



**FMLA, NJFLA &
NJ Statutory Insurance
Frequently Asked Questions**



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Introduction

TCNJ employees, if eligible, have access to various leaves of absence programs. Certain leaves of absence are paid, meaning that you will continue to receive a paycheck from the College. Alternately, you may be eligible to receive insurance from the state of New Jersey based upon mandatory contributions you have made via payroll deductions. A third category of leaves of absence programs are unpaid, meaning that you will not receive payment from TCNJ or the state of New Jersey.

This document of frequently asked questions is being provided to you in response to your request for information regarding your rights, responsibilities and entitlements. Once you have read these FAQ's, should you still have questions, please contact the Office of Human Resources at lytle@tcnj.edu.

If, after reviewing this document, you would like to apply for a leave of absence, please follow the steps outlined herein.

Family Medical Leave Act (FMLA)

Q: What is FMLA?

A: The Federal Family and Medical Leave Act (FMLA) is a federal law that provides for up to 12 weeks of **unpaid** job protected leave in a 12-month period, provided the employee has worked for a covered employer for at least a year and has worked 1250 hours in the previous 12 months. Leave under FMLA is available for eligible employees for the following reasons:

1. Incapacity due to pregnancy, prenatal medical care, and child birth
2. To care for their own “serious health condition”

A serious health condition is an illness, injury, impairment or physical or mental condition that may involve 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 function 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 required may be met by a period of incapacity of more than five (5), full calendar days combined with at least two (2) visits to a health care provider or one (1) visit of continuing treatment, or incapacity due to pregnancy or prenatal care, or incapacity due to a chronic illness.

3. To care for the serious health condition of an immediate family member. Immediate family member is defined as a spouse, child (son or daughter) or parent
4. For any “Qualifying Exigency” arising out of the fact that the spouse, child (son or daughter) or parent of the employee is on (or has been notified of a call to) active duty in the Armed Forces in support of a contingency operation, **or** to care for an injured returning service member.

In addition, FMLA provides employees with a special leave entitlement to take up to twenty-six (26) workweeks of unpaid leave within a single twelve month period to care for a covered service member who is the spouse, son, daughter, parent or “next of kin” of an eligible employee who is recovering from a serious injury or illness incurred in the line of duty or while on active duty.

New Jersey Family Leave Act (NJFLA)

Q: What is NJ FLA?

A: The New Jersey Family Leave Act (NJ FLA) is a state law that provides up to 12 weeks of **unpaid** job protected leave in a 24-month period, providing the employee has worked for a covered employer for at least one year and has worked 1000 base hours in the previous 12 months. Unlike Federal Family and Medical Leave (FMLA), NJ FLA *does not* cover employees to take medical leave for their own health condition. Leave under NJ FLA may be taken for the following reasons:

1. To care for the serious health condition of an immediate family member

2. To care for a newborn child or newly adopted child

Q: What is a serious health condition under NJFLA?

A: A serious health condition is an illness, injury, impairment or physical or mental condition that may involve 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 function 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 required may be met by a period of incapacity of more than five (5), full calendar days combined with at least two (2) visits to a health care provider or one (1) visit of continuing treatment, or incapacity due to pregnancy or prenatal care, or incapacity due to a chronic illness.

FMLA/NJFLA Leave Types

Q: What is the difference between a continuous leave of absence and an intermittent leave of absence?

A: A continuous leave of absence occurs when you are out of work continuously. In this scenario once the leave of absence begins, you will not return to work until the end date for the leave of absence has occurred.

An intermittent leave of absence occurs when continuous the time off is interrupted by one or more returns to work. Examples of intermittent leaves of absence are leave for appointments with a treating physician or leaves of absence due to a chronic health condition where, over the course of a year, you or a dependent will require care in an amount of time that is more in hours than you will have available in sick leave. When approved for an intermittent leave of absence, it is your responsibility to maintain an FMLA/NJFLA absence log.

Q: What are the requirements for notifying my supervisor when there is a need to take time off/not report to work due to my FMLA/NJFLA approved condition?

