

Request for Family Medical Leave (FMLA) and/or Extended Sick Leave

Name: _____

Location: _____

Sick Leave Request Start Date: _____

The birth of a child and will be requesting: (please indicate number of sick days requesting in parenthesis)

Up to 20 (or _____) number of sick days before the birth

Up to 20 (or _____) number of sick days after the birth

The adoption or foster care of a child

The care of a child, spouse/civil union partner, or parent with a serious condition;

Own serious health condition

Extended Sick Leave Request

Number of sick days requesting: _____

FMLA Request Start Date: _____ (for birth of child/begins after sick days. FMLA is 60 unpaid working days)

Health Benefits Options while on FMLA (FMLA is an unpaid leave of absence/please check one below)

Pay employee contribution monthly while out on leave

Pay a lump sum employee contribution when you return from FMLA

Spread out employee contribution over 6 pay periods when you return from FMLA

HVEA Members: Will you be requesting a Personal Leave of Absence? Yes ____ No ____

PLOA is an unpaid leave and if you currently participate in district health insurance you will be offered COBRA benefits during this leave of absence.

Anticipated Return to Work: _____

Is intermittent or reduced work schedule being requested? Yes ____ No ____

PLEASE INCLUDE A DOCTOR'S NOTE WITH YOUR LEAVE REQUEST; INCLUDING START DATE OF DISABILITY.

Building Principal Signature: _____ Date: _____

RETURN TO THE OFFICE OF HUMAN RESOURCES

Assistant Superintendent Signature: _____ Date: _____

Total Sick days calculated: _____	Begin date: _____	End Date: _____
Total FMLA days calculated: _____	Begin date: _____	End Date: _____
Total PLOA days calculated: _____	Begin date: _____	End Date: _____
Anticipated Return to Work: _____		
BOE: _____		

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either 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 functions 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 requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV



U.S. Wage and Hour Division



NJ Office of the Attorney General

CIVIL RIGHTS

FACT SHEET

The New Jersey Family Leave Act

What Rights Do I Have If I Need To Take Time Off From Work To Care For A Close Family Member?

Under the New Jersey Family Leave Act, certain employees are entitled to take leave without losing their jobs as long as the following conditions are met:

Employer - The employer must have at least 50 employees who have been working for at least 20 weeks during the current or previous year. When counting the number of employees, all of the employer's employees, whether located in New Jersey or not, are included.

Employee - The employee who wants to take leave must have worked for that employer for one year and must have worked at least 1,000 hours, including paid overtime hours, during the 12 months immediately prior to taking the leave.

Exception - An employer may deny leave to employees whose base salaries are within the highest 5% of all employees if their absence would have a substantial negative effect on the business. The same is true for the seven most highly paid employees. The employer must provide proper notice to the employee that they fall into this category.

What Circumstances Entitle Me To Take Family Leave?

The New Jersey Family Leave Act permits leave to be taken for:

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

How Much Leave Am I Entitled To?

Each eligible employee may take up to 12 weeks of continuous leave during a given 24-month period.

When caring for a family member with a serious health condition, an employee may take leave that is not continuous, for example, an intermittent leave or a

reduced work schedule. Sometimes an employer's approval is necessary for this type of arrangement if the leave is taken in connection with the birth or adoption of a child.

What Notice Has To Be Given To The Employer?

An employer is entitled to require the employee to give 30 days notice for leave related to the birth or adoption of a child. In the case of relative's serious health condition, 15 days notice may be required.

If an emergency arises, reasonable notice must still be given, within the confines of the circumstances.

Can I Take Family Leave If I Am Also Entitled To Disability Leave?

New Jersey family leave is separate from any leave an employee may take for his or her own disability.

Is The New Jersey Family Leave Act Identical To The Federal Family And Medical Leave Act?

They are similar, but there are some differences. Some of the differences are:

- Unlike the New Jersey Family Leave Act, federal law does allow an employee to use leave time for his or her own medical condition.
- While the state law provides for 12 weeks of leave in a given 24-month period, federal law provides for 12 weeks of eligible leave within a period of 12 months.
- The New Jersey FLA applies to companies with 50 or more employees nationwide. The federal FMLA applies to all employers with 50 or more employees within 75 miles of each other.

