



# Your Guide to FMLA and NJFLA Protections in New Jersey and Philadelphia

Understanding your workplace rights is crucial. This comprehensive presentation will demystify the [Family and Medical Leave Act \(FMLA\)](#) and the [New Jersey Family Leave Act \(NJFLA\)](#), providing essential insights into the legal protections available to employees in New Jersey and Philadelphia.

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# What is the FMLA?

## **FMLA**

The Family and Medical Leave Act (FMLA) is a federal law that requires employers to provide eligible employees with unpaid, job-protected leave for specific family and medical reasons.

## **Benefits**

Employees who are eligible can take up to 12 weeks of unpaid leave per year for their own serious health condition, to care for a family member with a serious health condition, or for the birth or adoption of a child.

# What is the NJFLA?

## **NJFLA**

The New Jersey Family Leave Act (NJFLA) is a state law that expands upon the FMLA by offering additional protections and benefits to employees in New Jersey.

## **Key Differences**

The NJFLA provides up to 12 weeks of unpaid leave for eligible employees to care for a family member with a serious health condition, for the birth or adoption of a child, or for the bonding with a newborn or newly adopted child.



# Key Differences between FMLA and NJFLA

## Coverage

The FMLA applies to employers with 50 or more employees, while the NJFLA applies to employers with at least 10 employees in New Jersey.

## Leave Time

Both FMLA and NJFLA provide up to 12 weeks of leave, but the NJFLA allows employees to use this leave for bonding with a newborn or adopted child, which is not covered under the FMLA.

## Eligibility

The NJFLA has broader eligibility requirements than the FMLA, requiring only 12 months of service and 1,000 hours worked in the prior year.

# Eligibility Requirements for FMLA and NJFLA

## **FMLA**

To be eligible for FMLA, an employee must have worked for their employer for at least 12 months, and have worked at least 1,250 hours in the past 12 months.

## **NJFLA**

To be eligible for NJFLA, an employee must have worked for their employer for at least 12 months and have worked at least 1,000 hours in the prior year, and must work in New Jersey.

# Qualifying Reasons for FMLA and NJFLA Leave

## 1 Serious Health Condition

The employee's own serious health condition, or the health condition of a family member.

## 2 Birth or Adoption

To care for a newborn child or to bond with a newly adopted child.

## 3 Military Family Leave

To care for a family member who is a member of the Armed Forces.





# Employee Rights and Employer Obligations



## Job Protection

Employees are entitled to return to their same job or an equivalent position upon their return from leave.



## Health Insurance

Employers must continue to provide health insurance benefits during the employee's leave.



## Leave Time

Employers are required to provide up to 12 weeks of unpaid leave for qualifying reasons.





# Navigating the FMLA and NJFLA Application Process

## Request Leave

Employees must notify their employer of the need for leave in advance, providing medical documentation if required.

1

## Leave Time

Employees are entitled to take up to 12 weeks of unpaid leave for qualifying reasons.

2

3

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## Employer Approval

Employers can request medical documentation to verify the reason for leave. They must approve or deny the leave request in a timely manner.

## Return to Work

Upon returning from leave, employees must be reinstated to their same or an equivalent job.



# Conclusion and Resources



1

## Understanding Your Rights

The FMLA and NJFLA provide significant protections for employees, ensuring they can take time off for important family and medical reasons without fear of losing their jobs.

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## Navigating the Process

Familiarize yourself with the application process, know your eligibility requirements, and keep accurate records of your leave.

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## Seeking Assistance

Consult with an attorney or a trusted resource like the U.S. Department of Labor or the New Jersey Department of Labor and Workforce Development if you need help.



# Contact Swartz Swidler LLC

When navigating the complexities of FMLA and NJFLA, you need trusted legal experts who understand every nuance of employment law. Our dedicated attorneys at Swartz Swidler LLC specialize in protecting employee rights, offering comprehensive guidance and aggressive representation for your workplace leave and protection needs. Don't face these critical legal challenges alone – [call us today](tel:8566857420) at (856) 685-7420 for a confidential consultation.