

June, 2009

*PLEASE CONSULT WITH HUMAN RESOURCES TO REVIEW ALL APPLICABLE FEDERAL AND STATE BENEFITS FOR YOUR SITUATION.*

## **POLICY ON NEW JERSEY PAID FAMILY LEAVE**

### **Paid Family Leave**

Effective July 1, 2009, eligible employees may be entitled to take up to six weeks of paid leave to care for newborn or adopted children or seriously ill family members in any 12 month period.

### **Eligible Employees**

Full and part time employees are eligible for paid family leave based on the amount of wages paid over a period of "base weeks". Currently an employee qualifies who has earned either: 1) \$143 or more per week for 20 consecutive weeks; or 2) \$7,200 or more for the 52 weeks prior to filing a claim for benefits.

The new law specifies that an employee of an educational institution who does not work for the educational institution between academic years or terms shall not be eligible for family leave insurance benefits between academic years or terms.

### **Amount of Benefit**

An employee may receive two-thirds of his or her weekly compensation, up to the statutory maximum, for up to six weeks, during any 12 month period. If the employee takes intermittent leave as explained below, the employee is eligible to receive a pro-rated amount per day, for up to 42 days during any 12 month period.

If you also satisfy the criteria for FMLA, the paid weeks under New Jersey Paid Family Leave is included in the 12 weeks of FMLA. Family Leave Insurance provides a monetary benefit, only, and job protection is not contained in the statute.

No benefits are payable if the employee is receiving: temporary disability benefits, workers compensation, unemployment benefits, full paid time accruals or working.

Employees are subject to a one week waiting period before being eligible to receive benefits except where an employee is currently receiving temporary benefits for a pregnancy related disability in which case there is no waiting period. Employees will use employer-paid vacation or sick time during the statutory one-week waiting period.

The University will require the employee to use up to two weeks of sick, vacation or other paid time off as part of the six weeks of paid leave. This will reduce the duration of paid family leave available under State law. If an employee does not have two weeks of sick or vacation accruals, the leave benefits will commence when the accruals are used.

Employees will continue to earn any applicable vacation and sick accruals while on paid leave and this will be added to the accruals earned before the paid leave upon the employees' return to active work. If the employee does not return to work when the paid leave ends, only the accruals earned before the leave will be credited to the employee.

### **Funding**

Paid family leave benefits are funded by a payroll tax on employees which became effective on January 1, 2009. The tax rate is 0.0009 of the employee's taxable wage base of \$28,900 in 2009 and 0.0012 of taxable wage base for 2010 and beyond.

### **Types of Paid Family Leave**

An eligible employee may obtain family leave benefits for the following types of leave:

1. To provide care for a family member who has a serious health condition; or
2. To bond with a child during the first 12 months after the child's birth provided the covered employee or the domestic partner or civil union partner of the covered employee is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the covered employee.

Care includes physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services.

Family members include biological, adopted or foster children less than 19 years of age; a child over 19 years of age that is incapable of self care, due to a physical or mental impairment; a spouse; domestic partner or civil union partner; biological, foster, adopted parents or stepparents; or a person who was the legal guardian of the eligible employee when the employee was a child.

A serious health condition is an illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility; or continuing medical treatment or continuing supervision by a healthcare provider.

### **Birth or Adoption of a Child**

Paid family leave may be taken at any time within one year of the birth or adoption of a child. The six weeks of leave must be taken consecutively unless the University and employee mutually agree on a plan that allows the employee to take the leave during nonconsecutive weeks.

The employee is required to provide 30 days notice prior to taking paid family leave. **If the employee does not provide 30 days advance notice he or she may forfeit two weeks of the leave, unless the failure to provide notice was for unforeseeable reasons.**

### **Serious Health Condition**

An employee taking paid family leave for six consecutive weeks in connection with a family member's serious health condition is required to provide a medical certification from the health care provider to the University in a reasonable and practical manner, unless an emergency or other unforeseen circumstance precludes prior notice.

The employee must make a reasonable effort to schedule the leave so as to not unduly disrupt the operations of the University.

### **Intermittent Leave**

Paid family leave taken in connection with a family member's serious health condition may be taken intermittently. Intermittent leave is defined as 42 separate days of leave within a 12 month period.

The employee must make a reasonable effort to schedule the leave so as to not unduly disrupt the operations of the University and, if possible, provide a schedule of days for the intermittent leave.

The employee must provide 15 days advance notice unless an emergency or other unforeseen circumstance precludes prior notice.

### **Application for Benefits**

Paid family leave benefits are administered by the New Jersey Department of Labor & Workforce Development. Applications for benefits, on forms provided by the Department of Labor & Workforce Development, will be available through the Office of Human Resources or [on our website](#) beginning July 1, 2009.

The employee must provide the Department of Labor with a Notice, claim and medical certification (if necessary) not later than 30 days after the leave begins.

When applying for benefits to care for a family member's serious health condition, the employee must provide a medical certification from a healthcare provider of the necessity of the leave. The medical certification must set forth the date on which the serious health condition commenced, its probable duration, the medical facts of the condition, that the condition warrants the individual providing care and an estimate of the amount of time the employee may need to care for the family member.

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Where intermittent leave is requested, the medical certification must also include a statement of the necessity for intermittent leave and if the leave is for planned medical treatment, the dates of treatment.

The State may request that the family member be examined by a State designated healthcare provider at State expense. Refusal to cooperate will disqualify the employee from receiving benefits.

Additional information regarding paid family leave is available from the Office of Human Resources.