

New Jersey Family Leave Act COVID-19 Childcare FAQ's

Who is eligible?

In order to be eligible for NJFLA Childcare Leave you must have been employed by University hospital for at least one (1) year **and** have worked at least 1,000 hours in the last twelve (12) months.

What does NJFLA Childcare Leave provide?

An employee who needs to provide in-home childcare due to the COVID-19 related “closure” of their child’s school or place of care may take up to twelve (12) weeks of unpaid, continuous or intermittent, leave over a twenty four (24) month period.

Can I take NJFLA Childcare Leave for any childcare reason?

No. The reason for your childcare leave **must** be COVID-19 related.

Is NJFLA the same as FMLA?

No, they are different. FMLA refers to the Federal Family Medical Leave Act. These laws overlap to some degree. Therefore, if you have previously taken an FMLA leave it may or may not affect your eligibility for NJFLA leave. This determination will be made by the Human Resources Leaves and Accommodations section.

If I have previously taken NJFLA leave, does it count against my twelve (12) week eligibility?

Yes. NJFLA provides for up to twelve (12) weeks of leave regardless of the reason. If you have taken NJFLA leave in the past twenty four (24) months, the duration of that leave will be deducted from your twelve (12) week eligibility.

What does “closure” mean?

If your child is prohibited from physically attending school or a place of care it is considered to be “closed”. For example, if your child’s school is providing remote instruction only, it will be considered to be closed. If your child’s school is maintaining a hybrid schedule (eg. In school instruction Tuesdays and Thursdays; remote learning Mondays, Wednesdays and Fridays) it will be deemed to be closed on those days when only remote instruction is available.

Do I need to provide any documentation?

Employees must certify as to the dates and reason for the requested leave. Information that could meet this requirement may include documentation of the school notification pertaining to the remote learning schedule or closure of the place of childcare.

What will happen if I am unable to return from my leave at the end of twelve (12) weeks?

Unfortunately, due to the nature of our work as a hospital and our obligations to service the community University Hospital cannot provide indeterminate leaves. Employees must return to work upon conclusion of their leave. Cases where employees do not return will be reviewed individually under the hospital's Separation of Employment policy.

NJFLA is unpaid leave?

Yes. Like FMLA, NJFLA is unpaid leave which provides job protection during your leave. You may, however, request to be paid accrued float holiday time and vacation during your leave.

Can I use sick time for an NJFLA COVID-19 childcare leave?

No.

What happens if I do not have sufficient float holiday and vacation time to cover 12 weeks of leave?

When you exhaust your vacation and float holiday accrual you will remain on leave, but be placed in unpaid status. At this point you will be responsible for payment of both the employee and employer portions of your healthcare insurance premiums. Since you will not be receiving a paycheck, from which pension deductions are made, you will cease to accrue service credit. Additionally, you will cease to accrue vacation and sick time.

Am I eligible for anything else when I become unpaid while on leave?

You may be eligible to receive benefits from New Jersey Temporary Disability or New Jersey Unemployment. These programs are administered by the New Jersey Department of Labor which will make a determination as to your eligibility.