



CAMDEN CITY PUBLIC SCHOOLS

Office of Human Resources

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To: All Staff

From: Yemele Ayala, Acting Human Resources Director

Re: Family and Medical Leave Act and New Jersey Family Leave Act

Date: December 12, 2008

It is important that the Human Resource Department remind all Camden City Board of Education employees about the federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA.) Therefore, we have outlined these laws in an attempt to make it easier to understand for all.

While reading the summaries below, please bear in mind that any FMLA and NJFLA protections run concurrent with any Board approved leave of absence time and related policies. For example, you exhaust your twelve weeks of FMLA and/or NJFLA leave time concurrent with your board approved sick time for personal illness OR unpaid time for family illness.

**** FMLA or NJFLA does NOT replace the amount of unused (or accrued) sick time you have at the District. These leave laws are just unpaid job protected leaves for you that exhaust simultaneously with your board approved leaves.**

Please understand that these laws are written by the federal and state government. However, you or a family member may feel free to contact the Human Resource Department at 856-966-2604 for clarification. Our duty is to work with you to make sure you understand how these laws work for you.

The Camden City Board of Education (the “Board”) is required to comply with the Family and Medical Leave Act of 1993 (“FMLA”) as well as the New Jersey Family Leave Act (“NJFLA”). Eligible employees of the Board are entitled to take unpaid leave for specific family and medical reasons under both FMLA and NJFLA. Eligible employees are entitled to leave as follows:

FMLA

Employee Eligibility. An employee is eligible for FMLA leave if the employee (1) has worked for the Board for a total of 12 months and (2) has worked at least 1,250 hours for the Board during a 12-month period prior to the leave. Please note that the Camden City Board of Education uses its fiscal year, beginning July 1 and ending June 30, for designating the 12-month period.

Leave Entitlement

Generally. If an employee is eligible for FMLA leave, the employee is entitled to take up to 12 weeks of unpaid leave during a 12-month period for one or more of the following reasons:

1. Birth of a child or to care for a newborn;
2. Placement of an adopted child or foster child;
3. To care for a spouse, child or parent with a serious health condition;*
4. Employee’s own serious health condition;
5. Qualifying exigency arising out of the fact that a spouse, son, daughter or parent of employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.*

If a husband and wife are employed by the Board, they are jointly entitled to 12 weeks of leave for birth and care of a child, placement for adoption or foster care, or to care for a parent with a serious health condition.

**Servicemember Family Leave.* If an eligible employee is the spouse, son, daughter, parent or next of kin of a member of the Armed Forces, including the National Guard or Reserves, the employee is entitled to a total of 26 weeks of leave during a single 12-month period to care for the servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty. If the eligible employee takes this type of leave, he or she is entitled to a combined total of 26 weeks of all types of FMLA leave.

A husband and wife are jointly entitled to 26 weeks of leave in a single 12-month period for servicemember family leave.

Intermittent Leave or Leave on Reduced Schedule. Employees may request leave on an intermittent schedule (blocks of time such as hours or weeks) or leave on a reduced schedule (full time to part time) under certain circumstances. Special rules that apply for teachers, athletic coaches, driving instructors, special education assistants, hearing impaired signers and other instructional employees.

Notice and Certifications

An employee must provide the Board with at least 30 days' notice of the need for leave when the need for leave is known ahead of time. The Board will provide the employee with written notice of whether the request for leave qualifies for FMLA leave.

The Board may request the employee to provide a medical certification to support a request for leave for a serious health condition or for servicemember or family leave. The employee may also be required to provide medical certifications that he or she is fit to return to work. If the medical certification is necessary, the Board will provide the employee with a Medical Certification Form. The certification form should be returned as soon as practicable.

Health Benefits

During FMLA leave, the Board must maintain group health insurance coverage for the employee on the same terms as if the employee continued to work.

Return from Leave

Upon return from FMLA leave, the Board will return an employee to his or her position prior to the leave, or to an equivalent position with the same pay, benefits and other terms and conditions of employment. The employee will not lose any employment benefits earned prior to using FMLA leave. Only "key employees" (salaried employees among highest paid 10%) may be denied reinstatement under certain circumstances.

Unlawful Acts

The Board may not interfere with an employee's FMLA rights; or discriminate against or terminate an employee for opposing any unlawful practice under FMLA.

NJFLA

Renamed by the NJ Labor and Workforce Development Department to
“Family Leave Insurance” -FLI -

Employee Eligibility. An employee is eligible for NJFLA leave if the employee has (1) worked for the Board for 12 months and (2) worked at least 1,000 hours for the Board during a 12-month period prior to the leave. Please note that the Camden City Board of Education uses its fiscal year beginning July 1 and ending June 30, for designating the 12-month period.

Leave Entitlement. If an employee is eligible for NJFLA leave, the employee is entitled to take up to 12 weeks of unpaid leave during a 24-month period for one or more of the following reasons:

1. Birth of a child or to care for newborn;
2. Placement of an adopted child or foster child;
3. To care for a spouse, child, parent or parent-in-law with a serious health condition.

Employees may request leave on an intermittent schedule (blocks of time such as hours or weeks) or leave on a reduced schedule (full time to part time) under certain circumstances.

Notice and Certification. An employee must provide the Board with reasonable notice of the need for leave when need for leave is known ahead of time. The Board will provide written notice to the employee of whether the leave request qualifies for NJFLA leave.

The Board may request the employee to provide a medical certification to support a request for leave for a serious health condition. The employee may also be required to provide medical certifications that he or she is fit to return to work. If the medical certification is necessary, the Board will provide the employee with a Medical Certification Form. The certification form should be returned as soon as practicable.

Health Benefits

During NJFLA leave, the Board must maintain group health insurance coverage for the employee on the same terms as if the employee continued to work.

Return From Leave

Upon return from NJFLA leave, the Board will return an employee to his or her position prior to the leave, or to an equivalent position with the same pay, benefits and other terms and conditions of employment. However, if the Board experiences a reduction in force or layoff and the employee would have lost his or her position had he or she not been on leave, the employee is not entitled to reinstatement.

Unlawful Acts

The Board may not interfere with an employee's NJFLA rights; or discriminate against or terminate an employee for opposing any unlawful practice under NJFLA.

Please note that FMLA and NJFLA are separate and distinct from paid leave under the New Jersey Family Temporary Disability Leave law. That law provides employees with up to six weeks, or 42 days, of paid "family temporary disability leave" during any 12-month period. The weekly benefit paid to the employee is the same as the weekly amount the employee receives for temporary disability insurance benefits during the employee's own disability.