

# Your Guide to Family Leave Insurance in New Jersey

## You can claim Family Leave Insurance benefits to:

- Bond with a newborn child during the first 12 months after the child's birth. You, your domestic partner, or your civil union partner must be the biological parent of the child.
- Bond with an adopted child during the first 12 months after the child's placement.

Bonding leave must be taken for a period of more than seven consecutive days, unless the employer permits the leave to be taken in non-consecutive periods. In this case, each leave period must be at least seven days.

- Care for a family member with a serious health condition. A health care provider must certify the condition. Care leave may be taken:
  - for six consecutive weeks
  - for intermittent weeks, or
  - for 42 intermittent days

during a 12-month period beginning with the first date of the claim.

“Family member” means your child, spouse, domestic partner, civil union partner, or parent.

“Child” means your:

- biological, adopted, or foster child; stepchild, or legal ward, or
- domestic partner's or civil union partner's child.

The child must be:

- less than 19 years old, or
- 19 years of age or older but incapable of self-care because of mental or physical impairment.

## Family Leave Insurance Facts

- Family Leave Insurance provides a monetary benefit, not a leave entitlement.
- This program does not give workers the right to return to their job after a period of family leave. Your job may be protected if your employer is subject to the federal Family and Medical Leave Act (FMLA) or the New Jersey Family Leave Act (NJFLA).
- Your employer may require you to use up to two weeks of sick leave, vacation time, or other paid time off. Employers who do this must provide full pay for this leave time.
- If your employer requires you to use up to two weeks of sick leave, vacation time, or other paid time off, the maximum Family Leave Insurance allowance may be reduced by up to 14 days.
- If you claim family leave benefits to care for a family member with a serious health condition, you must give your employer reasonable advance notice unless:
  - you need to take leave time unexpectedly, or
  - the time of the leave changes for reasons you could not foresee.
- If you claim family leave benefits intermittently, you must give your employer 15 days' notice.
- If you claim benefits to bond with a newborn or newly adopted child, you must give your employer 30 days' notice before the leave starts. If you do not give your employer the proper notice, your benefit entitlement may be reduced by 14 days.
- If you are taking intermittent leave for bonding, you must take the leave in periods of seven days or more. You and your employer must both agree to the intermittent schedule.

## Coverage

Employment covered under the New Jersey Unemployment Compensation Law, including state and local government employment, is also covered for Family Leave Insurance. We call this “covered employment.”

Employees may be covered under:

- the State Plan;
- an approved Private Plan; or
- Family Leave During Unemployment (if the period of leave begins more than 14 days after the last day of covered employment).

Employers must post information about the type of coverage provided at the worksite.

## Cost

The program is financed by worker payroll deductions. Starting January 1, 2018, each worker contributes 0.09% of the taxable wage base. For 2018, the taxable wage base is \$33,700, and the maximum yearly deduction for Family Leave Insurance is \$30.33. The taxable wage base changes each year.

Employers do not contribute to the program.

## Applying for Benefits

You can apply online for Family Leave Insurance benefits:

- At [www.nj.gov/labor/fli2](http://www.nj.gov/labor/fli2)
- Download an application (DS-1) and mail to:  
Division of Temporary Disability Insurance  
PO Box 387, Trenton, NJ 08625-0387 or fax to (609) 984-4138
- Request an application by phone (Customer Service Section): (609) 292-7060

If you are receiving State Plan temporary disability benefits for a pregnancy-related disability, we will automatically send you instructions for claiming Family Leave Insurance benefits for bonding with your newborn child.

***Important: DO NOT submit applications until your family leave claim begins. Filing early can delay your claim.***

Please allow 14 days' processing time before inquiring about a claim.

The claimant's Social Security number must appear on any correspondence or inquiry about a claim.

A claim cannot be located without the Social Security number.

People with a hearing impairment may contact us Telecommunication Device for the Deaf (TDD)  
609-292-8319

New Jersey Relay Service: TT user 1-800-852-7899

# STATE PLAN – FAMILY LEAVE INSURANCE BENEFITS

## Wage Requirements

To establish a valid claim, you must have earned a certain amount in New Jersey covered employment during your "base year." The base year is the 52 weeks immediately before the week in which the family leave begins.

You must have either:

- worked 20 calendar weeks in the base year, each being a week in which you had New Jersey earnings of \$169 or more **OR** a week (up to 13 weeks) in which you were separated from employment due to a declared state of emergency during the base year; or
- earned \$8,500 or more during the base year.

## Benefit Duration

You may receive up to six weeks of Family Leave Insurance benefits in a 12-month period. The 12-month period is the 365 consecutive days that begins on the first day that you file a valid first claim for Family Leave Insurance benefits.

A "first claim" is the first claim you file for Family Leave Insurance benefits. The 12-month period starts when you file your first claim.

A "re-established claim" is another claim filed within the same 12-month period. You may re-establish a claim:

- to care for a different family member, or
- during or following employment with a different employer.

You cannot receive more than six weeks of benefits during the 12-month period, for any reason.

