

# What you need to know about Maternity Leave and FMLA/NJFLA

NBTEA FMLA committee chair:

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updated for  
2022-2023  
school year

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# Not pregnant?

Skip to slide # 14

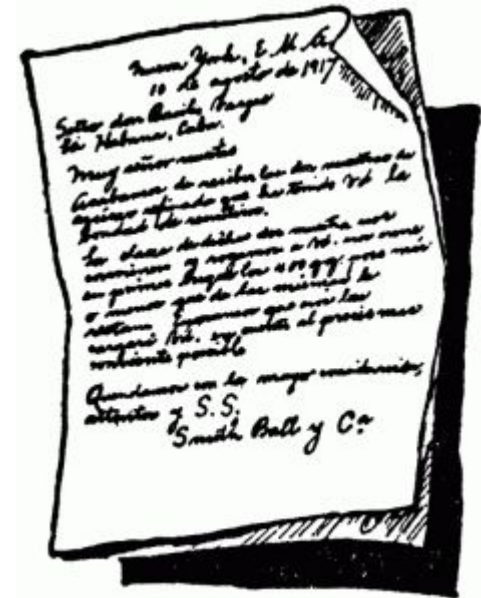
# So you are pregnant, what now?

- Once you announce, call Denise Brigandi ([732-289-3029](tel:732-289-3029)) at the board office and she will tell you all of this but she needs to be kept in the loop.



# Submit a letter

- You must send a letter to the board office, at least 90 days prior to when your leave begins. (Approximately 3 months)
- Address to Mrs. Ciarrocca
- CC:
  - Amy Kita (Amy Rumbo's married name)
  - Your building principal
  - Your direct supervisor
  - Denise Brigandi



(There are sample letters at the end of this presentation)

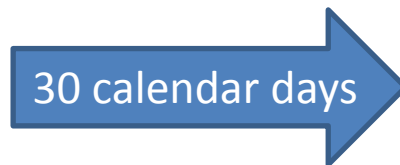
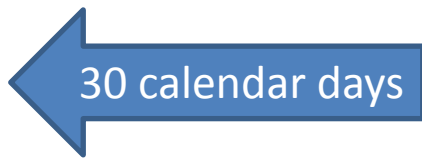
# Division of time off

Maternity leave has several different components:

Disability: is when you are unable to work

FMLA: is when you are bonding/caring for your baby (more on FMLA later, because it can be used for more than just maternity leave)

Disability Time



FMLA Time



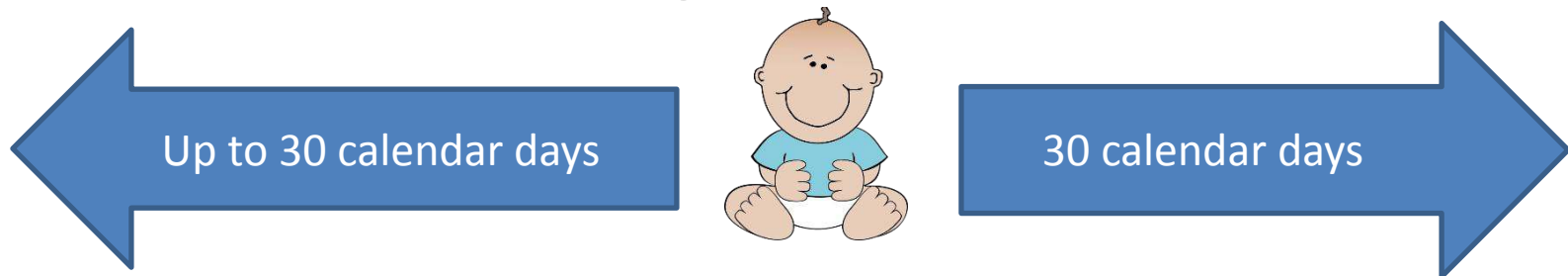
# Pregnancy/Childbirth = Disability

- For a **typical** pregnancy, you are considered disabled 30 **calendar** days before your due date and 30 **calendar** days after the baby comes for a natural birth
- It **usually** equals about 20 sick days before and 20 sick days after
- If you have a c-section, you are able to use 40 (calendar) days of disability after the baby is born.

