

Frequently - Asked Questions

These are some frequently asked questions about LOA – if you need clarification do not hesitate to contact the Human Resources Department / Hepburn Hall 105, 201-200-2335.

1) What is FMLA & NJFLA?

FMLA – Family Medical Leave Act - allows an employee to take up to 12 **unpaid** weeks to be out of work for the following reasons: Employee’s own medical condition, taking care of family member (spouse, children & the employee’s own parents).

NJ-FLA – New Jersey Family Leave Act – does not cover employee’s own serious health condition.

NJFLA covers: 12 **unpaid** weeks in any 24-month period for:

Care necessitated by birth of child

Serious health condition of a child, spouse, parents (DOL forms required)

FMLA & NJFLA – Run concurrently if condition covered by both.

If condition is not covered by both, only time under applicable status runs.

Example: Employee who takes 12 weeks of FMLA for own serious health condition is still eligible for 12 weeks of NJFLA to take care of family member.

2) What documents are required for a leave under FMLA?

Employee needs to submit the following:

-Leave Request Form

-DOL: Employee’s Serious Medical Condition Form

-Or DOL: Family’s Serious Health Condition Form

3) Do I need to disclose medical condition / diagnosis and dates?

Yes, the DOL for either Employee or Family member must have the reasons why the employee will be out of work. This must also include beginning and end dates – Estimated return to work date required.

This form is completed by the doctor.

4) Do I qualify for FMLA?

An employee qualifies for FMLA as long as he/she has been employed at NJCU for 12 consecutive months or has worked at least 1,250 hours.

5) Can I use accrued time and attendance while under FMLA?

Yes, if the employee needs to go on a leave of absence and its medically related the employee can use accrued sick, vacation, administrative and or compensatory time.

Employee must check with HR to find out if he/she has accrued time. Time given at the beginning of year is not completely accrued. Each employee earns time on monthly basis.

6) If I have accrued Time & Attendance, Do I still need to apply for a leave?

Yes, an employee should notify the Human Resources Office of possible leave of absence.

7) How much time in advance should I notify HR about leave?

The employee can notify HR with at least 30 days in advance, unless the leave is unexpected. Then the employee can notify HR as soon as possible.

8) What happens to my benefits if I go on a leave with pay using accrued time for 12 weeks or less under FMLA?

If the employee goes with pay the entire leave of absence whether its 4 weeks or 12 weeks all benefits, pension and life insurance will be deducted from each paycheck. Everything remains the same.

9) What happens to my benefits if I go on a leave **without pay** for 12 weeks or less under FMLA?

If the employee goes without pay while under FMLA the following will apply:

- Health Benefits – employee must pay the employee portion that is deducted from his/she paycheck, or waive their benefits if he/she cannot afford it. Payments can be made: checks, credit cards or money orders.

- Pension – will be suspended for duration without pay. The employee can buy back time when he/she returns. (optional).
- Life insurance – deduction will be suspended; however, life insurance will only be active for up-to the end of leave or last day of FMLA eligibility.
- Anniversary Date: if any, it will be pro-rated for the duration of days the employee goes without pay.

10) What if I go on leave without pay and need to extend beyond FMLA eligibility of 12 weeks?

If an employee goes beyond FMLA eligibility of 12 weeks and needs more time to recover, the paperwork will be reviewed by Human Resources. If any approval is granted based on supporting documentation, then this leave will no longer be under FMLA but under a **Personal Leave** with a reasonable return to work date. * Please follow personal leave guidelines.

11) What is Short Temporary Disability and Family Leave Insurance?

Short Temporary Disability and Family Leave Insurance are compensation services from the State of New Jersey. These are not Leave entitlements or have any job protection. Approval about compensation comes directly from Trenton and the Human Resources Office does not oversee applications or approvals.

- Short Temporary Disability – Is compensation for the employee’s own medical illness, if the employee goes on leave (FMLA) without pay and needs to collect compensation from the State of New Jersey. **Employee must exhaust accrued sick time first to apply for STD.**
- Family Leave Insurance – is compensation for the employee if he/she goes on a leave without pay to take care of family member for medical reasons or Bonding. Application must be completed along with DOL form to justify this under FMLA or NJFLA. Please note the following * FLI compensation is only approved by Trenton and on a yearly basis. You cannot overlap dates otherwise compensation will not be approved. If there is no medical documentation submitted, this will be recorded under a personal leave (if approved).

12) My medical documents kept confidential?

Yes, all medical documents are kept confidential.

The employee’s supervisor will be properly notified if LOA is approved or denied.

If approved, the supervisor will be notified with the beginning of leave and estimated return to work date.

13) Do I need to provide my superior my medical documents?

No. All documents should be submitted to Human Resources.

14) Should I notify my supervisor that I might be taking a leave under FMLA?

Yes, it is the employee’s responsibility to notify supervisor of possible leave.

If possible, the Leave Request Form should be signed by supervisor. This way he /she is aware of possible leave.

15) Do I need to provide any other documents to return to work?

Yes, the Fitness for Duty Form must be completed by doctor allowing the employee to return to work.

If the employee needs accommodations, the form should have in detailed explain the accommodations that are needed. If we cannot accommodate restrictions, the employee cannot return to work.

Human Resources’ return to work forms must be signed by employee prior to returning to work.

16) Can I apply for a Personal Leave of Absence?

An employee can apply for a personal leave without pay. The personal LOA documents will be reviewed closely with supervisor and HR. A determination will be made after all documents are reviewed.

Keep in mind a personal leave does not have any job security. Benefits will follow Personal LOA rules and regulations. (ask HR about this).

17) Can I randomly donate days (sick, vacation, administrative or compensatory) to a colleague?

No, time cannot be transferred.

18) How can I make payments for health benefits while on FMLA without pay?

An employee has option to pay by check, credit card or money order to pay balance owed for health benefits.

19) Do I accrue time while on a leave without pay?

No, employees do not accrue time while on LOA without pay. Time and Attendance will be pro-rated.