



Empowering families, professionals, and others committed to the well-being, health, and education of children and youth

In this fact sheet:

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 - *Can use both federal and NJ leave*
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Did you know that you can take time off for school meetings or to care for a sick child?

Family Leave/Sick Days

Federal unpaid leave and NJ paid family leave/paid sick days are options available for families!

Family Medical Leave Act (FMLA)

The Family Medical Leave Act (FMLA) is a federal law that allows *unpaid* time off for illness or care of a family member. It offers up to 12 weeks of leave. Recently, it was decided in court that FMLA could also be used for IEP meetings (see https://www.dol.gov/whd/opinion/FMLA/2019/2019_08_08_2A_FMLA.pdf).

While this is beneficial to families who must take time off for these reasons, many families are unable to afford unpaid leave.

NJ Family Leave Insurance

NJ Family Leave Insurance is *paid* family leave that can be take for illness or caring for another. Paid leave is up to 6 weeks and families receive 2/3 of their income. Families can take leave all at once or intermittently. Currently, families must use their vacation, sick, and personal time first and there is a waiting period. However, NJ will soon expand family leave insurance (see below).

NJ Paid Sick Days

Workers earn 1 hour of *paid* sick time for every 30 hours worked, up to 5 days/year. It is noted that this “paid sick time” can be taken not just if a worker or family member is sick, but also for attendance at “ a school-related conference, meeting, or other event requested or required by a school, or to attend a meeting regarding care provided to the child in connection with the child’s health condition or disability.” IEP meetings, Section 504 meetings, and meetings regarding an Individualized Health Plan are all “school-related meetings” and thus paid sick time can be taken to participate in these important meetings regarding your child.

How Families can use both federal/NJ leave if needed

Family leave is based on the understanding that life is unpredictable and workers need to be supported. For example, if a worker is dealing with a longer term illness, the worker can supplement NJ paid leave with federal unpaid leave for more time. Please note that this could include caring for other family members, not just children.

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Changes Coming to NJ in July

NJ Family Leave Insurance will be more accessible for individuals and families in July 2020. Key changes are:

- Leave will expand from 6 to 12 weeks
- Reimburse will increase from 67% to 85% of salary
- Paid leave will expand to smaller workforces, i.e., employers with 30 workers or more
- Increases the maximum benefit amount to \$860
- Expands the definition of family to include: “caretakers of individuals dealing with issues of domestic violence or sexual assault. Additional family members covered for caregiving leave are adult children, grandparents, grandchildren, siblings, parents-in-laws, other blood relatives, and individuals whose close association with the employee is the equivalent of a family relationship.” (effective 2/19)
- Eliminated the waiting period (effective 2/19)
- Gives families the choice whether or not to use other time off like vacation etc. (effective 2/19)

SPAN is part of the NJ Time to Care Coalition

SPAN is a proud member of NJ Time to Care Coalition. “The New Jersey Time to Care Coalition supports initiatives that make sure working families have paid time to care.” For more information see <http://www.njtimetocare.org/FLI> and <http://www.njtimetocare.org/ESL>.

Highlighted Information

There are many options to help support working families. Families can take long or short term leave, either paid or unpaid. Besides bonding with a newborn or adopted child, this can also include school meetings and caring for their children, or other family members, when they are ill.

Learn more:

Federal regulations governing FMLA can be found at

<https://www.dol.gov/whd/fmla/index.htm>.

New Jersey State regulations governing Family Leave Insurance can be found at

https://www.nj.gov/labor/forms_pdfs/tidi/li_regs.pdf and the expansion at https://www.njleg.state.nj.us/2018/Bills/A4000/3975_R3.HTM.

New Jersey State regulations governing Paid Sick Days can be found at

https://nj.gov/labor/wagehour/lawregs/nj_state_wage_and_hour_laws_and_regulations.html#11D1.

Go online for answers to these questions:

Who is eligible for paid leave or sick days?

How long does a worker have to be employed to be eligible?

Who can be a care recipient?

Is it better to take intermittent leave or all at once?

Are there job protections in place?

Is it better to use federal or NJ leave?

What can be done about discrimination?



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