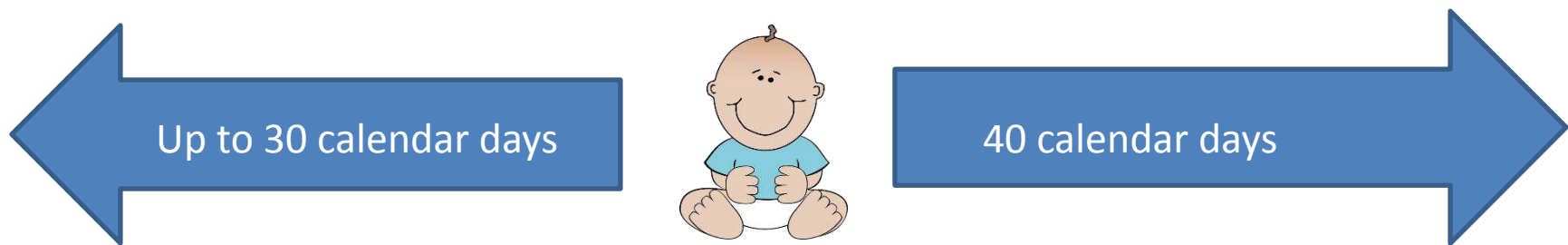
# Disability Time

This is time when you can use your sick days because you are physically unable to work. (preparing for/recovering from childbirth)

## Regular Birth



## C-section Birth





# Up to 30 calendar days prior

- This means that you can take off and use sick days before your due date.
- EXAMPLE: Baby is due November 16. Count 30 calendar Days before that date. The earliest you could go out is October 17<sup>th</sup>.
- You will be using your own sick days!
- You are not required to go out this far in advance; but you can...



# Baby's arrival!

- **Congratulations!**

- Call Denise Brigandi as soon as you can after the baby comes.
- If you have a Prudential Disability Insurance policy, you will want to call them that day too. (more on that later...)

# Second set of 30 days

- Once your baby is born, you will start using your sick days (approximately 20, depending on the school calendar) after the birth.
- **EXAMPLE:** So let's say baby comes on due date, November 16. November 16 would then be the first day of your second set of 30 calendar days. After your 30 calendar days or 40 days for C-section you are officially on Family Medical Leave (FMLA). At this point you are no longer disabled and can use this time to bond with/take care of baby. Theoretically speaking, if baby comes on November 16, that makes you disabled until December 15.
- Holidays that fall during any of your disability time, are days that you won't use sick days for!

# Prudential Disability

- NJEA recommends signing up for disability insurance so you can get paid while you are out on disability.
- Call Cindy Cooper at 1 800 704 1365 ext. 25 to get enrolled. You must have a physical exam unless it is Open Enrollment (every 3 years). It's called NJEA Endorsed Disability Insurance Program.

**\*\*\*PLEASE NOTE\*\*\*** There are times where certain pregnancies may be counted as being a pre-existing condition. It is up to you to speak to a Prudential representative to talk about your specific situation to decide if signing up for Prudential is right for you.

# If you have Prudential Disability

- It is during the time that you are "disabled" that you can receive your Prudential Disability money.
- The Prudential plans have an elimination (waiting) period before you can begin collecting payment.
- Most plans have a 15 or 30 (calendar) day elimination period, which begins when you go out on leave.
- You need to call Prudential before you go on maternity leave to set up your case. This should be about a month before you begin your leave. [1-800-727-3414](tel:1-800-727-3414)
- Call Prudential to inform them that you had the baby as soon as you can after baby comes. [1-800-727-3414](tel:1-800-727-3414)

# Family Medical Leave Act

(not just for maternity leave!)

- The Family and Medical Leave Act (FMLA) is a federal law that provides an unpaid, job protected leave, allowing you to keep your health benefits while you bond with a child or care for a sick family member.
- You are entitled to up to 12 weeks FMLA in a 12 month period.
- It can be used to bond with a newborn baby, bond with an adopted child, or care for a sick family member.

