

WHEN BEING THERE COUNTS

paid leave in

NJ



NEW JERSEY
CITIZEN ACTION
EDUCATION FUND





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Yarrow is the Workplace Justice Program Director at NJ Citizen Action and has coordinated the NJ Time to Care Coalition for almost eight years. The Coalition advocates to ensure working families can take time off work to care for themselves and their loved ones without risking their jobs or a day's pay.



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As Manager of Strategic Outreach for the NJ Department of Labor & Workforce Development, Holly works to raise awareness of and ensure equitable access to our workers' rights laws, Paid Family & Medical Leave, and other NJDOL laws and programs.



We will discuss...

- Why paid leave matters
- NJ Paid Family Leave
 - Job protection laws
- Earned Sick Leave
- How to share info with others
- Where to go with questions
- Wrap-up / Conclusion



Goals for today...

- Learn how NJ Paid Family Leave and Earned Sick Leave can help you care for your loved ones
- Know how to apply or learn more
- Help us spread the word

Did you know?

25% of adults working in the U.S. have been fired or threatened with job loss for taking time off to recover from an illness or care for a loved one.

- Workers struggle to maintain a job and care for loved ones
- Some are forced to work despite needing time off, adding stress during difficult moments
- Without paid leave, loved ones may up requiring expensive care, or placement in nursing homes
- Employees may drop out of the workforce to caregive, putting their economic security at risk



Paid leave for caregiving means...

- Shorter hospital stays and improved health outcomes (saving money)
- Remaining in the workforce, which helps protect family economic security, and can help loved ones remain at home
- Peace of mind



Earned Sick Leave in New Jersey

- Under the new Earned Sick Leave law, employers must provide paid sick time to workers to care for themselves or loved ones
- NJ employees must earn up to 40 hours per year; workers earn 1 hour of paid sick time for every 30 hours worked

To care for yourself or a loved one...

- To attend your child's school-related meeting, conference, or event, including an IEP meeting (your presence must be requested or required by a school professional responsible for your child's education)
- To attend meetings about care provided to your child in connection with your child's disability or health condition
- For physical/mental illness or wellness care
- To cope with domestic or sexual violence
- To care for your children when school or child care is closed due to a public health emergency

The law covers all sizes of employers as well as full-time, temporary & part-time workers. Almost every worker in NJ is covered.

Exemptions are very limited:

- construction workers with a union contract
- per diem health care employees
- public employees who have sick leave at full pay
- independent contractors

How are workers paid for their sick days?



At the same rate employee normally earns (not including overtime). Different calculations exist for the following types of employees:

- Tipped workers
- Multiple rates of pay
- Piecework
- Commission

What happens to unused sick leave?

- Unused leave time at the end of a benefit year is either carried over or bought back by the employer
- Up to 40 hours can be carried over per benefit yet
- Employees are permitted to have more than 40 hours of ESL in their leave bank
- However, an employer is permitted to limit then to 40 hours usage or carry over per year



And did you know?

- You can take Earned Sick Leave to care for any family as well as ANY loved ones who are like family! Siblings included.

Know your rights...

- It's against the law for employers to punish workers for requesting or using earned sick leave
- Employers also cannot require workers find a replacement for their shift.
- You cannot be required to provide documentation until you are absent 3 days in a row
- Learn more or file a complaint at mysickdays.nj.gov

NJ Paid Family Leave

- NJ Family Leave Insurance (FLI) is paid family leave in NJ
- Benefits to partially replace wages when taking leave from work to care for a seriously ill loved one or bond with a new child
- Paid family leave has been available in NJ since 2009 -- improvements were signed into law this year
- Workers fund the program
- NJ is unique

NJ Paid Family Leave

- Most people know about Federal FMLA (Family & Medical Leave Act) -- unpaid job-protected leave to care for yourself or a family member
- NJ is unique with its PAID family leave wage replacement benefits and that's what we're covering today
- While they could overlap in terms of timing, wage replacement is separate from the laws that guarantee your job

When can I use NJ Paid Family Leave for caregiving?

- To care for a loved one with a serious health condition
- To care for loved ones who are victims of domestic or sexual violence

Who can I care for & receive Family Leave benefits?

- Any extended family or loved one
- Those with whom workers have a “close association to the employee which is the equivalent of a family relationship”
- Siblings included

What is considered a serious health condition?

