

# NEW JERSEY STATE AFL-CIO

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## PAID FAMILY LEAVE INSURANCE FACT SHEET

The bill (A-873 of 2008 – Prime Sponsors: Sen. Sweeney, Sen. Buono, Assemblyman Albano, Assemblywomen Oliver & Greenstein and Assemblyman DeAngelo) was signed into law by Governor Jon S. Corzine in May 2008. It extends the state's existing Temporary Disability Insurance Program to provide insurance benefits to most New Jersey workers when they take time off to care for newborn and newly adopted children or sick family members.

### Who is Eligible?

The vast majority, but not all employees are eligible for benefits, regardless of the size of your employer. This includes workers who are employed by a small business with 50 or less employees. The only workers that are exempt from receiving benefits are federal employees and workers that are exempt from paying Unemployment Insurance contributions, such as the self-employed and independent contractors.

Workers who have been employed for 20 weeks in New Jersey during 52 weeks preceding leave are eligible, keeping in mind the above exemptions.

### How Does a Worker Apply for Benefits?

The New Jersey Department of Labor and Workforce Development is developing an application form that will be available after June 1, 2009. The form will be able via the internet at <http://lwd.state.nj.us/labor/fli/fliindex.html> or by telephoning 609-292-7060. This number can also be called to answer questions about the program. Private plans will develop their own forms.

### For What Reasons Can Employees Take Paid Leave?

To care for a newborn, within 12 months of birth, or to care for a newly adopted child, within 12 months of placement, or to care for a family member with a serious health condition. Eligible family members are spouses, civil union partners, domestic partners, parents or children. Paid Family Leave cannot be used to care for yourself if you get sick.

### What is the Length of Leave Allowable?

Permits up to six weeks of leave for workers to provide care for a sick family member or care for a newborn or newly adopted child. Employees receive six weeks for “any one period” of family leave or 42 days with respect to “any one period” of family leave taken on an intermittent basis to care for a sick family member. This occurs during any 12 month period.

### **What is the Benefit?**

Allows workers to receive no more than two-thirds of their weekly pay, up to a maximum weekly benefit of \$524 in 2009 (the amount is indexed annually according to the State Average Weekly Wage).

### **How is it Funded?**

The program is 100% funded by employee contributions through a payroll deduction on the first \$28,900 earned (2009 level). The deduction would amount to a maximum of approximately \$33 a year or 64 cents a week. The benefit requires no contributions from employers.

### **When Can Workers Apply?**

Employee payroll deductions began on January 1, 2009, and benefits will become available on July 1, 2009.

### **Are Workers Guaranteed Their Jobs after the Leave is Over?**

Small businesses (less than 50 employees) have the option to replace employees receiving FLI benefits. This provision is consistent with the Federal Medical Leave Act (FMLA). Small businesses do not have to hold jobs open and provisions in the law allows small businesses to fill a worker's position with a permanent replacement without running the risk of being sued. Jobs are retained for employers with 50 or more employees.

### **Are Their Protections Against Fraud?**

The law prevents fraudulent claims by using measures contained in the Temporary Disability Benefits Law, including criminal penalties and increased fines for those who improperly claim benefits. Employers receive notice when benefits are claimed and have the right to appeal eligibility determinations.

### **How is the Benefit Coordinated with the FMLA and NJFLA?**

Ensures benefits would run concurrently with any leave provided under the New Jersey Family Leave Act and the federal Family and Medical Leave Act - not consecutively.

### **My Collective Bargaining Agreement (CBA) Has a Paid Family Leave Provision. How does that effect my use of the State Paid Family Leave Program?**

Because CBA provisions on this issue vary drastically, please consult with your union. Your CBA agreement may grant you additional benefits.

### **Can Employees Use the Benefit Intermittently?**

The law offers employees the option to receive benefits intermittently creating a flexible arrangement to meet the needs of both employees and employers.

