



Human Resources

Family Medical Leave Act New Jersey Medical Leave Act Military Family Leave Entitlements & Procedures

Revised 8/2016



**Family Medical Leave Act (FMLA)
New Jersey Medical Leave Act (NJFLA)
Military Family Leave
Entitlements & Procedures**

for more information visit: [:https://www.dol.gov/whd/regs/compliance/posters/fmla.htm](https://www.dol.gov/whd/regs/compliance/posters/fmla.htm)

Family Medical Leave Act (FMLA) – Basic Leave Entitlement:

FMLA requires by law 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, 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 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 employee meets the eligibility requirements.

Military Family Leave Entitlements

Eligible employees with a spouse, son, and daughter 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 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 in the temporary disability retired list. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee take FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

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 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.

Intermittent 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.

Paid Leave or Unpaid Leave

Employees may choose or employers may require use of accrued/ earned 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 Human Resources Department will require proof of necessity for family or medical leave by a healthcare provider. Upon request of leave the benefits unit 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 unit may request updated information or recertification.

Confidentiality

The Human Resources Department 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 Human Resources Department 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.

Temporary Disability Insurance

If an employee is temporarily disabled due to illness or non-work related injury and has exhausted all earned sick days, he/she may apply for Temporary Disability Insurance. Applications for TDI are available in the Human Resources Office H-105 or online at : <http://wd.state.nj.us/labor/tidi/tidiindex.html>

Health and Dental Benefits while on Leave

Employees participating in the State Health Benefits Program are entitled to continue health coverage while they are under FMLA rules and regulations. If an employees is under an approved FMLA without pay, he/ she is responsible to make payment to the University.

Pension

Service and salary credit for pension purposes are earned in the State Public Employee Retirement System (PERS) while in pay status only.

Members under the Alternate Benefit Program (ABP) must receive at least 50% of their base salary to make contributions to their account.

Members of PERS and TPAF may purchase service credit for up to three months under FMLA. The ABP pension fund does not have such provision.

Life Insurance

The employee's group life insurance coverage will continue up to 93 days while on an official FMLA, NJFLA, FLI & Military leave.

Anniversary Date (If any) while only leave without-pay

The anniversary date is moved for every day the employee is out of leave without-pay.



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 immediate supervisor of impending leave request within 24 hours of notification to HR.
- Provide a completed medical certification to the Benefit's Office within 15 calendar days from the date physician signed form.
- Provide periodic medical updates including date of intent to return to work. Provide 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, the employee is required to present to HR actual days he/she might be out while under doctor's care.

Human Resources Responsibilities

- Provide employee with a leave of absence packet (including: HR Consultation form, leave balances, leave request form and medical certification form).
- Review and notify employee of their rights and responsibilities.
- Review documentation for approval.
- Notify immediate supervisor of approved or disapproved LOA request.
- 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.
- Notify Data Processing Unit regarding time line of in pay-status and without pay status.

Supervisor Responsibilities

- Notify the Human Resources Office when an employee's sick time exceeds five (5) consecutive days.
- Redirect any employee attempting to present a medical document to the Benefits Unit. Such documents are protected under confidentiality and may not be provided to anyone other than the Human Resources Office. Sharing any information contained in these documents is a violation of the right to privacy of the employee which is protected by law.

All inquiries should be made to the Human Resources Department / Benefits Unit at (201) 200-2335. HR is located Hepburn Hall 105.