



STATE OF NEW JERSEY

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

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## Family Leave Insurance Fact Sheet

The information contained in the Family Leave Insurance Fact Sheet summarizes some of the provisions of the Family Leave Insurance benefits law and rules. This material is general information and not considered in the same light as official statements of position contained in the New Jersey Administrative Code. More detail on Family Leave Insurance can be found in the Temporary Disability Benefits Law and the Family Leave Insurance Benefits related rules.

Family Leave Insurance benefits can be claimed to:

- **Bond with a child** during the first 12 months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the covered individual.
- **Care for a family member with a serious health condition** supported by a certification provided by a health care provider. Claims may be filed for six consecutive weeks, for intermittent weeks or for 42 intermittent days during a 12 month period beginning with the first date of the claim.

Family member means a child, spouse, domestic partner, civil union partner or parent of a covered individual.

Child means a biological, adopted, or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than 19 years of age or is 19 years of age or older but incapable of self-care because of mental or physical impairment.

### Coverage

Employment, including employment with government entities, covered under the New Jersey Unemployment Compensation Law is covered for Family Leave Insurance.

Employees may be covered under:

- the State Plan;
- an approved Private Plan; or
- Family Leave Insurance benefits during unemployment, if the period of leave begins more than 14 days after the last day of work.

### Funding

100% funded by employee contributions through payroll deductions beginning January 1, 2009. The taxable wage base is the same as for Unemployment Insurance and Temporary Disability Insurance and changes each calendar year.

- 0.0009 of the taxable wage base in 2009.
- 0.0012 of taxable wage base for each subsequent year.

Employer contributions are not required.

### **Family Leave Facts**

- The Family Leave Insurance benefits program provides covered individuals Family Leave Insurance benefits, a monetary benefit, not a leave entitlement.
- The Family Leave Insurance benefits program does not establish the right of a covered individual to be restored to employment following a period of leave from work to participate in providing care for a family member who has a serious health condition or to bond with a newborn or newly adopted child. However, a covered individual's job may be protected if the employer is subject to the Family and Medical Leave Act (FMLA) or the New Jersey Family Leave Act (NJFLA). An employer can require an employee to use up to two weeks of any paid sick leave, vacation time, or other leave at full pay made available by the employer.
- Benefit entitlement may be reduced up to two weeks for any paid sick leave, vacation time, or other leave at full pay required to be taken by the employer.
- An employee who intends to take a leave and claim Family Leave Insurance benefits to participate in providing care for a family member who has a serious health condition must give the employer reasonable and practicable notice unless the time of the leave is unexpected or the time of the leave changes for unforeseeable reasons. An employee who intends to take the leave on an intermittent basis must provide the employer with a minimum of 15 days notice.
- An employee who intends to take a leave and claim Family Leave Insurance benefits to bond with a newborn or newly adopted child must give the employer thirty (30) days notice prior to the beginning of the leave. Intermittent leave to bond with a newborn or newly adopted child must be taken in periods of seven (7) days or more and the intermittent schedule must be agreed to by the employee and the employer.
- A formal appeal can be submitted to the Division of Temporary Disability Insurance if an employee or employer disagrees with a determination on a claim. Appeal rights and provisions are explained on all decisions issued by the Division.

## **STATE PLAN FAMILY LEAVE INSURANCE BENEFITS**

### **Wage Requirements**

To have a valid claim, a claimant must have had employment in at least 20 calendar weeks (base weeks) in New Jersey covered employment with earnings of \$143 or more, or have earned \$7,200 or more in such employment during the 52 weeks (base year) immediately prior to the week in which the family leave claim begins.

### **Benefit Duration and Amount**

A claimant can receive a maximum of six weeks of Family Leave Insurance benefits in a 12 month period. The 12 month period is the 365 consecutive days that begins with the first day that the individual establishes a valid first claim for Family Leave Insurance benefits.

A first claim is the claim for Family Leave Insurance benefits initially filed on a form prescribed by the Division which will be available for downloading from this website after June 1, 2009. Applications will also be available after June 1, 2009, by telephoning the Division of Temporary Disability Insurance's Customer Service Section at (609) 292-7060, or by writing to the Division of Temporary Disability

Insurance, PO Box 387, Trenton, NJ 08625-0387. The filing of a first claim begins the running of the 12 month period during which a claimant is entitled to the maximum Family Leave Insurance benefit.

