



MONTCLAIR STATE UNIVERSITY

Division of Human Resources

Family Leave Act (FLA) Procedures

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Information Sheet

<p><u>Leave of Absence Type:</u></p> <p>FLA (New Jersey State)</p>	<p><u>With or Without Pay:</u></p> <p><u>With Pay:</u> The leave is with pay if the employee uses earned sick time. <u>Without Pay:</u> The leave is without pay if employee has no leave time available. <i>By default sick time earned is used for this type of leave.</i></p>
<p><u>Leave Description:</u></p> <ul style="list-style-type: none"> • To care for newborn or adopted child within the first year. • To care for an immediate family member (parent, spouse, or children) with a serious health condition*. • Maximum 12 weeks of leave can be taken in a 24 month period (Can be taken consecutively or intermittently within the 24 month period). 	
<p><u>Eligibility Requirements:</u></p> <ul style="list-style-type: none"> • Employees (full-time, part-time, and per diem) who have worked at least 12 months and have 1000 hours worked within that time period. 	
<p><u>Status of benefits while on leave:</u></p> <ul style="list-style-type: none"> ➤ <u>Health</u> – Covered while using earned time. If employee is in ‘without pay status’ they have the option to pay the payroll deductions for health benefits. ➤ <u>Pension</u> – Contributions are made only while using earned time (with pay status) from Montclair State University. (Employee has the option to buy back any unpaid deductions, see FAQ’s) ➤ <u>Dental</u> – Covered while using earned time. Employee must pay the payroll deduction portion for dental coverage when in ‘without pay’ status. At the end of the 12 weeks, dental benefits will then be covered through a COBRA plan, which is paid for by employee. ➤ <u>Life Insurance</u> – Remains intact for 2 years unless terminated. ➤ <u>Sick</u> – Continues to accrue when employee is using already earned time. When earned time has been exhausted, employee goes into ‘without pay’ status and sick time does not accrue. ➤ <u>Vacation</u> – Continues to accrue when employee is using already earned time. When earned time has been exhausted, employee goes into ‘without pay’ status and vacation time does not accrue. 	

<p>➤ <u>Personal</u> – Continues to accrue when employee is being paid by MSU for using already earned time. When earned time has been exhausted employee goes into ‘without pay’ status and personal time does not accrue.</p>
<p><u>Approval Process:</u></p> <p>Form completed by employee and returned to the Benefits office. Benefits representative will notify the supervisor of the leave.</p> <p><u>Required Documents:</u></p> <p>Leave form with medical documentation attached</p>
<p><u>Monitoring Process:</u></p> <p>Just prior to the end date of the approved leave the employee is contacted by Benefits Office.</p>
<p><u>Extension Process:</u></p> <p>Maximum 12 weeks, employee can apply for another type of leave (sick leave, personal leave, etc.)</p>
<p><u>Return Process:</u></p> <p>Employee must visit the Employee Benefits office to complete necessary paperwork.</p> <p><u>Required Documents:</u></p> <p>None</p>

*The FMLA defines “serious health condition” as an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care in a hospital, hospice, or residential care facility, or (2) continuing treatment by a health care provider coupled with incapacitation for more than three days. Please see Employee Benefits representative for a typical list of conditions that constitute serious health conditions.

