17, 2026	On and After July 17, 2026
Covered Employers	30+ employees	**15+ employees**
Eligible Employees	Work for 12+ months and 1,000+ base hours during the preceding 12-month period	**Work for 3+ months and 250+ base hours during the preceding 12-month period**
Reinstatement Rights	NJFLA: Yes TDI/FLI Usage: No	**NJFLA: Yes** **TDI/FLI: Yes**
Benefits & Paid Sick Leave (PSL)	Employers can supplement TDI/FLI benefits with PTO, including from a general bank, provided the PTO policy isn't also being used to satisfy NJ Earned Sick Leave Law obligations. If a PTO bank is used for Earned Sick Leave Law compliance, it cannot be used to supplement TDI/FLI benefits.	**Employees can only use one paid benefit at a time: TDI, FLI or PSL**

© 2026 Saul Ewing LLP

17

ORDERING AND STACKING OF PAID BENEFITS

EXECUTIVE SERIES: LABOR & EMPLOYMENT

The amendment also addresses how an employee's paid benefits interact

The employee chooses the order	Where more than one paid benefit is available for the same leave, the employee decides which to use first
Only one benefit at a time	An employee may not draw two paid benefits concurrently for the same period of leave
No supplementing with paid sick time	Earned sick leave cannot be used to top off a TDI or FLI benefit to full pay during the same week Employers can supplement TDI/FLI benefits with PTO, including from a general bank, provided the PTO policy isn't also being used to satisfy NJ Earned Sick Leave Law obligations. If a PTO bank is used for Earned Sick Leave Law compliance, it cannot be used to supplement TDI/FLI benefits
Employer policies must follow suit	Handbook language requiring accrued paid time off to be exhausted first should be reviewed against the new rule

© 2026 Saul Ewing LLP

18

TAKEAWAYS

EXECUTIVE SERIES: LABOR & EMPLOYMENT

- The law is new, and no proposed regulations have been issued
- The New Jersey Department of Labor and Workforce Development (NJDOL) recently published FAQs for employers and workers that confirm the basics but leave open bigger issues
  - **Employer FAQs** https://nj.gov/labor/myleavebenefits/help/faq/emp.shtml
  - **Job-protected leave FAQs** https://nj.gov/labor/myleavebenefits/help/faq/job-protected-leave-faq.shtml
- The complaint process has not been established yet

© 2026 Saul Ewing LLP

19

03

PART THREE

THE MINNESOTA PAID LEAVE LAW ("MPLL")



SAUL EWING LLP

20

MINNESOTA EMPLOYEE PROTECTIONS BEFORE 2026

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Protections in place by the end of 2025, before Minnesota Paid Leave launched

Minnesota Parental Leave Act

Minn. Stat. §§ 181.940–181.944

- Up to 12 weeks of unpaid leave for birth or adoption, or pregnancy-related incapacity
- Covers employers with one or more employees, without a tenure or hours-worked threshold
- Reinstatement to the same or a comparable job, continued group insurance, and protection against retaliation

Earned Sick and Safe Time (ESST)

Minn. Stat. §§ 181.9445–181.9448

- Effective January 1, 2024. Generally covers employees expected to work 80+ hours per year in Minnesota
- One paid hour per 30 hours worked, up to 48 hours annually. Carryover up to an 80-hour bank, with frontloading alternatives
- Use for personal or family illness, preventive care, and qualifying safety needs. Job protection and anti-retaliation rights apply

© 2026 Saul Ewing LLP

21

PAID LEAVE TOOK EFFECT JANUARY 1, 2026

EXECUTIVE SERIES: LABOR & EMPLOYMENT

A state-administered social insurance program on the Washington and Massachusetts model — the state pays the benefit, and the employer carries the administration

1

employee in Minnesota is enough to be a covered employer

20

maximum combined weeks of paid leave in a benefit year

90%

top wage replacement rate, tapering above half the state average wage

$1,473

maximum weekly benefit in 2026

© 2026 Saul Ewing LLP

22

HOW THE ENTITLEMENT IS STRUCTURED

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Medical leave	Up to 12 weeks for the employee's own serious health condition, including pregnancy and recovery from childbirth
Family leave	Up to 12 weeks for bonding with a new child, caring for a family member, safety leave, or a military exigency
Combined cap	The two categories may not exceed 20 weeks in a single benefit year, whether taken continuously or intermittently

© 2026 Saul Ewing LLP

23

MINNESOTA PAID LEAVE LAW (MPLL): ELIGIBILITY

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Employee coverage: either geographic test qualifies

OR

Minnesota work test

At least 50% of the employee's employment during the calendar year takes place in Minnesota

Minnesota residence and multistate work

Some work takes place in Minnesota, the employee resides in Minnesota for at least 50% of the calendar year, and the employee does not perform 50% or more of their work in any single other state

Exclusions from mandatory coverage	Self-employed individuals, independent contractors, and seasonal employees (as defined by statute) are excluded from mandatory coverage. Self-employed individuals and independent contractors may elect to opt in

© 2026 Saul Ewing LLP

24

MINNESOTA PAID LEAVE: FUNDING

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Premium rates

- Total premium of 0.88% of covered wages for 2026 and 2027
- Split as 0.61% medical and 0.27% family leave
- Reduced rate of 0.66% for qualifying small employers

Payment and reporting

- Employer and employee may share evenly at 0.44% each; the employer may elect to pay the full amount
- Withholding, remittance, and wage reporting are the employer's obligations

