

A Family Leave Act Primer

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Complex legislation, such as FMLA, NJFLA and PFLA, designed to protect employees, can easily cause employer confusion. Here’s a guide to the basics to help employers and employees gain a better understanding.

Family Medical Leave Act (FMLA)

Enacted in 1993, it provides job protection for employees who take an extended leave from work, with no monetary compensation, to take care of their own or a designated family member’s serious health condition.

A recent FMLA change provides entitlements under the Military Family Leave Provisions. It amended FMLA to provide two types of military family leave for eligible workers: qualifying exigency leave and military caregiver leave. Visit www.dol.gov for complete details. Always consult your legal counsel to ensure you are interpreting the legislation properly.

New Jersey Family Leave Act (NJFLA)

Employees are granted extended leave from work for specific situations related to designated family members to ensure job protection, with no monetary compensation. Unlike FMLA, it does not include coverage for the employee. Coordination between FMLA and NJFLA can provide more than 12 weeks of job-protected leave.

New Jersey Paid Family Leave Act (PFLA)

This act covers all employers who are subject to New Jersey Unemployment Compensation Law and employees. PFLA provides two-thirds of the employee’s weekly wages capped at \$546 per week. Funding for this comes from payroll from all employees. Employees who are collecting workers’ compensation or short-term disability may not receive the PFLA benefits.

	FMLA	NJFLA	PFLA
Company employees for eligibility	50*	50* ++	No minimum number▲
Criteria for eligibility	(1) Employed for at least 12 months. (2) Worked at least 1,250 hours during the prior 12 months. (3) Employed at a worksite where the employer employs at least 50 people within a 75-mile radius.	(1) Employed for at least 12 months. (2) Worked at least 1,000 hours during the prior 12 months.	Employees who are eligible as defined by state’s unemployment compensation law.
Benefit provides	12 weeks unpaid leave in a 12-month period for job protection.	12 weeks of unpaid leave in a 24-month period for job protection.	Up to six weeks paid leaving during a 12-month period with no provision for job protection.
Reason taken	Birth; adoption/foster care of a child; serious health condition of a spouse, child or parent of employee; serious health condition of employee; qualifying exigency due to spouse, child or parent of employee on active duty in the armed forces in support of a contingency operation.	Birth; adoption/foster care of child; serious health condition of a family member that includes a child, spouse, parent, parent-in-law or partner in a civil union couple.	Birth or adoption/foster care of child; serious health condition of a family member that includes a child, spouse, parent, domestic partner or civil union partner.
Leave taken	Consecutively, intermittently, on a reduced-leave schedule.	Consecutively, intermittently, on a reduced-leave schedule.	Consecutively and intermittently.

* For each working day for 20 or more calendar weeks in current and preceding year.
 ++ N.J. employers with employees outside of New Jersey included in this count.
 ▲ Applies to all employers covered under the Temporary Disability Benefit Law.

Examples

Jane is pregnant and due on September 2. Her doctor writes her out of work four weeks prior to her due date. Jane gives birth on August 31. What is her entitlement? Jane would be eligible for 12 weeks FMLA – with four of the weeks starting prior to her delivery, leaving her with eight weeks. After her child’s birth, the 12 weeks for NJFLA would take effect running concurrently with her remaining FMLA, minus two weeks. She would also be eligible for NJPLA, giving her a monetary benefit for six weeks after her short-term disability concludes.

Dave works for a New Jersey company that has 53 employees. During his employment he has a car accident requiring him to miss 10 weeks of work. What is Dave entitled to? He is entitled to FMLA for his own serious illness for 12 weeks. However, he would not be eligible for NJFLA or PFLA since neither of those acts is for the person’s own illness. If Dave’s mother or father took time off from work to care for him, he/she could receive all three benefits. 🧩

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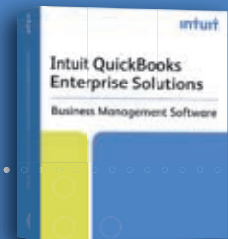


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