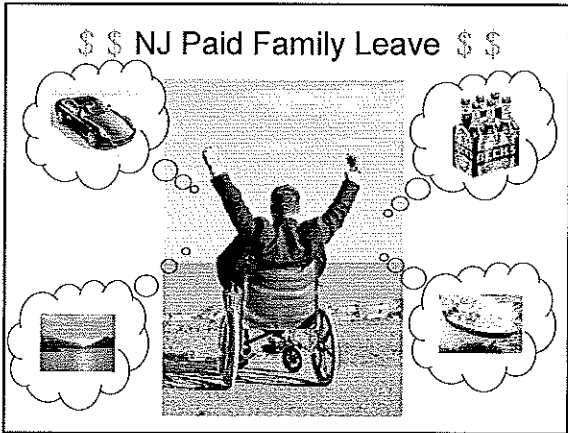


**New Jersey Paid Family Leave
&
Related Issues**

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Paid FLA

- Six weeks of benefits - TDB
- During a 12 month period
- Does not include other TDB periods
- Maximum \$524 per week
- Can require use of 2 weeks PTO
- All employers are covered

CAPEHART
SCATCHARD

Covered Employee

In the 52 calendar weeks preceding the week in which leave commences, the employee:

Worked for employer for 20 base weeks in covered New Jersey employment

OR

Earned a total of at least 1,000 times the New Jersey Minimum Wage (\$7.15 currently)



Triggering Events

- Provide for a family member's "serious health condition" (NJFLA definition); or
- Be with a child during first 12 months after birth or adoption



Paid FLA


- Serious Health Condition: illness, injury, impairment, physical or mental, requiring:
 - Inpatient care
 - Continuing medical treatment
 - Continuing supervision by HCP



FMLA/FLA Serious Health Condition


→ Illness, injury, impairment, or physical or mental condition involving:

- Continuing (two or more times) treatment by a health care provider which includes a period of incapacity of more than three consecutive days;
- Inpatient care in a hospital (overnight stay) including any period of incapacity related to the inpatient care;
- Chronic conditions which require periodic visits by a health care provider or have episodic incapacity (asthma, diabetes, etc.)



Paid FLA


- Care certified
- Family member
- First 12 months birth or placement
- Rejuvenation period
 - Forward looking: 365 days from date leave begins



Paid FLA

→ Continuing medical treatment also includes:

- Permanent or long term incapacity for which treatment is ineffective, but under continuing supervision of HCP



Paid FLA

- Six weeks paid leave
 - Continuous
 - Intermittent: 42 days
- No right to reinstatement??
 - Consider other laws and provide the greatest benefit



Litigation Potential

- FMLA/FLA triggering events and reinstatement rights
- ADA/NJLAD time off as a reasonable accommodation
 - Can limit impact by limiting time off to employees for their own condition
 - Indefinite leave request
 - ADA allows employer to give preference to occupational injuries over non-occupational injuries
- Common law/retaliation claims



Notice Obligations

- Notice of benefit rights upon hiring, when leave request is made, and when notice requested by the employee



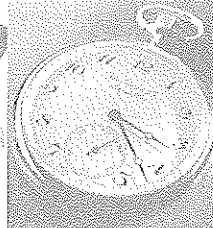


Thank you.

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- Highlights in School Law* (a newsletter relating to issues in school law)
- Knowledge@Wharton online e-journal
- Labor Lights* (a newsletter relating to labor law)
- Litigation Quarterly* (a newsletter outlining current issues in litigation)
- NJLADVISOR* (a quarterly e-newsletter relating to New Jersey employment law)
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