© 2026 Saul Ewing LLP

25

MINNESOTA PAID LEAVE: JOB PROTECTION

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Employee protections

- The Paid Leave law carries its own reinstatement right, independent of the FMLA
- Group health coverage must be maintained during leave
- Anti-retaliation protection applies to the request as well as the leave

Coordination with other leave

- Runs concurrently with FMLA leave where both apply
- The Pregnancy and Parenting Leave Act supplies 12 weeks of unpaid protected leave regardless of employer size

© 2026 Saul Ewing LLP

26

MINNESOTA PAID LEAVE: PRIVATE PLANS

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Equivalent coverage	Employers may substitute an approved equivalent private or self-insured plan The plan must be at least as generous as the state program in every respect
Approval	Approval runs through the Department of Labor and Industry
Employer duties	Employee contributions may not exceed what the state program would collect Notice and posting duties apply either way

© 2026 Saul Ewing LLP

27

MINNESOTA PAID LEAVE: EMPLOYER TO-DOS

EXECUTIVE SERIES: LABOR & EMPLOYMENT

01	**Quarterly reporting**	Comply with quarterly wage reporting requirements
02	**Policies and premiums**	Coordinate leave policies and premium payment procedures
03	**Employee handbooks**	Update employee handbooks to reflect Minnesota Paid Leave
04	**Required poster**	Post the required Minnesota Paid Leave poster

© 2026 Saul Ewing LLP

28

04

PART FOUR

MARYLAND FAMILY AND MEDICAL LEAVE INSURANCE ("FAMLI")



29

THE TIME TO CARE ACT AND MULTIPLE ROUNDS OF DELAY

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Maryland's FAMLI program is law, but employers have watched every operative date move. House Bill 102, signed May 6, 2025, produced the most recent shift

2022	2023–24	May 2025	Jan. 1, 2027	Jan. 2028
Time to Care Act enacted	Start dates pushed back	HB 102 resets the timeline	Payroll contributions begin	Benefits become payable

Green markers denote dates still ahead.

Contributions
Payroll deductions and employer contributions begin January 1, 2027

Benefits
Payable beginning January 2028, with January 3, 2028 as the latest permitted start

Regulations
Final implementing regulations are published, covering contributions, claims, private plans, and disputes

© 2026 Saul Ewing LLP

30

WHAT FAMLI WILL REQUIRE WHEN IT ARRIVES

EXECUTIVE SERIES: LABOR & EMPLOYMENT

Who is covered

Anyone performing covered employment in Maryland, including part-time, remote, seasonal, and temporary workers. Employers with 15 or more employees owe an employer-share contribution

Eligibility test

At least 680 hours of covered employment during the applicable base period, with any employer — an hours test rather than a tenure test

Leave and benefits

Generally up to 12 weeks in an application year, with wage replacement capped at $1,000 per week, and leave that is job-protected by statute

Use the runway

- Model the contribution against 2027 payroll now
- Decide state program versus an equivalent private plan (Declaration of Intent is due November 15, 2026)
- Map FAMLI against the FMLA, ADA, and any existing paid leave bank
- Update handbooks, notices, and leave-tracking systems ahead of the contribution date
- Reflect the broader family definition — domestic partners, in-laws, grandparents, and siblings — in policy

© 2026 Saul Ewing LLP

31

THE THREE AMENDMENTS SIDE BY SIDE

EXECUTIVE SERIES: LABOR & EMPLOYMENT

	New Jersey	Minnesota	Maryland
Operative date	July 17, 2026	January 1, 2026	Contributions Jan. 1, 2027; benefits Jan. 2028
Employer threshold	15+ for NJFLA job protection; none for FLI/TDI benefits	Any employer with one Minnesota employee	All covered employment; employer share at 15+ employees
Employee eligibility	3 months of service and 250 hours	Half of work performed in Minnesota plus a base-period earnings test	680 hours of covered employment in the base period
Maximum duration	12 weeks family leave, plus TDI for own condition	12 medical and 12 family, capped at 20 combined	Generally 12 weeks per application year
Weekly benefit cap	$1,119 (2026)	$1,473 (2026)	$1,000
Headline change	Job protection layered onto TDI and FLI benefits	A new universal paid program with its own reinstatement right	Repeated delays; final regulations now published

© 2026 Saul Ewing LLP

32

WHAT EMPLOYERS SHOULD DO NEXT

EXECUTIVE SERIES: LABOR & EMPLOYMENT

01	**Re-run your coverage map**	Headcount thresholds moved. Test every state where you have even one employee against the new employer-size and eligibility tests, and remember that out-of-state employers owe New Jersey leave to New Jersey staff
02	**Separate pay from protection**	Track wage-replacement eligibility and reinstatement rights as two distinct determinations. An employee may now hold one without the other — or, increasingly, both from different statutes
03	**Rebuild the concurrency matrix**	Decide, in writing, how each state entitlement stacks or runs concurrently with the FMLA, the ADA, and your own paid time off, and train the people who administer it
04	**Refresh notices and handbooks**	Posting, individual-notice, and handbook obligations attach to each new program, and several carry penalties independent of any denied-leave claim

© 2026 Saul Ewing LLP

33

THANK YOU

INSPIRED PEOPLE.
INSPIRING TRUST.®

The provision and receipt of the information in this publication (a) should not be considered legal advice, (b) does not create a lawyer-client relationship, and (c) should not be acted on without seeking professional counsel who have been informed of the specific facts. Prior results do not guarantee a similar outcome. Under the rules of certain jurisdictions, this communication may constitute "Attorney Advertising."

© 2026 Saul Ewing LLP, a Delaware Limited Liability Partnership

SAUL EWING LLP

34