

NEW JERSEY FAMILY LEAVE ACT (NJFLA)

(Applicable to municipalities with 30 or more employees)

(Name of Local Unit) is required to provide eligible employees with 12 weeks of job-protected family leave during each 24-month period.

Eligibility

If you have been employed by the **(Name of Local Unit)** for at least 1 year (and have worked at least 1,000 hours in the past 12 months), you generally can take up to 12 weeks of job-protected leave during any 24-month period for the following reasons:

- The birth or adoption of a child, placement of a child into foster care with the employee, birth of a child conceived using a gestational carrier agreement;
- To care for a family member, or someone who is the equivalent of family, with a serious health condition; or who has been isolated or quarantined because of suspected exposure to a communicable disease) during a state of emergency; or
- To provide required care or treatment for a child during a state of emergency if their school or place of care is closed by order of a public official due to an epidemic of a communicable disease or other public health emergency

The NJFLA does not provide for leave for an employee's own medical condition.

(NOTE: FOR MUNICIPALITIES WITH 50 OR MORE EMPLOYEES AND ALSO SUBJECT TO FEDERAL FMLA ADD): *When an employee asks for leave for a reason covered by the federal Family and Medical Leave Act ("FMLA"), the leave shall be simultaneously counted against an employee's entitlement under both statutes to the extent applicable and permitted by law. However, for example, in the case of maternity leave, the employee's NJFLA leave will not begin to run until the employee is released from disability by her health care provider or exhausts her FMLA leave, whichever occurs first. After release by her health care provider, any remaining FMLA leave will run concurrently with her FLA leave entitlement.*

How Leave May Be Taken

NJFLA leave may be taken in the form of a reduced leave schedule or on an intermittent basis during a period of twelve (12) consecutive months, rather than all at once. Please see **(Title of Local Unit's HR designee)** for information related to reduced or intermittent leave schedules.

The employee shall make a reasonable effort to schedule reduced leave so as not to disrupt unduly the operations of the employer and the employee shall provide the employer with prior notice of the care, medical treatment, or continuing supervision by a health care provider necessary due to a serious health condition of a family member, in a manner which is reasonable and practicable.

Employees may elect to use applicable accrued paid leave (such as sick or vacation) to cover some or all of their FLA leave. If the employee does not so elect, the FLA leave will be unpaid. **(Name of Local Unit)** is responsible for designating if an employee's use of paid leave also counts as FLA leave, based upon information from the employee.

Notice Requirements

When FLA leave is sought due to the birth or placement of a child for adoption, the employee must provide at least thirty (30) days notice of the intention to take FLA leave when reasonably practicable. When FLA leave is sought due to a family member's serious illness, the employee must provide at least fifteen (15) days notice of the intention to take FLA leave, except where emergent circumstances warrant shorter notice. Employees must provide **(Name of Local Unit)** with 15 days notice when an employee requests intermittent leave to care for a family member with a serious health condition.

Employees seeking to use FLA leave when the need is unforeseeable must provide **(Name of Local Unit)** of the need for leave as soon as practicable. An employee requesting FLA leave in order to care for the employee's seriously-ill spouse, child, or parent will be required to provide a certification issued by a health care provider supporting the need for the requested FLA leave. In the event an employee is out of work due to any documented qualified absence, the absence will automatically be designated as NJFLA leave.

Maintenance Of Health Benefits During FLA Leave

An employee's health insurance coverage will be maintained under the same terms and conditions as if the employee had continued to work. Employees may be required to pay their share of health insurance premiums while on leave.

Job Restoration

Upon return from FLA leave, the employee will be restored to his/her original job, or to an equivalent job with like seniority, status, employment benefits, pay, and conditions of employment. If the **(Name of Local Unit)** should experience a reduction in force or layoffs, an employee who would have been affected by such reduction in force or layoff had he/she not been on FLA leave is not entitled to be returned to work following exhaustion or completion of FLA leave, however, the employee retains all rights under any applicable layoff and recall system.

The **(Name of Local Unit)** may deny FLA leave if:

- The employee is a salaried employee who is among the highest paid 5% of the employer's employees or the seven highest paid employees of the employer, whichever is greater;
- The denial is necessary to prevent substantial and grievous economic injury to the employer's operations;
- The employer notifies the employee of its intent to deny the leave at the time the employer determines that the denial is necessary; and
- In any case, when the leave has commenced, the employee elects not to return to employment within 10 working days after receiving such a notice from **(Name of Local Unit)**

An employee who does not return to work upon expiration of NJFLA leave may be discharged.

No Retaliation

There shall be no retaliation against any employee for exercising his/her rights under the FLA and/or for taking FLA leave.