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UNPAID FAMILY LEAVE TIME AND JOB SECURITY

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The Family and Medical Leave Act (FMLA) and New Jersey Family Leave Act (FLA) secure the rights of employees in New Jersey to job and benefits security during an unpaid leave of absence that deals with family and health related issues. All companies, regardless of the number of employees, are covered under the FMLA. The FLA applies only to companies with fifty or more employees.

Both Acts provide employees up to twelve weeks of unpaid leave for these circumstances:

- birth of a child;
- placement of a child with the employee through adoption or foster care;
- care of a seriously ill child, spouse or parent.

Employees may take family leave due to their own serious health conditions under the FMLA. This benefit is not available under the FLA.

Employees must work for a covered employer for at least twelve months and at least 1,000 hours to be entitled to twelve weeks of family leave for each 24 month period under the FLA. Employees can receive twelve weeks leave every twelve months under

the FMLA, but must have worked 1,250 hours during the immediately preceding twelve months to qualify.

Subject to certain limited exceptions, employers who are covered by these laws are required to reinstate employees to the same or a similar position upon their return and maintain existing health insurance coverage during the leave period.

Both Acts require employees to provide employers with advance notice of their intention to take family leave time. The notice differs depending upon which Act applies and the type of leave being taken.

Employees are not required to use all twelve weeks at once. Leave may be taken on an intermittent basis or on a reduced leave schedule. Employees may be required to use accrued vacation and/or personal days before taking unpaid leave depending upon the employer's past practice. Employees should consult the employer to insure compliance with legal requirements.

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