A re-established claim is a claim for Family Leave Insurance benefits filed subsequent to a first claim within the same 12 month period. This claim is either a claim for a different care recipient or a claim during or following employment with a different employer. Under no circumstance will an individual receive more than six (6) weeks of benefits during the 12 month period.

The weekly benefit rate for a first claim or re-established claim is based on the claimant's average weekly wage. The average weekly wage is generally based on the earnings in the eight calendar weeks immediately before the week in which the family leave begins. The weekly benefit rate is two-thirds (2/3) of the average weekly wage up to a maximum of \$546 for claims beginning July 1, 2009. The daily benefit rate is one-seventh (1/7) of the weekly benefit rate. The maximum amount of benefits payable for Family Leave Insurance is six weeks (42 days) during the 12 month period or one third (1/3) of the base year earnings, whichever is less.

If a State Plan claim for Family Leave Insurance benefits is filed immediately after the claimant recovers from his/her own disability, benefits will be paid at the same weekly benefit amount that the claimant received on the State Plan temporary disability claim.

### **Benefit Limitations**

The first seven (7) days following the filing of a claim is the waiting week. No benefits can be paid for this week or any part of the first week until benefits have been paid in each of the three (3) weeks immediately following the waiting week. If the period of family leave immediately follows an eligible period of temporary disability for the individual's own illness, there is no waiting period for the Family Leave Insurance claim.

If the claimant is receiving a pension which the most recent employer contributed to on the claimant's behalf, the claimant's weekly benefit amount will be reduced by the prorated amount of the pension received during that particular benefit week.

No Family Leave Insurance benefits are payable under the State Plan for

- Any period the claimant receives temporary disability benefits or any benefits from a disability or cash sickness program or similar law of this state or any other state or the federal government;
- Any period the claimant receives Unemployment Insurance Benefits;
- Any period the claimant receives full salary or paid time off;
- Any period the claimant is working;
- Any period of family leave which did not start while the claimant was a covered individual or within 14 days of the claimant's last day of work;
- Any period of family leave for the care of a family member and the care recipient (family member) was not under the care or supervision of a health care provider;
- Any period the claimant is out of work due to a stoppage of work which exists because of a labor dispute at the claimant's place of employment; or
- Any period subsequent to being discharged by the most recent employer for gross misconduct connected with the work because of a commission of an act punishable as a crime under the New Jersey Code of Criminal Justice.

### **PRIVATE PLAN - FAMILY LEAVE INSURANCE BENEFITS**

The Family Leave Insurance Law permits employers to provide coverage through an approved Family Leave Private Plan instead of the State Plan. Private Plans must provide a benefit amount and benefit duration that equals or exceeds the State Plan and eligibility requirements that are no more restrictive than the State Plan. The cost to the worker cannot be more than the cost to workers for State Plan

coverage. All Private Plans must be approved by the Division of Temporary Disability Insurance.

Even though an employer has a private plan for the payment of temporary disability benefits, employees may be covered under the State Plan for the payment of Family Leave Insurance benefits. Questions concerning coverage should be directed to the employer.

If an employee is covered by a Private Plan and wants to file a claim for Family Leave Insurance benefits, the employee shall provide the employer with the required notice. The employer shall provide the employee with the necessary claim form. A decision on eligibility will be made by the Private Plan insurer.

Claimants who disagree with a decision on a Private Plan claim can file a complaint with the Private Plan Compliance Section, Claims Review Unit, P O Box 957, Trenton, NJ 08625-0957.

### **FAMILY LEAVE INSURANCE BENEFITS DURING UNEMPLOYMENT**

If a claimant applies for Family Leave Insurance benefits more than 14 days after his/her last day of work, benefits may be payable under the provisions of the Family Leave Insurance Benefits During Unemployment program. Individuals claiming benefits under this program must meet all the eligibility requirements of the Unemployment Compensation Law, but are not required to establish availability for work.

If eligible, benefits are paid for full weekly periods starting from Sunday through Saturday. There is no provision to pay for intermittent days under the Family Leave Insurance Benefits During Unemployment Program.

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