

NEW JERSEY FAMILY LEAVE ACT BRIEF

NEW JERSEY FAMILY LEAVE ACT (N.J.S.A. Title 34:11B-1 to 16.) is administered by the NJ Division of Civil Rights, Department of Law & Public Safety.

BENEFITS

This law provides the employee 12 weeks off from work in any period of 24 months in case of birth or adoption of child, or a serious illness of a parent, child or spouse. Employee may take leave intermittently for a family member with a serious health condition when medically necessary or, in the case of birth or adoption of a healthy child, when agreed to by employer and employee.

COORDINATION OF NEW JERSEY FLA AND FMLA BENEFITS

Coordination of these benefits may sometimes enable an employee to take more than 12 weeks of job protected leave in a 12 month period where the employee qualifies for both own medical leave under FMLA and family leave under FLA

THIS LAW COVERS:

- Any New Jersey employer with 50 employees or more worldwide, including governmental agencies AND an employee that has worked at least 1,000 hours in the previous 12 months.

THIS LAW EXCLUDES:

Salaried employees who are highest paid 5%, or seven highest paid employees.

PAID OR UNPAID

The law provides for unpaid leave, but employers may require that the employee use certain paid leave for this period.

CONDITIONS COVERED:

- Birth or adoption of child.
- Serious illness of parent or child (step child, legal ward), parent (step parent or parent-in-law), or spouse.
- Cannot be used for employee's own serious health condition.

JOB BENEFITS AND PROTECTION

For the duration of the leave, the employee has job protection and maintains health care and benefits under the same terms as if he/she were working.

NOTIFICATION AND CERTIFICATION

The employer must notify employees that medical certification is required and when it is due. In case of birth or adoption, employee must notify employer at least 30 days in advance or 15 days in advance for other planned leave. For unforeseen leave, employer can request certification when leave commences.

UNLAWFUL ACTS AND PENALTIES

An employer cannot interfere, restrain, discriminate or deny the exercise of an employee's rights under this law. Penalties imposed by the Division of Civil Rights range from \$2,000 to \$5,000 dollars. In addition, an employee who is denied benefits can sue the employer directly to recover compensatory damages.

For further information contact the Division of Civil Rights at 609-292-4605.