

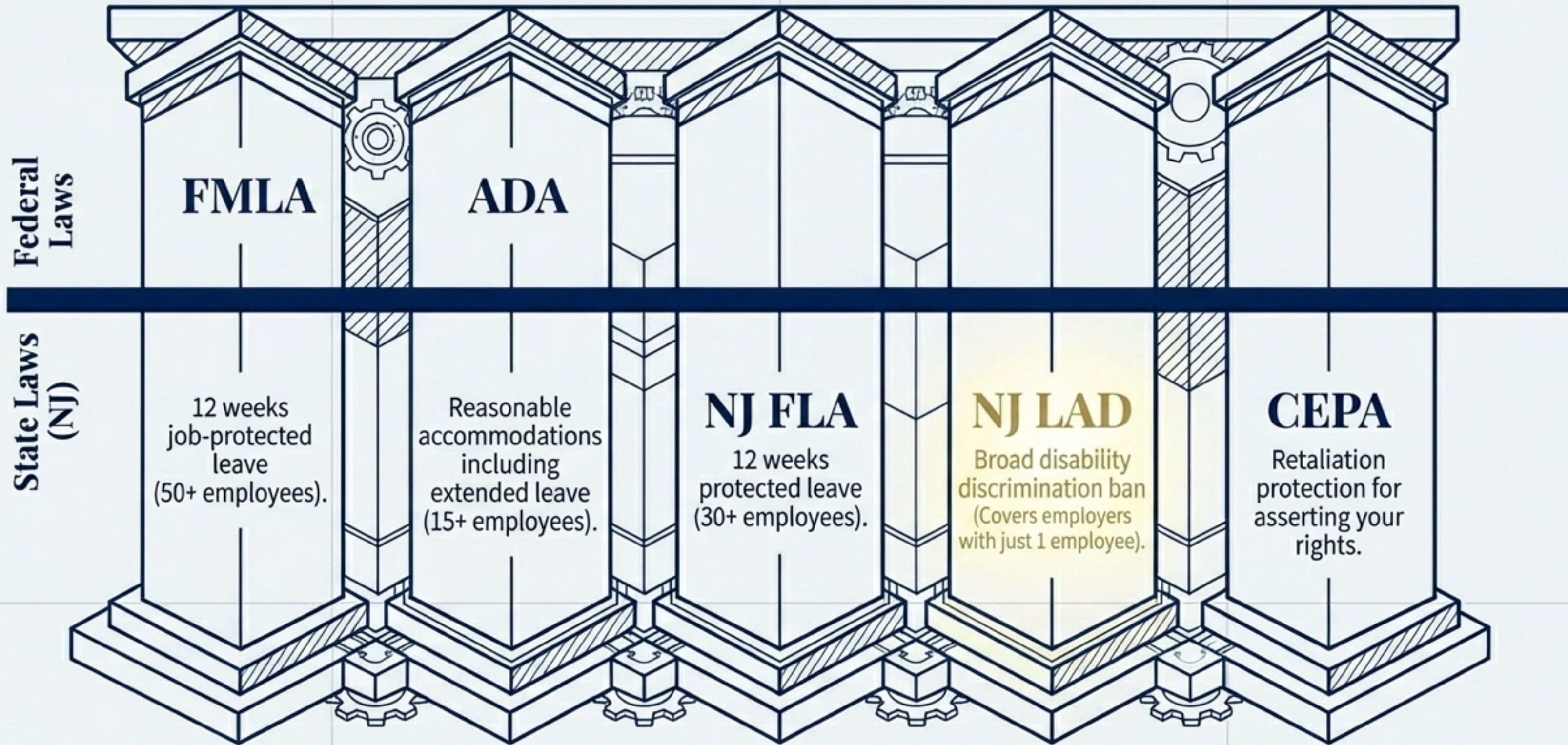
# Can I Be Fired While on Medical Leave in New Jersey?

Swartz Swidler LLC | [swartz-legal.com](http://swartz-legal.com)

# It is not whether you were fired – but **WHY**.



# The 5 Laws That Apply



# Federal Protection: FMLA Specifics



Your employer must restore you to the same or equivalent position upon return.

FMLA Interference  
(Firing someone for taking leave) =  
**UNLAWFUL.**

FMLA Retaliation  
(Firing someone for requesting leave) =  
**UNLAWFUL.**



Firing an employee because of a disability is independent of FMLA limits. The employer must engage in a good-faith “interactive process” to discuss accommodations before considering termination.

## When Termination May Be Unlawful



**Connection** - Termination is closely timed to the leave request or the leave itself.



**Denial** - Employer denied a leave request that legally should have been approved.



**Silence** - Zero good-faith discussion about accommodations before firing.



**Pretext** - The stated reason for firing is not supported by pre-leave performance records.



**Retaliation** - Termination directly followed a protected complaint to HR or management.



# When Termination May Be Lawful

## Employee Medical Leave Timeline

Genuine company-wide layoff occurring entirely independent of the leave.