A: You are required to notify your supervisor of your need to use FMLA/NJFLA time by the start time of your work shift on any day on which you will need to use NJFLA/FMLA. Should you fail to notify your supervisor of your need to take off time due to the condition for which you have received an approval (yours or your dependent family member's), time and attendance rules will apply and your late arrival or absence may be treated as non-compliance under the attendance procedures for your business unit.

Documentation Requirements to Apply for an FMLA or NJFLA Leave of Absence

Q: What documents do I need in order to apply for leave?

A: You would need to complete a Leave of Absence Request Form, and depending on your type of leave, you would need to have your health care provider complete:

The Certification for Employee's Serious Health Condition, here:

[Employee's serious health condition, form WH-380-E](#) – or;

The Certification for Family Member's Serious Health Condition, here:

[Family member's serious health condition, form WH-380-F](#)

Q: What notice must I give before taking FMLA or NJFLA leave?

A: When the need for FMLA or NJFLA Leave is foreseeable, you must provide 30 days of advance notice of the need for a leave of absence, if possible. When the need for FMLA or NJFLA is not foreseeable and the 30 days of advance notice is not possible, you must give notice as soon as possible and practicable. When you become aware of a need for FMLA or NJFLA less than 30 days in advance, please contact the Office of Human Resources as soon as you are aware of your intention to apply.

Q: What type of paid leave is available to me if I am absent from work due to an FMLA or NJFLA approved leave of absence?

A: FMLA and NJFLA are unpaid leave types. However, employees may elect to use accrued time such as sick, vacation, or administrative leave to remain in paid status. Sick leave must be used first before the use of vacation leave.

Temporary Disability Insurance

Q: What is temporary disability Insurance?

A: Temporary Disability Insurance provides cash [benefits](#) to New Jersey workers who suffer an non-job related illness, injury, or other disability that prevents them from working. Most employers in New Jersey are required to have Temporary Disability Insurance for their employees. To learn more click here: [Temporary Disability Insurance : Leave Benefits](#)

Q: When am I eligible for Temporary Disability Insurance?

A: You may be eligible **after** you have exhausted your accrued sick leave and are unable to return to work as documented by your physician.

Q: How do I apply for Temporary Leave Insurance (TDI)?



A: Complete an application form, found here: [Temporary Disability Insurance : Leave Benefits](#). Fill out Part A (Employee Statement) and have your treating physician complete Part B (Medical Certificate). Once Part A **and** Part B have been completed, forward the application to The Office of Human Resources for the completion of Part C (Employer's Section). Once the application has been submitted to the State, it is the employee's responsibility to remain in contact with the New Jersey Department of Labor for application status updates.

The Office of Human Resources is not permitted to contact the State on the behalf of the employee.

New Jersey Family Leave Insurance

Q: [What is family leave insurance?](#)

A: **Family Leave Insurance** provides **New Jersey** workers cash benefits for up to six weeks to bond with a newborn or newly adopted child, or to provide care for a seriously ill or injured **family** member. To learn more click here: [Family Leave Insurance: Leave Benefits](#)

Q: [When am I eligible for family leave insurance?](#)

A: In order to have a valid claim for New Jersey Family Leave Insurance, you need to have paid into the program through your employment *and* meet minimum gross earnings requirements. These requirements may change year to year.

Q: [How do I apply for Family Leave Insurance \(FLI\)?](#)

A: To apply for family leave insurance, you will complete the application steps.

Paid Time Off Accruals During a Leave of Absence

Q: [Do I earn vacation and sick time while I am on unpaid leave?](#)

A: You do not accrue paid time off when you are on an unpaid leave of absence.