Family Leave Procedures

1. The employee requesting the Family Leave should be advised to meet with the Benefits Office in Human Resources for further information concerning the requirements and procedures for this type of leave.
2. The employee and the Employee Benefits representative will review the leave request and determine whether the employee is eligible to take a Family Leave. If employee is eligible, the Benefits representative then discusses proposed start and return dates, and all required documentation. The Benefits representative along with a representative from Payroll will determine if the employee has any unused earned sick leave or vacation time and, if so, how this time will be applied to this request. If employee has no time earned, then the Employee Benefits representative will discuss with the employee payment of health and dental benefits while on leave.
3. The Request for Family Leave will be completed and the Benefits Office shall notify the employee's supervisor, department head (or Dean), and vice president of the employee's division of the request and proposed start and end dates. The above areas will also be notified if any changes are made to the leave request. For faculty, the Benefits representative will consult with the Associate Vice President of Academic Affairs regarding the employee's intent to take a leave.
4. Once all of the required notifications have been made (supervisor, department head, and vice president of employee's division), and medical documentation is submitted to the Benefits Office, there will be a thorough review of the documents to assure proper compliance with statutory requirements. The medical documentation must specify that absence from work is required for the care of a family member.
5. If the leave is formally approved, the Employee Benefits representative will coordinate with the Payroll Department to place the employee on leave. The Benefits representative will also notify the employee's immediate supervisor, department head (or Dean), Associate Vice President of Academic Affairs, and vice president of the employee's division of the leave status.
6. If the employee is not eligible, then a personal leave of absence can be requested. (Leave of Absence Form [or Leave of Absence Without Pay Form for Faculty/Professional Staff/Managers]). The approval or denial of a personal leave is up to the discretion of the vice president of the employee's division based upon operational considerations and the recommendation of the immediate and intervening levels of supervision. Please see Personal Leave Procedures for details on this type of leave.

Monitor Leave Status/Extending Leave and Return to Work

The Employee Benefits representative will call the employee within one week of the expected return to work date to discuss the return status of the employee.

- If the employee intends to return to work on the scheduled day, the employee is advised to stop into the Benefits office.
- There can be no extensions of the Family Leave, so, if the extension is necessary, the employee may inquire about other appropriate leave options. If the leave extension is approved, within one week prior to the new return to work date, the Benefits Office will call the employee again.

FLA's Frequently Asked Questions

- Q. What is the length of leave allowable for care made necessary by reason of the birth or adoption of a child?**
- A. The maximum length of leave allowable is 12 weeks within a 24 month period. Therefore, the amount of leave allowable for this purpose depends on whether the employee has used any Family Medical Leave for another purpose during the period for consideration of eligibility.
- Q. Can the leave be taken at any time after the birth or placement?**
- A. No, the leave must commence within 12 months after the birth or placement of a child. Once the leave has commenced, it must be taken in consecutive weeks unless the employee's supervisor agrees that the leave may be taken non-consecutively.
- Q. What is the relationship between the Family Leave Act and maternity leave?**
- A. An employee who gives birth is entitled to be away from work for up to 12 weeks after the birth of a child (under the Family Medical Leave). That 12 week period includes the period of disability of the mother. Assuming that the employee had not already used Family Medical Leave Act for other purposes, the employee could remain away from work for an additional 12 weeks beyond the period of disability of the mother to care for the child and also charge it to Family Leave. If additional child care is necessary, the employee may request child care leave, which does not have the same entitlements as Family Leave.
- Q. May an employee have paid leave to care for the child?**
- A. Employees may use accrued vacation or administrative leave (if applicable) as long as permission has been granted by the supervisor/department head. Sick leave may not be used for care of a healthy child.
- Q. Must an employee use accrued time before going on a Family Leave?**
- A. No, unless the employee is seeking disability benefits.
- Q. On what basis may an employee qualify for disability benefits?**
- A. If the employee has exhausted all sick leave, has been off payroll for 10 or more consecutive working days and medical documentation is provided verifying the employee is under doctor's care.