- Any illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or supervision by a health care provider
- A health care provider must certify the condition and that the patient requires care



Who is covered?

Those under Unemployment Insurance except...

- Federal Government
- Out-of-State Employment
- Self Employed workers

Did I earn enough to be eligible?

- In the “base year” period before taking leave, workers must have earned:
- 20 weeks at \$200+ per week, or \$10,000+ total (Minimum earnings requirement for 2020)
- The “base year” is the first 4 quarters of the most recent 5 completed quarters of employer reported wages to the state, prior to taking leave.

**earnings are considered from ALL employers in the base year*

How much money does Family Leave provide?

- 2/3 of average weekly wages
- Max benefit rate for 2019 = \$650.00/week
- Starting January 2020 = \$667/week
- July 2020: 85% of average weekly wages –max \$881/week

How long can you receive Family Leave benefits?

- Currently a maximum of 6 weeks
- Starting July 2020, increases to 12 weeks
- You may choose to use accrued vacation or PTO (paid time off) before utilizing FLI benefits - if you do, it does not reduce your 6 weeks of FLI entitlement.
- Employers can no longer require the use of accrued vacation or PTO before utilizing FLI

Do I need to take all of my leave at once?

- You can take your leave in intermittent days or periods
- Currently 42 intermittent days in a 12 month period
- In July 2020, increases to 56 intermittent days in a 12 month period
- No more 1-week waiting period for family leave benefits



Other uses for NJ Paid Family Leave...

- Bonding leave for both parents of a newborn, newly adopted or newly placed foster child in the first year after birth/placement.
- Victims of domestic or sexual violence and their caregivers are also eligible for Family Leave Insurance benefits.



Temporary Disability Insurance...

- Temporary Disability Insurance (TDI) benefits are for when you are sick or injured (not related to one's job) and cannot work, including pregnancy and recovery from childbirth.
- Most employers in New Jersey are required to have Temporary Disability Insurance for their employees (exceptions are some municipal and county workers as well as federal employees).

When should I file for benefits?

- Workers have 30 days from the start of their leave to file a claim.
- Workers can now start the online application process for benefits 60 days before their expected leave (as of Oct. 4).
- Within 14 days of the first day of expected leave, claimants must go back online, certify and submit their application.

When will I receive my benefits?

- Determination of eligibility can take 2-6 weeks - online applications are faster than paper
- Make sure every question is answered and there are no conflicting dates or it can significantly delay your benefits (by more than a month)
- For online applications, follow up with your doctor's office to verify they've submitted your medical forms
- If deemed ineligible, a notification will be sent, as well as a notice about which information was missing
- To check on a claim go to myleavebenefits.nj.gov and select "check your claim status"

How will I receive my benefits?

- You will get a debit card in an unmarked envelope in the mail once your claim review begins - once approved, funds will be put on that card
- If you received Temporary Disability, Family Leave, or Unemployment within the past 4 years, the benefits will be deposited on that same debit card, which is valid for 4 years - don't lose the card!
- If you lost the card, contact Bank of America for a replacement - don't wait for your application to Family Leave / Temporary Disability to be processed
- You can create an online account with Bank of America and simply transfer funds to your own account (for no charge) - there may be a fee to withdraw funds from an ATM

How can I apply for Family Leave?

- Visit myleavebenefits.nj.gov and easily apply online
- Paper application is also available

The image shows three overlapping forms for the New Jersey Family Leave Insurance Application (FL-1). The top form is the main application, divided into several sections: Profile Information (including name, address, and contact details), Family Information (including spouse and dependent children), Leave Information (including dates and type of leave), and Additional Special Information (including other benefits and caregiver details). The middle form is the 'PART C: CAREGIVER' section, which includes fields for the caregiver's name, address, and relationship to the applicant. The bottom form is the 'PART D: PARTIAL LEAVE SCHEDULE' section, which includes a table for recording the start and end dates of partial leave periods.

