



SAFETY DIRECTOR BULLETIN



FAMILY MEDICAL LEAVE ACTS: NEW JERSEY & FEDERAL ACTS

In general terms, the New Jersey Family Leave Act and the U.S. Family Medical Leave Act provide unpaid time off for eligible employees for specific medical conditions, with a guarantee of returning to their jobs. However, there are significant differences in the definitions of 'eligible employees', 'medical conditions', and 'returning to the same job'. There are also situations where leaves permitted under the Acts overlap and areas where they do not.

New Jersey's Family Leave Act allows an eligible employee to take up to 12 weeks of job-protected leave during a 24-month period to care for a family member or someone who is the equivalent of family. Employers are NOT required to compensate the employee during job-protected leave, except if an employee takes accrued leave during their NJFLA leave, the leave would be paid.

New Jersey does not require the employee to take all 12 weeks of their job-protected leave under the Act at the same time. Employees can take the leave all at once, or they can take intermittent leave or work on a reduced schedule.

The **Federal Family Medical Leave Act** provides eligible employees up to 12 workweeks of unpaid, job-protected leave in a 12-month period (26 weeks to care for a serious injury/illness to a family servicemember) of leave to care for a family member or their own disability.

An employee who needs intermittent/reduced schedule leave for foreseeable medical treatments, under both Acts, must work with their employer to schedule the leave so as not to disrupt the employer's operations, subject to the approval of the employee's health care provider. Group health benefits will be maintained during the leave as if the employee continued to work.

Employment practice liability is a growing concern, and therefore, MSI has developed a comprehensive side-by-side comparison to assist New Jersey public employers. The [MSI Guide Family Medical Leave Acts: New Jersey & Federal Acts](#) contains the following information:

- A general description of the program and benefits.
- Situations where New Jersey and the Federal program overlap and when they do not.
- Definitions of Eligible Employees.
- When and how an employer should receive notice.
- Definitions of Care and Serious Medical Conditions.
- Definitions of Family, Child, Son, and Daughter.
- Returning to work requirements for the employer.
- Links to the Acts and additional resources.

Employers must display posters explaining the rights of employees under both the New Jersey and the Federal Family Leave Acts. Consult with your attorney for specific questions involving an employee's circumstances and their request for Family Medical Leave.

NJMEL members may also consult the MEL EPL Hotline for guidance through their designated representatives.