# FMLA

The definition of "family member" has been expanded to cover more people. You may provide care for:

- parents
- spouse
- children of any age
- parents-in-law
- siblings
- grandparents
- grandchildren
- domestic partners
- any other individuals related by blood
- any other individuals with whom you consider to be family

# FMLA - Important to know!

- While on FMLA, your position in the district is secure but not necessarily your exact job. **You can be reassigned.** (Doesn't usually occur but know that it can!)
- FMLA can be all at once or intermittent.
- Intermittent FMLA used for baby must be used weekly. Can be daily for caring for sick loved one.
- For Intermittent Leave: Letter explaining that you are the **sole caregiver**, must be submitted if caring for sick loved one.



# **FMLA Only (pregnant members disregard)**

You will need to submit a letter to Central Office as soon as you can.

- They understand that things can come up suddenly
- Address to Mrs. Ciarrocca
- CC:
  - Amy Kita
  - Your building principal
  - Your direct supervisor
  - Denise Brigandi

(There are sample letters at the end of this presentation)

# FMLA - Health Benefits

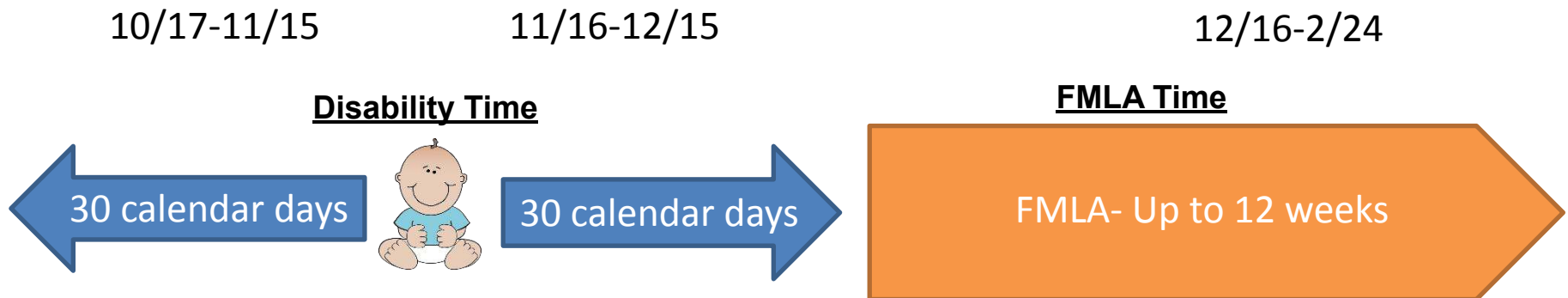
- Remember, you are not getting paid by the district when you are out on FMLA, and you will still need to pay for your benefits while you are out!
- The district will bill you for the amount that usually comes out of your paycheck.

# FMLA vs NJFLA

- NJFLA is NJ's version of FMLA
- In some specific instances, you may want to use NJFLA instead of using FMLA
- There are pros and cons to each
- FMLA eligibility is once every 12 months while NJFLA is once every 24 months
- for more info: [FMLA vs NJFLA](#)

# FMLA Example (Maternity Leave)

- **EXAMPLE:** So let's say baby comes on his/her due date of November 16 and your disability ends on December 15. Your FMLA starts on December 16. So based on our theoretical dates, your FMLA would go from December 16 to February 24.



# Family Leave Insurance Act (FLIA)

- While on FMLA, you can also file for FLIA (Family Leave Insurance Act) where you can get paid up to 85% of your salary for up to 12 weeks.
- You must include in your maternity leave letter that you intend to apply for FLIA.
- In 2023, the maximum weekly benefit rate is \$1,025 per week.