Serious misconduct discovered independently during the employee's absence.

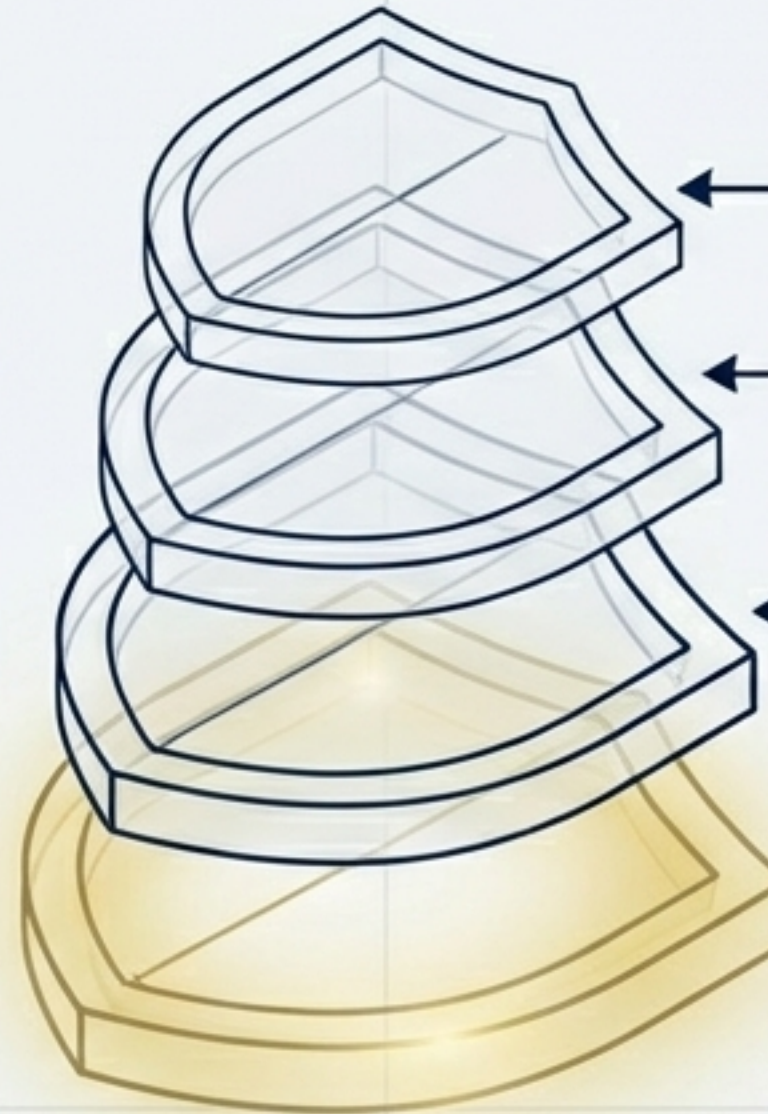
Position permanently eliminated for documented financial reasons decided before the leave began.

## Independent Business Decision

**THE KEY TEST:**  
Would this employee have been terminated regardless of the leave?

# The Shield of Pregnancy-Related Leave

New Jersey has some of the most comprehensive pregnancy protections in the country.



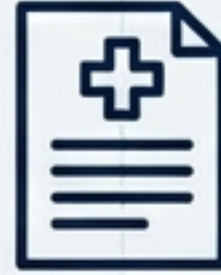
1. Federal FMLA
2. Pregnant Workers Fairness Act (PWFA)
3. NJ Family Leave Act (NJ FLA)
4. NJ LAD Pregnancy Provisions

Termination during or shortly after pregnancy leave faces intense scrutiny under multiple legal frameworks simultaneously.

# The Blueprint: Evidence to Preserve



Leave request & approval records



Medical certifications provided



All communications regarding job status



Official termination notice & stated reason



Pre-leave performance reviews



Accommodation requests & employer responses

**Do NOT sign a severance agreement without legal review.**

# What To Do Now

**1**

## Document the Timeline

Write down all key dates and conversations immediately while memory is fresh.

**2**

## Secure Communications

Save all relevant written communications and performance records to a personal device.

**3**

## Demand the Record

Get the official termination reason in writing and request your complete personnel file.

# Deadlines to File (Statute of Limitations)



**Warning:** Internal HR investigations or severance negotiations do NOT pause or extend these legal deadlines.



**Date of Termination**

The clock starts on your termination date—not when you decide to act.

**1 YEAR:** CEPA  
(Whistleblower Retaliation)

**2 YEARS:**  
NJ LAD & FMLA  
Standard

**3 YEARS:**  
FMLA Willful  
Violations

# Were You Fired During Medical Leave in NJ or PA?

A consultation can help you understand whether the facts support a legal claim and what evidence may matter most.

Free Consultations. No Upfront Fees.

Swartz Swidler LLC

[swartz-legal.com](http://swartz-legal.com)

Serving NJ, PA, Philadelphia, and South Jersey.