

Compensation for FMLA Time

With the exception of FMLA leave taken because of an employee's own serious medical condition, the County permits employees to use their accrued but unused leave time toward FMLA. The accrued time which may be applied depends upon the reason for the leave.

- Employees may use their accrued administrative and vacation time toward a leave that is taken because of the birth, adoption, or foster care placement of a child.
- Employees may use their accrued administrative, vacation and sick time toward a leave taken to care for an immediate family member who has a serious health condition.
- The County requires employees who take a leave because of their own serious medical condition to use their accrued sick time toward the leave.

Health Benefits During FMLA

The County will pay health benefit costs for employees who are on family or medical leave to the extent the County pays them for an active employee not on leave.

Accrual of Time During FMLA

Employees will accrue paid time off (i.e., sick time, vacation time, administrative time) while using accrued time toward FMLA leave.

Employees who have exhausted all of their available time do not accrue leave time during unpaid leave.

Return from Leave

Return from Leave

Upon return from leave, the County will restore an employee to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment; however, the County cannot guarantee that an employee will be returned to his or her original job. The County will determine whether a position is an "equivalent position".

All employees who take leave for their own serious medical condition will be required to present a fitness-for-duty certification to be restored to employment..

Consequences of Failing to Return upon Expiration of Leave

Unless the County grants an extension, an employee who fails to return to work upon the expiration of a family or medical leave will be subject to termination.

Upon exhaustion of leave time, employees will immediately lose health insurance coverage if they do not return to work. Please note that a 30-day grace period does not exist. Employees who do not continue their employment may continue their health insurance coverage pursuant to COBRA Continuation Health Coverage at their own expense.

Employees should direct their written request for an extension of leave to the Human Resources Office as soon as they realize that they will not be able to return at the expiration of the leave.

If an employee fails to return to work within 5 consecutive working days following the expiration of the leave, the employee shall be considered to have abandoned his or her position and voluntarily resigned.



Guide to Family Medical Leave

Information provided by
Office of Human Resources

Family Medical Leave

The Family and Medical Leave Act of 1993 (FMLA) is a federal law that requires an employer to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons.

This brochure has been developed to help you sort through the process of applying for FMLA leave.

To be eligible for FMLA, an employee must have worked for the County for at least 12 months and at least 1,250 hours within a 12-month period before the leave begins.

FMLA is for employees to care for their families or themselves for specified family and medical conditions, including:

- The birth, adoption, or foster care placement of a child (This provision is applicable to both mothers and fathers.);
- The care of a spouse, son, daughter, or parent with a serious health condition;
- The care of an employee's own serious health condition which causes an inability to perform his or her job.

An employee with a serious health condition qualifies for FMLA when he/she is unable to perform any one of his/her essential job functions or must be absent in order to receive medical treatment for that condition.

To apply for FMLA leave, the employee must complete and return the Application for Family and/or Medical Leave Form available in the Human Resources Office. If the leave involves an illness, the employee shall be required to submit a Family and/or Medical Leave Certification of Health Care Provider Form, also available in the Human Resources Office, after having it completed by the employee or family member's doctor.

What is a "serious health condition" under FMLA?

A "serious health condition" includes illness, injury impairment, or a physical or mental condition that involves in-patient care (an overnight stay in a medical facility) and any related incapacity and continuing treatment by a healthcare provider which includes at least one of the following:

- More than 3 consecutive days of incapacity and any subsequent treatment or period of incapacity related to the same condition that also involves: 1) 2 or more treatments by a healthcare provider; or 2) one treatment which results in a regimen of continuing treatment using prescription medication or special equipment under the provider's supervision;
- Any period of incapacity due to pregnancy, even if the treatment is not received during the absence of prenatal care;
- Any period of incapacity or treatment for a chronic serious health condition requiring periodic treatment, even if treatment is not received during the absence;
- A long-term or permanent period of incapacity;
- Any period of absence for multiple of treatments and recovery from the treatments by a healthcare provider for restorative surgery or for a condition that would likely result in more than a 3 day period of incapacity if left untreated

If an employee or family member's illness occurs over a weekend, holiday, or vacations, the "more than 3-consecutive-day period of incapacity" may require only a day or two FMLA leave from work.

How much leave can be taken at one time?

FMLA leave can be taken all at once (12 work weeks), one week and/or one day at a time, on an intermittent basis in small blocks of time for a single qualifying condition, or on a reduced schedule of usual hours. Intermittent and reduced schedule leaves can be used for the birth, adoption, or foster care placement of a child only if the employer agrees to it.

What type of notice is required to request FMLA leave?

An employee must give 30 days notice prior to taking leave when the need is foreseeable. If the need for leave is unforeseeable, notice must be given as soon as practical, which means within one or two working days of becoming aware of the need for leave. The notice must include information indicating the leave is covered under FMLA and specifying the timing and duration of the leave.

If additional leave is needed, the employee must notify the employer that the continuing leave is for an FMLA qualifying reason. Another adult may give notice of the need for FMLA leave on the employee's behalf when he/she is unable to do so personally.

What is an employer required to do in response to an employee's leave request?

The employer is required to determine whether the leave qualifies under FMLA leave or ask the employee for more details in order to make a determination. If the employee qualifies, the employer must tell the employee that the leave will be counted as FMLA leave and how much FMLA leave will be recorded.

What is NJFLA and how does it relate to FMLA leave?

Employees eligible for FMLA may also be eligible for leave under the New Jersey Family Leave Act (NJFLA). Leave under FMLA and NJFLA will run concurrently, unless otherwise provided by law. For additional information, contact the Human Resources Office.

Employees who have worked for at least 12 months and for at least 1,000 hours during the 12-month period immediately preceding the leave are entitled to 12 weeks of NJFLA leave in any 24-month period. Employees may take NJFLA leave for (1) the birth or adoption of a child; or (2) the serious health condition of a family member.

Applications for NJFLA are available in the Human Resources Office.