# NJ - FLIA

- **Continuous Leave:** You may receive up to 12 weeks of benefits if the benefits are claimed for one continuous period of unpaid leave.
- **Non-Continuous** (intermittent) Leave: If you are claiming benefits on an intermittent schedule, whether it be a week, a month, or a day at a time, you may receive up to 56 individual days (8 weeks) of Family Leave benefits. If you take your leave in a non-continuous manner, let NJDOL know those dates *after* taking each segment.
  - If you are approved for Family Leave Insurance benefits but do not initially claim your maximum duration of leave when filing, NJDOL will mail you a [Continued Claim Certification \(FL3\)](#), which includes a schedule that you must fill out and sign – showing the days you *did not work* during the period. You will need to submit an updated schedule after each period of leave is completed.

# FLIA - Summer Scenario

- If you have to start you have to start your leave in the Spring of one school and and then restart it in the Fall, your leave is still considered to be a continuous leave.
- However, for FLIA payment purposes, your leave may be considered to be intermittent.
- The board advises to submit **separate claims**, one before the summer months, and one claim after the summer months totaling their eligible ***continuous*** 12 weeks.

# FLIA - Break Scenario

- You do not get paid for a week that occurs when schools are closed (example: winter break)
- You have two options:
  1. Stay out for 12 calendar weeks and receive FLIA payment for 11 weeks.
  2. Structure your continuous FMLA so you are out for 13 weeks and receive FLIA payments for 12 weeks. **(Will need to file two separate FMLA claims)**



# Intermittent FLIA

- If intermittent leave is what works best for you, plan accordingly - you won't receive FLIA payments until the completion of your FMLA/FLIA leave.

# Filing for FLIA

- There is a link to the form on the staff portal.
- Here is the direct link:  
<https://myleavebenefits.nj.gov/labor/myleavebenefits/worker/fli/>
- Parts of it are confusing but just ask if you need help filling it out.
- Union number is 0000
- **VERY IMPORTANT**- Do not complete online until your FMLA period starts otherwise it gets delayed.
- <https://myleavebenefits.nj.gov/worker/fli/>

# And now my watch has ended...

- After your twelve weeks, you can choose to come back to school or stay out until the rest of the year on a childcare leave but with no health benefits. That decision is up to you and unfortunately your finances.
- You will have indicated in your letter if you are planning on coming back during the current school year or if you are planning on returning in September.
- If you are planning on coming back, you must return to work by **May 15th**. It is board policy. (If you use NJFLA, they cannot mandate a date)

# What are your plans?

- Depending on when you are out, you may receive a letter from Mrs. Kita's office asking what your intentions are for the following school year.
- You need to send a written letter (an email should be fine) to her office telling her that you will be returning the following September.

# So to recap....

## When planning a maternity leave,

- Send letter 90 calendar days before.
- The earliest you can plan to go out is 30 calendar days before baby is due.
- After baby is born, you can use 30 calendar days of sick days.  
(If C-section, 40 calendar days)
- Then 12 weeks of FMLA- no pay, yes benefits  
(using NJ-FLIA, there is some “pay”)
- Extended childcare leave- no pay, no benefits

# What about my LONGEVITY/STEP?

## LONGEVITY/STEP

- The contract states that in order to qualify as having credit for a full calendar year so that you move up your increment, you have to be at school for at least half the year. That means you must be in the classroom for at least 91 days!
- So count the days you are at school, if it is less than 91 days, you will NOT move up a step or qualify towards a year of longevity.

# Buying Back Pension

- When you are out on FMLA, you are not contributing to the pension. You can buy back the months of your pension that you didn't contribute to.
- Contact Lynne Farrell at the board office to tell her you are interested in buying back your pension
- The sooner you buy it back, the less it will cost you in the long run.

# Married to someone else in district?

- Married to someone else in district?
  - Board policy states that a married couple in district can only get a combined total of 12 weeks of FMLA.
  - However, if both employees take NJFLA, (instead of FMLA) they can both take the full 12 weeks each. (Remember NJFLA resets every 2 years)



# New to the district?

- New to the district?
  - You must be employed by the district for at least 12 months in order to be eligible for FMLA

# What if I don't have enough sick days?

- If you don't have enough sick days, then your FMLA time would start early
- Prior to baby coming - (you would be taking it for yourself; no FLIA)
- After baby comes- 3 options
  - Take remaining time of FMLA for baby (eligible for FLIA) (shortens time out)
  - Take up to 30 days of unpaid FMLA for yourself, then start 12 weeks of NJFLA (eligible for FLIA)
  - Start immediately on 12 weeks of NJFLA (eligible for FLIA)

# Flex/Staff/SGO

## FLEX/STAFF DEVELOPMENT- 17 hours

- Typically in a maternity leave, Flex or staff hours can be prorated. You need to ask Dr. Johnson if your flex or staff hours can be prorated.