- Q. **How does an employee go about requesting a Family Leave?**
- A. The employee must consult with a Benefits representative and complete the Request for Family Leave form in the Benefits Office.
- Q. **How far in advance must a request be made by an employee for Family Leave for care made necessary by adoption?**
- A. Except for emergencies, the employee must make the request as soon as he/she knows when the placement is likely to occur and requires that he/she take a Family Leave.
- Q. **Must proof of birth or adoption be submitted?**
- A. Yes. A birth certificate or notice of adoption should be provided.
- Q. **Can a request for Family Leave for care made necessary due to the birth or adoption of a child of the employee ever be denied?**
- A. Only if the employee is not eligible for such leave, or does not begin the leave within a year after the birth or adoption, or if the employee has already used the maximum allowable 12 weeks of leave within the applicable 24 month period.
- Q. **If an employee requests Family Leave for purposes of birth or adoption, must the employee take the entire 12 week leave allowable?**
- A. No, the employee may take up to 12 weeks. He/she must state clearly in the Request for Leave the period of time being requested so that the supervisor can make appropriate arrangements to cover the employee's absence.
- Q. **An employee is on a term contract and requests a leave under the Family Leave that extends beyond the term of the contract. May such a request be denied?**
- A. The leave may not be denied for the time period of the unexpired contract if it otherwise meets the requirements of the Family Leave Act. However, the University is under no obligation to provide a term employee with a new contract.
- Q. **An employee first became employed 6 months ago, and has now become a foster parent. He/she wants to take time off to care for the foster child. Is the employee entitled to Family Leave?**
- No. Only biological birth or formal adoption qualifies for leave under this section of the Family Leave Act. Placement of a foster child does not qualify.

- Q. A two-year employee adopted a baby two months ago. Is the employee still entitled to leave under the Family Leave Act?**
- A. Yes, the leave may commence at any time within a year after the placement of the baby with the employee, just as the leave may commence at any time within a year after the birth of a child of the employee.
- Q. Will medical benefits (health, prescription, dental and vision) be paid by the employer during the period of leave?**
- A. The employee is covered while using earned time. If employee is in ‘without pay status’ they have the option to pay the full premium (employee and employer contribution) for health benefits.
- Q. Will contributions be made to pension?**
- A. No, not if the employee is on a full unpaid leave. However, if the leave is part-time/intermittent, and the employee participates in the PERS pension plan and is paid enough wages to cover the PERS deduction, or if the employee participates in the Alternate Benefit Program pension plan and works at least 50% of his/her scheduled hours, full pension credit is received.
- Q. May I purchase pension credit for my leave period?**
- A. PERS: Up to three months of pension credited service may be purchased.
Alternate Benefits Program: No.
- Q. Will employees who earn vacation, sick or administrative leave, continue to earn such time during a Family Leave which extends for longer than a calendar month?**
- A. No, not for the period the employee is in ‘without pay’ status. Vacation, sick or administrative leave accrue only when an employee is receiving a paycheck from Montclair State University.
- Q. If an employee is on FLA leave from October 1 until December 1, is the employee entitled to the Thanksgiving Day Holiday?**
- A. No, holidays during a FMLA leave are treated the same as during any other unpaid leave.
- Q. How is the time sheet marked for FLA leave?**
- A. It should be marked “FLA leave” for all days out on Family Medical Leave.

Request for Family Leave

(To be completed by employee)

Employee:

Name _____

Address _____

Phone Number Where you can be Reached While on Leave _____

Please consider my request for a leave of absence:

With pay from: _____ to _____

Without pay from: _____ to _____

Employment Information:

Department _____ Supervisor _____

Division _____ (For non-faculty only)

Title _____ Extension _____

Date of Hire _____

Leave Information:

Date leave to begin _____ Date leave to end _____

Type of Leave: ___ extended leave ___ reduced schedule leave ___ intermittent leave

If reduced schedule: Days of week requested _____

If intermittent: Dates requested _____

Amount of Family leave taken in previous 12 months: _____

(Family Leave may not exceed 12 weeks in a 12-month period)

Illness of employee:

Attach physician's certification.

Birth or adoption of a child of the employee: Please check one:

_____ birth _____ adoption Anticipated date of adoption _____

Please provide birth certificate or notice of adoption as soon as possible.

Care of a seriously ill family member: Relationship of family member: (check one)

child spouse parent

Name of family member _____ Address _____

If request is for a child, indicate your relationship to the child: (check one)

biological child step parent adoptive parent

parent-in-law foster parent legal guardian

Leave approved _____ denied _____

Signature

Date

Cc: Supervisor
Department Chair
Division Vice President