Health Insurance During a Leave of Absence

Q: [What happens to my health benefits while I am on a leave of absence?](#)

A. Prior to the start of your leave of absence (as long as you provided 30 days' notice with your leave of absence request) you will receive an advance approval letter which provides the amount of premium due for medical, prescription drug and dental insurance, along with the date the premium must be received by the Office of Human Resources. Failure to submit payment by the due date will result in termination of coverage. If you provide the Office of Human Resources less than 30 days' notice of your application for an FMLA/NJFLA leave of absence, you will be notified of the approval decision and your responsibility for medical insurance premiums. In this scenario, you may be required for retroactive premium payments along with the current insurance payment due.



If your leave extends beyond 3 months, you will be responsible for the employee **and** employer share of your health premiums. If payments are received by the College, then your benefits will be terminated the following month.

Retirement Plan Participation During a Period of Unpaid Leave of Absence

Q: I am a member of the Alternate Benefits Program (ABP) Plan. What happens to my retirement plan during a leave of absence period?

A: While in paid status, your employee contributions will continue to be deducted from your paycheck and TCNJ will continue to make the employer contribution to your account. Once you have exhausted all accrued paid time off leave, you will be in unpaid status. During an unpaid leave of absence, you will not make contributions to your retirement account and TCNJ will not make employer contributions to your retirement account.

Q: I am a member of the Public Employees' Retirement System (PERS) pension plan. What happens to my pension plan accruals during a leave of absence period?

A: While in paid status, your employee contributions will continue to be deducted from your paycheck. Once you have exhausted all accrued paid time off leave, you will be in unpaid status. During an unpaid leave of absence, you will not receive pension credits and no contributions will be made to your plan on your behalf. Upon your return to active status, you will be offered the option to “buy back” pension service credits.

Maternity Leave, FMLA and NJFLA

Q: I am expecting a child. How does FMLA and NJFLA work?

A: For up to 4 weeks prior to the anticipated delivery date of your child and the first 6 to 8 weeks postpartum, if eligible, your leave of absence is considered under the FMLA.

Once medically cleared by your treating physician, should you wish to remain on a leave of absence, your leave is then considered both FMLA and NJFLA, and the leave of absence period is deducted from both your FMLA and NJFLA entitlements for the year.

Q: May I work until my anticipated delivery date?

A: Yes, you may work until your anticipated delivery date as long as your doctor has stated that you are able to work. An employee who opts to remain at work until her delivery date would forego the ability to apply for and receive temporary disability insurance benefits for the four weeks prior to the delivery date.

Q: What type of paid leave is available after my baby is born, or once I adopt a child?

A: New Jersey Family Leave Insurance (NJFLI) is a provision of the New Jersey Family Leave (NJFLA) regulation. New Jersey Family Leave Insurance allows up to one consecutive 12-week period or intermittently for 56 individual days (8 weeks) of paid benefits before your child's first birthday.



If you are receiving temporary disability insurance (TDI) benefits (described later in this document) the state of New Jersey will contact you directly regarding your right to apply for NJFLI benefits.

If you are not receiving TDI benefits, you may submit your NJFLI application no earlier than the start date of your NJFLA leave.

The application to apply for NJFLI may be found here:

www.myleavebenefits.nj.gov/labor/myleavebenefits/worker/fli/index.shtml?open=newborns

After you submit your portion of the application online, you will receive the Employer Statement to be completed by TCNJ. It is your responsibility to send to TCNJ your claim number. TCNJ will submit the application to the state of New Jersey for processing.

Once the NJFLI application has been submitted to the state of New Jersey, it is your responsibility to maintain contact with the NJFLI department to learn the status of your application. Please be aware that the Office of Human Resources is not permitted to contact NJFLI on your behalf.

Applying for Temporary Disability Insurance When Expecting a Child

New Jersey is one of a few states that offer cash benefits to both expectant and new mothers:

- Temporary Disability Insurance provides benefits when expectant mothers need to stop working due to pregnancy and recovery from the birth.
- Family Leave Insurance covers time taken off from work to bond with a baby during the first year.

Q: How does temporary disability insurance work when I am expecting a child?