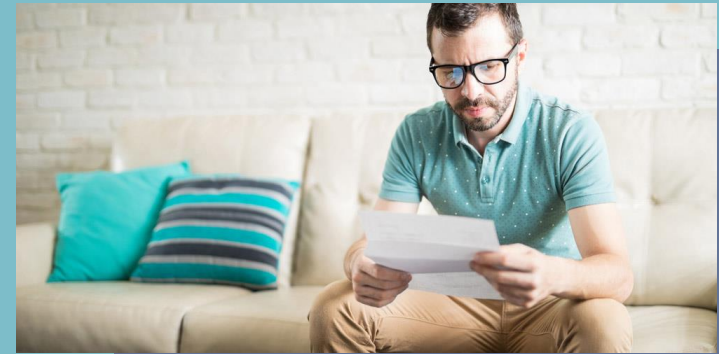


May I help someone else apply?

- You can assist a claimant as they complete the application
- If your claimant wants you to be able to call NJDOL and get specific information about their claim, they must name you as a representative on Part A of the application

Does Paid Family Leave provide job protection?

- These programs do not require your employer to hold your job
- However, there's new anti-retaliation language in the law: if an employer retaliates against an employee for requesting or taking their benefits, the employee may take legal action
- Federal law (FMLA)
- State law (NJFLA)



Job protection: Federal law

- Family & Medical Leave Act (FMLA)
- 12 weeks unpaid, job-protected leave to care for self or family
- Covered family: spouse; child under age 18 or disabled; parent; spouse, child, parent or next of kin of covered service member or veteran

To qualify:

- Work at employer for at least a year
- 50 + employees (within 75 mile radius)
- Worked at least 1,250 hours in 12 months before taking leave
- For more info see <https://www.dol.gov/whd/fmla/>

Job protection: State law

- NJ Family Leave Act (NJFLA)
- 12 weeks unpaid, job-protected leave to care for loved ones (not own medical condition)
- Covered family: anyone considered the equivalent of family.

To qualify:

- Work at employer for at least a year
- 30 + employees (worldwide)
- Worked at least 1,000 hours in 12 months before taking leave
- FMLA/NJFLA protections run concurrent when taking them for the same reason.

Wage Replacement

Temporary Disability Insurance (TDI)

Up to 26 weeks of partial wages to recover from one's own illness or disability, including pregnancy related disability.

Family Leave Insurance (FLI)

6 weeks* of partial wages to bond with a new child (both parents) or care for loved one with a serious health condition. Often referred to as paid family leave.

*will double to 12 weeks July, 2020

Job Protections

Federal Medical Leave Act (FMLA)

12 weeks of unpaid, job protected leave for one's own serious health condition, to bond with a new child or care for an immediate family member with a serious health condition.

NJ Family Leave Act (NJFLA)

12 weeks of unpaid, job protected leave to bond with a new child or care for a loved one with a serious health condition.

Taking time off work for care in New Jersey



Who enforces the NJ job protection law?

- The New Jersey Division on Civil Rights (DCR) is responsible for enforcing the New Jersey Family Leave Act (NJFLA).
- As of June 30, 2019, companies with 30+ employees must provide job-protected family leave.

If you believe that you have been unlawfully denied NJFLA leave or retaliated against because you exercised or attempted to exercise the right to take leave:

- Please call DCR at (973) 648-2700
- Visit www.njcivilrights.gov and click on Contact DCR to find the office location closest to you



Website: myleavebenefits.nj.gov

Customer Service: 609-292-7060
Monday – Friday
8:30 am – 4:30 pm

Mailing Address: NJ Department of Labor & Workforce Development
Division of Temporary Disability Insurance
PO Box 387
Trenton, NJ 08625-0387

Fax Number: 609-984-4138

Debit Card Help: 1-866-213-4074



Share your story!

- We want to hear from you.

www.njtimetocare.org/story-bank

Questions About?	Program Area	Phone	Web
Earned Sick Leave (Sick days)	Wage & Hour	609-292-2305	mysickdays.nj.gov
Paid Family & Medical Leave	Temporary Disability & Family Leave Insurance	609-292-7060	myleavebenefits.nj.gov
NJ Department of Labor	Career Services, Business Services, Unemployment Insurance	Various numbers available online.	nj.gov/labor

Final thoughts...

- NJ workers are caregivers – they need paid leave
- Almost all NJ workers are covered under the new Earned Sick Leave law
 - Use your paid sick days to care for your loved ones
- Most NJ workers are covered under NJ Paid Family Leave
- Use Family Leave for longer term leave or intermittent days to care for your loved ones
 - Many NJ workers are covered under job protection laws as well

Questions & Answers



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