Family Medical Leave Act (FMLA) Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

The New Jersey Family Leave Act (NJFLA)
The New Jersey Family Leave Act (N.J.S.A. 34:11B-1, et seq.) requires that most employees who have worked at least 1,000 hours during the previous 12 months for an employer which employs 50 or more employees are eligible to receive an unpaid leave of absence for a period not to exceed 12 weeks in a 24 month period. Leave under the NJ Family Leave Act may be taken in connection with the birth or adoption of a child, or for the care of a family member (child, parent, spouse or one partner in a civil union couple) with a serious health condition. Leave may not be taken under this act for the employee's own health condition. Family leave granted under the Family Leave Act is in addition to, and separate from, any rights granted under the state “Temporary Disability Benefits Law.” Employees may also be eligible for additional leave under the federal Family and Medical Leave Act. Employees eligible to take leave under the NJ Family Leave Act must provide prior notice to the employer. The employer has the right to request that an employee provide a certification issued by a health care provider in order to ensure that the employee meets the eligibility requirements.

Military Family Leave Entitlements
Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
**Benefits and Protections**
During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

**Eligibility Requirements**
Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

**Definition of Serious Health Condition:**
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Use of Leave**
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Substitution of Paid Leave for Unpaid Leave**
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.
Medical Certification

The Benefits Office requires proof of necessity for family or medical leave by a healthcare provider. Upon request of leave the Benefits Office will provide the employee with a Certification of Healthcare Provider form for the employee or covered family member. Certifications must be submitted within 15 days of the date requested. During leave, the Benefits Office may obtain recertification or a second opinion.

Confidentiality

The Benefits Office will keep confidential all medical information relating to requests for family or medical leave. This information will be used only to make decisions in regard to the provisions of this policy. Medical documentation should not be given to supervisors.

Fitness-For-Duty-Certification

The Benefits Office will require all employees taking FMLA leave for the employee’s own serious health condition to submit a fitness-for-duty certification from their healthcare provider, prior to restoration to their position.

Unpaid Leave

Employees will not earn pension service credit or receive or make pension contributions, nor will they earn any vacation or sick accruals while on unpaid family or medical leave. Leave without pay for a period of 11 days, will result in a reduction in vacation and sick time.

TEMPORARY DISABILITY INSURANCE

To view information on the State Temporary Disability Benefits Program click on the link provided. Applications for benefits are available in the Benefits office or online at:

http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/WDS1.pdf

Family Leave Insurance (FLI)

Beginning July 1, 2009, New Jersey law will provide up to six (6) weeks of Family Leave Insurance benefits. Benefits are payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan to:

- Bond with a child during the first 12 months after the child’s birth, if the covered individual or the domestic partner or civil union partner of the covered individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the covered individual.
- Care for a family member with a serious health condition supported by a certification provided by a health care provider. Claims may be filed for six consecutive weeks, for intermittent weeks or for 42 intermittent days during a 12 month period beginning with the first date of the claim. Family member means a child, spouse, domestic partner, civil union partner or parent of a covered individual. Child means a biological, adopted, or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than 19 years of age or is 19 years of age or older but incapable of self-care because of mental or physical impairment. Applications for benefits are available in the Benefits office or online at http://lwd.state.nj.us/labor/forms_pdfs/tdi/fl1.pdf
Responsibilities

Employee Responsibilities

✓ Provide 30 days advance notice when the need for leave is foreseeable. When 30 days is not possible, the employee must provide notice as soon as practicable.
✓ Notify supervisor of impending leave request within 24 hours of notification to HR.
✓ Provide a completed medical certification to the Benefits Office within 15 calendar days from the date the packet referenced below under Benefits Office Responsibilities is provided or mailed.
✓ Provide periodic medical updates including date of intent to return to work.
✓ Provide a Fitness for Duty Certification to return to work. If the certification is not timely received, the employee’s return to work may be delayed.
✓ For Intermittent leave, if the need for time off is foreseeable, provide as much notice as practicable. In the event of a medical emergency, the employee must comply with the FMLA/NJFLA call-in procedure which includes notification to supervisor and Benefits Office.
✓ Indicate how leave time balances are to be applied to leave, if applicable.

Benefits Office Responsibilities

✓ Provide employee with a leave of absence packet (including: leave balances, leave request form, medical certification form).
✓ Review and notify employee of their rights and responsibilities.
✓ Notify supervisor (within 24 hours) of impending leave request.
✓ After medical certification is received, notify employee and supervisor whether or not the leave will be designated as FMLA and estimated return to work date.
✓ Maintain communication with employee on an as-needed basis.
✓ Provide ongoing communication to supervisor about status of leave and how leave time balances are to be applied.

Supervisor Responsibilities

✓ Notify the Benefits Office when sick time exceeds 5 consecutive days.
✓ Code employees time sheet accordingly.
✓ Redirect any employee attempting to present a medical document to the Benefits Office. Such documents are protected under confidentiality and may not be provided to anyone other than the Benefits Office. Sharing specific information contained in these documents is a violation of the right to privacy of the employee which is protected by applicable law.

Payroll Office Responsibilities

✓ Provide prorated leave balances to department and place employee on leave without pay, if applicable.