In situations where a leave is provided by both the New Jersey Family Leave Act and the federal Family and Medical Leave Act (i.e., family leave), the employee is entitled to only up to 12 weeks of leave, in a 12 month period to care for a family member or newly born or adopted child.

A leave granted due to the employee's disability is covered only by the federal FMLA and may be followed by an additional leave for the care of a family member under the New Jersey Family Leave Act.

What Am I Entitled To When I Return To Work?

The employee is generally entitled to the same position held before the leave.

Exception: If the original position is no longer available when the employee returns, the employer must offer an equivalent position in terms of pay, benefits and status.

Layoff: If a layoff occurred while the employee was on leave, the employee retains the same rights as if no leave had been taken.

Can My Employer Require Proof Of Eligibility As A Condition Of Leave?

The employer is entitled to request verification of the qualifying condition, such as a doctor's certification that a serious health condition exists. In other words, a medical certification may be required, but an employer cannot require an employee to certify that he/she is eligible for family leave. This is the employer's responsibility.

What Should I Do Next?

When the parties are unable to resolve a dispute themselves, the law provides specific relief under the Family Leave Act.

Administrative remedy:

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the Family Leave Act (FLA). If you believe that you have been denied leave to which you are entitled under the FLA or treated unfairly because you have exercised your rights under the FLA, please visit or phone us at the Division on Civil Rights office closest to where you live or where the discrimination occurred. Our addresses and phone numbers are at the end of this fact sheet, or visit us on the web at www.NJCivilRights.gov.

A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the denial of leave or other adverse employment action. An initial evaluation will be conducted to determine if you state a claim for relief under the FLA. If so, the Division will prepare a complaint for you to sign and then the Division will conduct an investigation into your allegations. If the investigation shows enough evidence to support your complaint (known as probable cause), and your complaint cannot be settled, a hearing will be held in the Office of Administrative Law. You may choose to retain a private attorney to represent you at the hearing, or a lawyer will be provided to prosecute the case on behalf of the New Jersey Division on Civil Rights. At the conclusion of the hearing, the Director of the Division on Civil Rights will make a final decision as to whether unlawful denial of leave or other adverse employment action has been proven and, if so, what remedies should be awarded to the complainant. Other than fees for a private attorney, if applicable, there is no cost to the individual for these services.

Judicial Remedy:

In the alternative, an individual who believes he or she has been denied leave in violation of the FLA or subjected to

other adverse employment action because he/she has exercised their rights under the FLA, may file a complaint and try his or her case in New Jersey Superior Court. Individuals usually hire an attorney to represent them in a Superior Court action. A party cannot file with the Division on Civil Rights and in Superior Court at the same time. A Superior Court action must be filed within two years of the denial of leave or other adverse employment action.

What Remedies Are Available?

A prevailing complainant may be entitled to the leave time that was denied. A complainant may also be entitled to damages for pain, humiliation, and emotional distress caused by the employer's actions; restoration of employee benefits that the complainant would have received but for the employer's actions; out-of-pocket expenses incurred as a result of the denial of leave; and reasonable attorney's fees if the complainant was represented by counsel.

In addition, the Division may impose penalties on the party who violated the FLA of up to \$2,000 for the first violation, and up to \$5,000 for a second or subsequent violation. These penalties are payable to the State, not the complainant. In addition, the Director of the Division on Civil Rights may award the complainant punitive damages in an amount up to \$10,000.

Remember, it's against the law for anyone to retaliate against you because you have exercised your rights under the New Jersey Family Leave Act.



NJ Office of the Attorney General

CIVIL RIGHTS

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the law. To file a complaint, contact or visit the office nearest you:

Atlantic City Regional Office:

1325 Boardwalk, Tennessee Ave. & Boardwalk
Atlantic City, NJ 08401
Phone: (609) 441-3100 • Fax: (609) 441-3578

Camden Regional Office:

One Port Center, 4th Floor, Suite 402
2 Riverside Drive, Camden, NJ 08103
Phone: (856) 614-2550 • Fax: (856) 614-2568

Newark Regional Office:

31 Clinton Street, Newark, NJ 07102
Phone: (973) 648-2700 • Fax: (973) 648-4405

Trenton Regional Office:

140 East Front Street / P.O. Box 090
Trenton, NJ 08625-0090
Phone: (609) 292-4605 • Fax: (609) 984-3812

Visit our web site at www.NJCivilRights.gov