A: Expectant mothers may be eligible for temporary disability insurance payments beginning four weeks before the expected delivery date. To learn more click here: [Expectant Mothers: Leave Benefits](#)

Please keep in mind that if you opt not to pursue a leave of absence and an application for temporary disability leave insurance prior to your child's delivery date, the pre-term disability insurance period may *not* be captured after your child is delivered. In other words, you may not add the four-week pre-term disability period to the post term delivery disability insurance period.

If you plan to take advantage of both state programs, it's easier to apply online. We will automatically send you the paperwork and information you need to seamlessly transition from postpartum Temporary Disability Insurance benefits to Family Leave Insurance benefits.

How does temporary disability insurance work after I deliver my child?

You may be eligible for six to eight weeks of disability insurance following the birth of your child. The state of New Jersey makes this determination. For details about eligibility and the application process, click here: [Temporary Disability Insurance: Maternity](#)

Applying for New Jersey Leave Insurance Following the Delivery of a Child

Q: What is family leave insurance?

A: Family leave insurance provides benefits after the recovery period so new mothers may bond with their baby during the first year.

Q: I am ready to return to work. Do I need to present a medical release?

A: Yes, prior to returning to work, the Office of Human Resources requires that you present a medical release from your treating physician at least one week before your anticipated return date.

Adding Your Child to Your Health Insurance Coverage

Q: What is needed to add my baby to my health benefits?

A: To add a child as a dependent under your health plan, you are required to submit a health benefit enrollment application, listing all dependents on the coverage, along with a copy of your newborn's birth certificate.

Paternity Leave

An employee whose spouse is expecting a child, or who is adopting a child, may take a leave of absence during this exciting time. Below we have provided the answers to frequently asked questions about a paternity leave of absence.

Q: As an expectant father, am I eligible to apply for a leave of absence in order to care for my spouse and/or newborn or newly adopted child?

A: Yes, you are eligible to apply for an FMLA/NJFLA leave of absence. Since the leave of absence would be to care for someone besides yourself, the leave is applied to both FMLA and NJFLA. A maximum of 12 weeks of leave may be taken during the first year of your child's arrival. Many employees opt to take this leave of absence intermittently, rather than continuously.

Q: What documents do I need to complete in order to apply for paternity leave?

A: To provide care for your spouse, you would need to have the Certification of Health Care Providers for Family Member's Serious Health Condition form completed by your spouse's provider. You may access the document here:

[Family member's serious health condition, form WH-380-F](#)



To be eligible for bonding leave you will need to provide proof of relationship (i.e., birth certificate, adoption documents, etc.) and if applying for the New Jersey Family Leave Insurance, completion of the application, including the Bonding Certification.

Q: [What time will be used while I am on paternity leave?](#)

A: If caring for your spouse, you may use earned sick time. If bonding with your newborn or newly adopted child, if eligible, you may elect to use earned vacation time, paid leave bank or administrative leave (if you are eligible for any of these leave categories). You may also apply for New Jersey Family Leave Insurance (NJFLI). NJFLI is a provision of the New Jersey Family Leave (NJFLA) regulation. You may submit your NJFLI application no earlier than the start date of your leave. The application to apply for NJFLI may be found here:

www.myleavebenefits.nj.gov/labor/myleavebenefits/worker/fli/index.shtml?open=newborns

After you submit your portion of the application online, you will receive the Employer Statement to be completed by TCNJ. It is your responsibility to send to TCNJ your claim number. TCNJ will submit the application to the state of New Jersey for processing.

Once the NJFLI application has been submitted to the state of New Jersey, it is your responsibility to maintain contact with the NJFLI department to learn the status of your application. Please be aware that the Office of Human Resources is not permitted to contact NJFLI on your behalf.

Returning to Work Following a Paternity Leave of Absence

We look forward to your return following the birth or adoption of your child! One week prior to the end of your approved paternity leave of absence period, you should contact the Office of Human Resources to confirm your leave end date. You should also inform your manager of your anticipated return to work date.

Please contact the Office of Human Resources at before your child's first birthday lytlem@tncj.edu if questions arise, or if you need assistance with the leave of absence application process.