## Benefit Amounts

The weekly benefit rate for a Family Leave Insurance claim is based on your average weekly wage. The average weekly wage is generally based on how much you earn in the eight weeks immediately before your claim begins. For claims beginning January 1, 2018, the weekly benefit rate is two-thirds (2/3) of your average weekly wage, up to \$637.

The daily benefit rate is one-seventh (1/7) of the weekly benefit rate.

You can receive benefits for up to six weeks (42 days) during a 12-month period, or until you receive benefits equal to one-third (1/3) of your earnings during your base year, whichever is less.

If you file a State Plan claim for Family Leave Insurance benefits immediately after an eligible State Plan temporary disability claim, in most cases, the weekly benefit amount you receive will be the same as your State Plan temporary disability benefit amount. No one may receive more than the maximum weekly benefit amount allowed by law.

### **Benefit Limitations**

The seven days after you file a claim is the “waiting week.” You will not receive benefits for this week (or any part of the first week) until benefits have been paid for the three weeks following the waiting week. However, if your family leave immediately follows leave for your own illness under State Plan temporary disability, there is no waiting period for Family Leave Insurance benefits.

If you are receiving a pension that your most recent employer contributed to on your behalf, your weekly benefit amount will be reduced by the pension payment you received.

Family Leave Insurance benefits are not payable under the State Plan for:

- Any period when you receive temporary disability benefits, workers’ compensation benefits, or any benefits from a disability or cash sickness program or similar law of New Jersey or any other state or the federal government;
- Any period when you receive unemployment insurance benefits;
- Any period when you receive full salary or paid time off (however, your employer may not require you to use more than two weeks of paid sick leave, vacation time, or other leave at full pay);
- Any period when you are working;
- Any period of family leave that did not start while you were a covered employee or within 14 days of your last day of covered employment;
- Any period of family leave to care for a family member who was not under the care or supervision of a health care provider;
- Any period you are out of work due to a labor dispute at your place of work;
- Any period after being fired by your most recent employer for gross misconduct connected with the work because you committed a criminal act punishable under the New Jersey Code of Criminal Justice; or
- Employees of educational institutions during any period between academic years or terms or during a school-wide recess, when you have a reasonable assurance of returning to work in the same or similar capacity when school resumes.

### **Impartial Examinations**

An examination may be needed to support your claim for Family Leave Insurance. We may require that the person you are caring for get a physical examination by a state-appointed physician. There is no cost to you or the care recipient. If the care recipient refuses an examination, benefits will be denied.

### **Tax Information**

Family Leave Insurance benefits are subject to federal income tax and to federal rules on reporting income and paying taxes. Family Leave Insurance benefits are not subject to New Jersey state income tax. You may choose to have 10% of your benefits withheld for federal income tax. After the end of each calendar year, form 1099G will be available online. This form lists the total benefits received that year. We also give this information to the Internal Revenue Service (IRS).

### **Appeals**

The Division of Temporary Disability Insurance will make a determination of eligibility on your claim. If you or your employer disagree with the determination, you or the employer may file a formal appeal. You must file the appeal in writing within seven calendar days after delivery of the determination, or within 10 calendar days after the decision is mailed. The appeal costs nothing. You do not need a lawyer.

## **PRIVATE PLAN – FAMILY LEAVE INSURANCE BENEFITS**

The law allows employers to use an approved Private Plan for Family Leave Insurance, instead of the State Plan. Private Plans must be equal to or better than the State Plan with regard to benefit amount and duration. Eligibility requirements may be no more restrictive than the State Plan. Workers may not pay more for Private Plan coverage than for State Plan coverage. The Division of Temporary Disability Insurance must approve all Private Plans.

Employers may use a Private Plan for temporary disability benefits and the State Plan for Family Leave Insurance benefits. Employers must post information about the type of coverage provided at the worksite.

If you are covered by a Private Plan and want to file a claim for Family Leave Insurance benefits, you must give your employer the required notice. (See “Family Leave Facts” section for requirements.) Your employer can provide the information you need to claim benefits.

The Private Plan insurer will make the decision on eligibility.

If you disagree with a decision on the Private Plan claim, you may file a complaint with:

Private Plan Compliance Section  
Claims Review Unit  
P.O. Box 957, Trenton, NJ 08625-0957

## **FAMILY LEAVE INSURANCE BENEFITS DURING UNEMPLOYMENT**

If you apply for Family Leave Insurance benefits more than 14 days after your last day of covered employment, your claim will be processed for benefits under the Family Leave During Unemployment program. People who claim Family Leave During Unemployment must meet all the eligibility requirements for unemployment benefits, but are not required to show their availability for work.

Benefits under the Family Leave During Unemployment program are paid for full weekly periods from Sunday through Saturday. Benefits are not payable for intermittent days under this program.

**Division of Temporary Disability Insurance**  
**PO Box 387**  
**Trenton, New Jersey**  
**08625-0387**

**Claims Information:**  
**609-292-7060**

**FAX:**  
**609-984-4138**