

CALDWELL-WEST CALDWELL PUBLIC SCHOOLS

Leave Guidelines, Procedures, and Board Policy

EFFECTIVE SEPTEMBER 1, 2019

Guidelines

Disability Leave of Absence

An employee should use their accrued sick days for the duration of their Disability Leave of Absence. If all sick days have been exhausted, the employee may be able to file for a Family Medical Leave of Absence.

Maternity Disability Leave of Absence

The State of NJ considers a person to be disabled for 30 calendar days prior to the birth of a child and 30 calendar days after the birth. Calendar days include days when school is not in session (weekends, scheduled days off, etc.). If the disability period extends over a vacation day/break, these days will count towards the period of disability, but will not be counted as sick days.

An employee may use their accrued sick days prior to the due date of the child and after the birth date as paid disability leave. The employee may also use fewer days if they so choose. However, if additional sick days are required due to a particular medical issue, a doctor's note must be provided. If an employee has no sick days available, they immediately move to a Family Medical Leave (FMLA).

The initial estimate of sick days to be used after the due date may need to be adjusted according to the actual birth date of the child.

Family Medical Leave Act (FMLA)

The Family Medical Leave Act states that an employee may take up to 12 weeks per year (60 days excluding Saturday and Sunday) in unpaid time in order to take care of their child or family member. Although this is an unpaid leave (no sick days and no paycheck), the employee continues to receive medical benefit coverage.

An employee is still responsible for their required contribution for medical benefits during their Family Medical Leave. Contributions for Maternity and Non-Maternity Family Medical Leave will be deducted over several pay periods prior to the leave.

The contribution formula is based upon the annual salary and plan of coverage cost (e.g. Family Benefit Plan, Parent and Child Plan, etc.) for the year they are on leave.

Unpaid Leave of Absence

Once a Family Medical Leave has expired, the employee may request an Unpaid Leave of Absence pending Board of Education approval. An unpaid leave of absence is without pay and without medical benefit coverage.

If you are a tenured employee, an Unpaid Leave does not affect your tenure status. If you are a non-tenured employee, an unpaid leave affects your tenure status, and the clock for tracking your tenure continues again the day you return to work.

An Unpaid Leave of Absence does not affect the Negotiated Agreement under which you are covered.

Procedures and Board Policy

1. Address a letter to the Superintendent indicating the requested number of Disability Leave, Family Medical Leave, and Unpaid Leave of Absence days. Provide a doctor's note stating the reason for the leave. If the leave request is maternity-related, the physician should state the estimated date of birth.

For a Family Medical Leave that is not maternity-related, the employee should complete the complete the Certification of Health Care Provider for Employee's Serious Health Condition form www.dol.gov/whd/forms/WH-380-E.pdf or Certification of Health Care Provider for Family Member's Serious Health Condition form <https://www.dol.gov/whd/forms/WH-380-F.pdf> and submit it to the Personnel office prior to the leave.

2. **If the Family Medical Leave is for the care of a newborn or sick family member, the employee may be eligible for NJ-FL-1 benefits. Once your FMLA begins (not before), you can fill out the paperwork for benefits online by visiting: <http://lwd.state.nj.us/labor/fli/fliindex.html>. You can confirm your last day of work and FMLA dates with Angela Tobey, Personnel prior to submitting. Please provide Personnel with a copy of the submitted application.**

If the Family Medical Leave is for the serious health condition of the employee, the employee is not eligible for Family Leave Insurance Benefits.

3. If an employee is on a maternity Unpaid Leave of Absence at the conclusion of the school year, a request for an extension into the following school year must be for the entire period from September 1 to June 30. The request for an extension should be submitted to the Superintendent's Office no later than April 1 of the current school year.
4. When schools are closed for less than five (5) consecutive school days, Family Medical Leave days will be charged on the employee's attendance profile by the Personnel Office. However, when schools are closed for five (5) consecutive school days or more, Family Medical Leave days will not be charged on the employee's attendance profile. The Family Medical Leave will resume on the day schools reopen.

Note: When schools are closed due to an emergency or inclement weather, a Family Medical Leave day will be charged to the employee's attendance profile. If the employee is on a disability leave on these days, the sick day will not be charged to their attendance profile.

5. Maternity Only

The initial Board-approved Disability Leave, Family Medical Leave, and Unpaid Leave of Absence are estimates based on the expected birth date of the child. It is the responsibility of the employee to notify the Superintendent, as soon as possible, via telephone or e-mail, of the date of birth. The employee's Family Medical Leave days will be re-calculated based on the actual birth date of the child. The revised Family Medical Leave and Unpaid Maternity Leave (if applicable) days will be placed on the Board agenda for approval. Once approved, a letter will be sent to the employee notifying them of the revised leave days.

If you have any questions regarding a disability or maternity leave, please contact Angela Tobey, Personnel, at 973-226-7120, ext. 3011 or atobey@cwcboc.org.

Federal Medical Leave Act (FMLA) versus New Jersey Family Leave Act (NJFLA)

The FMLA is a federal act that was passed in 1993 and applies to the entire United States. This act provides an "eligible" employee be entitled to a minimum of 12 weeks of unpaid leave in a 12-month period. The NJFLA provides for 12 weeks of unpaid leave in a 24-month period.

The FMLA addresses the employee's need for leave to attend to serious medical illness of self, spouse, child or parent, to care for the newborn, and any other family exigencies. The NJFLA, however, does not include the worker himself who may need the leave for his own medical condition. The other difference is that the NJFLA includes the spouse's parents.

The FMLA requires an employee to have worked with the organization for at least 12 months and 1,250 hours in the preceding 12 months.

The NJFLA requires an employee to have worked with the organization for at least 12 months and 1,000 hours in the preceding 12 months.

You can get an application for New Jersey Family Leave Insurance benefits:

- Online at www.nj.gov/labor
- By mail:
Division of Temporary Disability Insurance
P. O. Box 387
Trenton, NJ 08625-0387
- By phone (Customer Service Section) 1-609-292-7060