

When the Cumberland Regional Board Office becomes aware of any potential FMLA- or NJFLA-qualifying event, the leave process will begin. Your leave may be temporarily designated as FMLA and/or NJFLA until eligibility can be determined. FMLA and/or NJFLA protection begins on the first day of the leave whether you elect to use your accumulated Paid Days or not. FMLA and/or NJFLA also runs concurrently with Worker's Comp. Job accommodations (which may include a leave of absence) under ADA will also be considered when appropriate. Please note that Cumberland Regional does not participate in the state's disability plan, but we do participate in the New Jersey Paid Family Leave Program.

FAMILY & MEDICAL LEAVE ACT (FMLA)

The Family & Medical Leave Act (FMLA) allows "eligible" employees to take off up to 12 work weeks (26 weeks if you are the spouse, child, parent, or next of kin of a covered servicemember with a serious injury or illness) of unpaid, job-protected leave in any 12-month period for the following reasons:

- Birth of a child or placement of a child with you for adoption or foster care; or
- Your own serious health condition; or
- You are needed to care for your spouse; child; or, parent due to his/her serious health condition; or
- A qualifying exigency arising out of the fact that your spouse; child; or, parent is on active duty or call to active duty in support of a contingency operation as a member of the National Guard or Reserves; or
- You are spouse; child; parent; or, next of kin of a covered servicemember with a serious injury or illness.

An "eligible" employee is an employee who has been employed by the employer for at least 12 months and worked at least 1,250 hours in the 12 months preceding the leave. The 12 months do not need to be consecutive.

FMLA can be taken on an intermittent basis allowing the employee to work on a less than full-time schedule.

The eligible employee must provide 30-day advance notice for foreseeable events and verbal notice within one or two business days after an unforeseeable event followed by written notice.

NEW JERSEY FAMILY LEAVE ACT (NJFLA)

The New Jersey Division on Civil Rights enforces the New Jersey Family Leave Act (NJFLA), which requires covered employers to grant eligible employees up to 12 weeks of unpaid, job-protected leave in a 24-month period for the following reasons:

- Care of newly born, adopted child or foster care child as long as leave begins within one year of the date the child is born to or placed with the employee; or
- Care of a parent, child under 18, sibling, grandparent, spouse, or civil union partner who has a serious health condition requiring in-patient care, continuing medical treatment or medical supervision. The NJ Family Leave Act considers parents to be: step-parents, foster parents, parent-in-laws, adoptive parents or others having a parent-child relationship with an employee.

To be “eligible” for family leave under the NJFLA, an employee must be employed in New Jersey by a covered employer. The employee also must have been employed for at least 12 months for the employer and must have worked 1,000 base hours in the preceding 12 months.

For the care of a family member on an intermittent basis, an employee must give 15 days’ notice. For all other leave requests, an employee must give 30 days’ notice. Verbal notice should be given within one or two business days after an unforeseeable event followed by written notice. Exceptions should be made if it is not practical for an employee to meet these notification requirements.

When an employee takes a leave for a purpose covered by both the FMLA and the NJFLA, the leave simultaneously counts against the employee's entitlement under both laws.

AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) requires employers to provide an employee who has a physical or mental disability, or a record of such a disability, with a workplace modification or adjustment -- an accommodation -- that will enable the employee to perform the essential functions of his or her position. An unpaid leave of absence sometimes qualifies as an accommodation under this law in certain circumstances, i.e.:

- Temporary injury or illness that affects an employee’s ability to perform essential functions of his or her job with the anticipation that employee will be able to perform the essentials functions of his or her job in a reasonable amount of time with or without accommodation, and
- The length of leave must not be indefinite and must be for a short period of time, and
- Employee is not eligible for FMLA or ran out of FMLA time.

Consideration for coverage under ADA is processed on a case-by-case basis. Obtaining a completed medical certification form is part of this process.

Please contact Jackie Jackson if you require any type of accommodation under ADA.

Please contact Jackie Jackson at the Board Office if you need time off for any of the reasons stated above. Even though you will need to use your accrued days to continue getting paid, we are required to record these days and to provide specific notifications.

NEW JERSEY PAID FAMILY LEAVE INSURANCE (NJFLI)

The state provides up to twelve (12) weeks of insurance benefits to eligible New Jersey workers for the following reasons:

- Care for/bond with a newborn, within 12 months of birth, or to care for a newly adopted child or newly placed foster child, within 12 months of placement;
- Care for a victim of domestic violence or a sexually violent offence or for a victim’s family member; or
- Care for a family member with a serious health condition.

“Family member” means a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, civil union partner, domestic partner, and any other person related by blood to the employee or with whom the employee has a close association that is the equivalent of a family relationship.

Paid Family Leave cannot be used to care for yourself if you get sick.

An “eligible” worker is a worker who has been employed for 20 weeks in New Jersey during 52 weeks preceding leave.

Employees receive twelve (12) weeks for "any one period" of family leave or 56 days with respect to "any one period" of family leave taken on an intermittent basis to care for a sick family member. This occurs during any 12 month period.

Benefits are no more than 85% of your average weekly pay, up to a maximum weekly benefit of \$881 (the amount is indexed annually according to the State Average Weekly Wage). There is a one-week waiting period applied to the payment of benefits. The state will only provide paid benefits for qualifying reasons and to qualifying employees for periods of time when employee is NOT receiving a paycheck from the employer.

Benefits run concurrently with any leave provided under the New Jersey Family Leave Act and the federal Family and Medical Leave Act - not consecutively.

To care for a sick relative and for consecutive leave, prior notice must be provided "in a reasonable and practical manner" absent emergency or unforeseen circumstances. For intermittent leave, prior notice must be given within 15 days, absent emergency or unforeseen circumstances. Medical Certification is required when requesting leave to care for a sick family member.

To Care for Newborn or Adopted/Foster Child, prior notice must be given 30 days ahead and failure to provide required notice will result in loss of two weeks' worth of benefits, unless due to unforeseeable circumstances.

An employee of an educational institution who has a reasonable assurance of returning to work in the same or similar capacity during the succeeding academic year or term or following a period of school-wide recess is not eligible for Family Leave Insurance benefits between academic years or terms or during a school-wide recess.

To apply for these benefits, you must apply to the state directly within 30 days after the beginning of the family leave. An application and instructions can be found at <https://myleavebenefits.nj.gov/worker/fli/>.

This is a brief summary of FMLA, NJFLA, ADA and NJFLI. For additional information, please go to the CRHSD website under ““Staff” “HR Documents”. Otherwise, you may contact Jackie Jackson at the Board Office (451-9400 Ext. 211 or via email at jackson@crhsd.org).