



RUTGERS POLICY

Section: 60.3.8

Section Title: HR/Non-Academic Employees

Policy Name: Family Leave

Formerly Book: 3.6.9

Approval Authority: Senior Vice President for Finance and Administration

Responsible Executive: Senior Vice President for Finance and Administration

Responsible Office: University Human Resources

Originally Issued: 1991

Revisions: 9/29/2000; 8/1/2006

Errors or Changes? Contact: policies@hr.rutgers.edu

1. Policy Statement

Federal and state laws entitle eligible Rutgers employees to unpaid family leave for purposes covered by the acts and provided certain conditions are met.

2. Reason for the Policy

To inform university employees of eligibility, application requirements, and limitations.

3. Who Should Read This Policy

All members of the Rutgers University community.

4. Related Documents

New Jersey Family Leave Act (NJFLA), N.J.S.A. 34:11B-16

Federal Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. 2601, *et. seq.*

60.3.7, Medical Leave of Absence without Salary

60.3.9, Pregnancy Policy for Staff Employees

5. Contacts

University Human Resources: 732-932-3020

Office of Academic Labor Relations: 732-932-7174

6. The Policy:

60.3.8 FAMILY LEAVE - NEW JERSEY AND FEDERAL STATUTES

I. New Jersey Family Leave Act (NJFLA), N.J.S.A. 34:11B-16

This state law entitles eligible Rutgers employees to up to 12 weeks of unpaid family leave in a 24-month period for purposes covered by the act. The following summary of the act as it applies to Rutgers is based on implementing regulations issued in July 1991 and revised in September 1996 by the New Jersey Division on Civil Rights.

To become entitled to New Jersey Family Leave an employee must have been employed by Rutgers for one year and must have worked 1,000 base hours during the year immediately preceding the leave. New Jersey Family Leave may be used in two circumstances: 1) to provide care made necessary by reason of the birth or adoption of a child of the employee;

and 2) to provide care made necessary by reason of the serious health condition of a spouse, child, parent, or parent-in-law. The maximum allowable leave for all purposes under the NJFLA is 12 weeks in a 24-month period.

II. The Federal Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. 2601, et. seq.

This federal law entitles eligible Rutgers employees to up to 12 weeks of unpaid family leave in a 12-month period provided certain conditions are met. The following summary of the act as it applies to Rutgers is based on regulations issued by the U.S. Department of Labor in February 1995.

To become entitled to Federal Family and Medical Leave, an employee must have been employed by Rutgers for at least 12 months (the 12 months need not be consecutive months) and must have been employed for at least 1,000 base hours during the year immediately preceding commencement of the leave. Federal Family and Medical Leave may be used in three circumstances: 1) to care for the employee's child after birth or placement for adoption or foster care; 2) to care for the employee's spouse, child, or parent who has a serious health condition; or 3) for the employee's own serious health condition.

III. General

Applicable health benefits continue during an approved family leave provided the employee continues to pay any premiums which he/she normally would be required to pay. Generally employees returning from leave are entitled to be restored to the position held prior to the leave or to an equivalent position of like status.

Except in emergency situations, requests for leave must be made in writing as far as possible in advance of the leave date requested. Requests for leave should be made through the usual channels.

An employee may be required to provide specific medical certification to support a request for leave. The law requires the employer to maintain detailed records concerning New Jersey Family Leave and Federal Family and Medical Leave.

Where the purposes of the New Jersey Family Leave Act overlap with the purposes of the Federal Family and Medical Leave Act and/or University leave provisions and/or accrued time provisions, an absence may be charged concurrently to several leave provisions and to accrued time.

A description of staff employees' rights and obligations under these laws and guidelines for administering them can be obtained from University Human Resources. All provisions of the New Jersey Family Leave Act and Federal Family and Medical Leave Act are applicable to faculty. For information about faculty rights and obligations under these laws, please contact the Office of Academic Labor Relations.

For more information, see also Policy Section 60.3.7 - Medical Leave of Absence Without Salary, Section 60.3.9 - Pregnancy Policy for Staff Employees, and the various collective negotiations agreements.