

## APPENDIX A: LEAVE PROGRAMS IN NEW JERSEY FOR EXPECTING MOTHERS

LEAVE PROGRAM	PURPOSE OF LEAVE	JOB PROTECTION?	MAXIMUM AMOUNT OF LEAVE	TIME WINDOW FOR STARTING LEAVE	MAXIMUM WEEKLY MONETARY BENEFIT	NOTES	OVERLAP WITH OTHER LEAVE PROGRAMS
<b>The Family and Medical Leave Act (FMLA)</b>	To bond with a new child (newborn, foster, or adopted); care for an immediate family member with a serious health condition; or attend to the employee's own serious health condition. Can be used by fathers &/or mothers.	Yes - Employer must return employee to same job or one that's nearly identical (equivalent)	12 weeks in a 12-month period	Bonding leave must begin within 12 months after birth or placement	Unpaid	FMLA is a federal leave program that applies to certain employees. An eligible employee must have worked for a covered employer employing at least 50 workers within 75 miles & must have worked at least 1,250 hours in the previous 12 months. A mother can take FMLA leave for prenatal care, incapacity related to pregnancy, & for her own serious health condition following the birth of a child. A father can take FMLA leave to care for a spouse who is incapacitated due to pregnancy or child birth.	Depending on individual circumstances, FMLA & NJFLA can be used concurrently (if the individual qualifies for both at the same time) or consecutively. FMLA may be used for self-care followed by NJFLA for family care.
<b>The New Jersey Family Leave Act (NJFLA)</b>	To bond with a newly born or adopted child or to care for a child under 18, spouse, or civil union partner with a serious health condition. Can be used by fathers &/or mothers.	Yes - Employer must return employee to same job or one that's nearly identical (equivalent)	12 weeks in a 24-month period	Bonding leave must begin within 12 months after birth or placement	Unpaid	An eligible employee must work for an employer employing at least 50 workers (within & outside of New Jersey) for at least 20 weeks in the current or previous year. The employee must have worked at least 1,000 hours for that employer during the 12 months before taking leave.	Depending on individual circumstances, FMLA & NJFLA can be used concurrently (if the individual qualifies for both at the same time) or consecutively. FMLA may be used for self-care followed by NJFLA for family care.

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<b>New Jersey Temporary Disability Insurance/ Extended to cover pregnancy (TDI)</b>	Cash benefits during leave from work due to injury or disability not caused by their job	No	10 weeks for disability related to pregnancy & childbirth (longer with medical complications)	Varies according to doctor-determined disability. For normal pregnancies, benefits usually payable for up to 4 weeks before delivery date & up to 6 weeks after delivery date.	Lesser of 2/3 of average weekly wage or \$615	Applies to all workers covered under the New Jersey Unemployment Compensation Law. Non-pregnancy TDI leave can be taken for up to 26 weeks for other injury or disability that is non-work related.	Must be taken concurrently with FMLA, if eligible, & may be taken concurrently with NJFLA leave. Must be taken before any FLI leave.

<b>New Jersey Family Leave Insurance (FLI)</b>	To bond with a newly born or adopted child or care for a family member with a serious health condition	No	6 weeks in a 12-month period	Bonding leave must begin within 12 months after birth or placement	Lesser of 2/3 of average weekly wage or \$615	Applies to all workers covered under the New Jersey Unemployment Compensation Law. Can be used by fathers &/or mothers.	Must be taken concurrently with FMLA or NJFLA, if eligible for these programs. Cannot receive TDI & FLI benefits simultaneously.
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## SUMMARY

New Jersey has several protections for workers that allow them to take time off either for their own disability or to care for a family member.

### Unpaid, Job-protected Leave

- ◆ The federal Family and Medical Leave Act requires private-sector employers with 50 or more employees to provide up to 12 weeks of leave for workers within a 1 year period who have been at the company for at least a year and worked 1,250 hours during the previous year. Leave is granted for one's own disability, recovery from childbirth or pregnancy, or caring for a seriously ill family member.
- ◆ New Jersey's Family Leave Act allows employees to take 12 weeks of unpaid, job-protected leave

within a 2 year period and is applicable to employees who have worked 1,000 hours in the past year. NJFLA does not, however, allow workers to take time off for recovery of one's own illnesses, including recovery from pregnancy or childbirth. Depending on individual circumstances, FMLA and NJFLA can run concurrently (if the individual qualifies for both at the same time) or consecutively (if using the programs for different reasons).

### Paid Leave

Temporary Disability Insurance and Family Leave Insurance are paid leave programs funded through employee payroll deductions. Both provide 2/3 wage replacement up to \$615 weekly in 2016. Neither offer job protection, but in New Jersey, an employee must use TDI concurrently with FMLA, if covered, which does provide job protection. TDI can be taken concurrently with NJFLA, if the leave

taken under NJFLA is for family care. FLI must be used concurrently with FMLA or NJFLA, if covered. Individuals may take TDI and FLI consecutively, but never concurrently.

- ◆ Temporary Disability Insurance can be used for one's own disability not caused by their job, including pregnancy-related disability and recovery from childbirth. This leave is typically 10 weeks for preg-

nancy related disability but workers have 26 weeks total to be used within one year.

- ◆ Family Leave Insurance provides up to 6 weeks of paid leave to bond with a new child or care for a seriously ill family member to be used within one year. This leave can be used intermittently or all at once.

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## SOURCES

A Better Balance. *NJ Family Leave Guide*. (2015). New York, NY: A Better Balance. Retrieved January 2016 from [http://www.abetterbalance.org/web/images/stories/Documents/familyleave/general/2015\\_NJ\\_Family\\_Leave\\_Guide.pdf](http://www.abetterbalance.org/web/images/stories/Documents/familyleave/general/2015_NJ_Family_Leave_Guide.pdf).

New Jersey Department of Labor and Workforce Development. Family Leave Insurance – Frequently Asked Questions. Retrieved January 2016 from [https://lwd.state.nj.us/labor/fli/content/fli\\_faq.html#11](https://lwd.state.nj.us/labor/fli/content/fli_faq.html#11)

New Jersey Department of Law and Public Safety. About the NJ Family Leave Act (FLA). Retrieved 2016 from <http://www.nj.gov/oag/dcr/law.html#FLA>.

New Jersey Department of Labor and Workforce Development. New Jersey Temporary Disability Benefits Law. Retrieved December 2015 from [http://lwd.dol.state.nj.us/labor/forms\\_pdfs/tdi/DILAW\\_July2014.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/DILAW_July2014.pdf).