## SGO

- By code, you need to have 9 weeks of consecutive instruction to have an SGO. However, the code does not specify the amount of teacher/student contact time.

# Tenure

## TENURE

- If you are non-tenured: however many months you are out, are months that you need to make up in order to get your tenure. So for example, if you need to make up Jan-June (6 months), then you need to add 6 months onto when you were supposed to get your tenure.

# Health Insurance for Baby

## HEALTH INSURANCE FOR BABY

- File for the birth certificate right away because you only have 60 days to get it to the board office ([Brittany Busicchia](#) - benefits office) to get baby on your health insurance. Make a copy of it and get it in!
- Email her because you have to fill out forms to add the baby!

# Example of Letter with leave going into summer

Dear Ms. Ciarrocca:

I am writing to request a childbirth disability leave of absence to commence on or about February 28, 2022. My estimated due date is March 8, 2022. I intend to use my accumulated sick days for the six days prior to my due date and for the first thirty calendar days after the birth of my child, which will establish April 6, 2022 as the approximate termination date for my disability leave of absence.

Following the completion of my childbirth disability leave, I wish to be placed on an unpaid leave of absence for 12 weeks in accordance with the Federal Maternity Leave Act. I understand that during these twelve weeks I will continue to receive benefits but no pay and that my position will be secure upon my return. The twelve weeks of FMLA will extend past the end of the 2021-2022 school year. I am planning to return to work for the start of the 2022-2023 school year. I will be applying for NJ-FLIA benefits as a part of my leave.

I kindly ask to receive written notification from the Board of Education granting this leave.

Sincerely,

cc: Amy Kita  
building principal  
direct supervisor  
Denise Brigandi

# Example of letter where you start the year and come back the same school year (not skipping break as part of your leave)

Dear Ms. Ciarrocca:

I am writing to request a childbirth disability leave of absence to commence on or about November 4, 2021. My estimated due date is November 13, 2021. I intend to use my accumulated sick days for the 4 days prior to my due date and for the 30 calendar days after the birth of my child, which will establish December 12, 2021 as the approximate termination date for my disability leave of absence.

Following the completion of my childbirth disability leave, I wish to be placed on an unpaid leave of absence for 12 weeks in accordance with the Federal Maternity Leave Act. I understand that during these twelve weeks I will continue to receive benefits but no pay and that my position will be secure upon my return. The twelve weeks of FMLA will run from approximately December 13, 2021 to March 14, 2022. I will be applying for NJ-FLIA benefits as a part of my leave. I am planning on returning to work on March 17, 2022 and work for the remainder of the 2021-2022 school year.

I kindly ask to receive written notification from the Board of Education granting this leave.

Example of letter where you come back where you start the year and come back the same school year  
**(skipping break as part of your leave... still continuous leave but must file 2 separate claims with the state for FLIA**

Dear Ms. Ciarrocca:

I am writing to request a childbirth disability leave of absence to commence on or about October 25, 2021. My estimated due date is November 8, 2021. I intend to use my accumulated sick days for the 5 days prior to my due date and for the 30 calendar days after the birth of my child, which will establish December 7, 2021 as the approximate termination date for my disability leave of absence.

Following the completion of my childbirth disability leave, I wish to be placed on an unpaid leave of absence for 12 weeks in accordance with the Federal Maternity Leave Act. I understand that during these twelve weeks I will continue to receive benefits but no pay and that my position will be secure upon my return. The twelve weeks of FMLA will run from approximately December 8, 2021 to March 7, 2022. I will be filing 2 separate claims for NJ-FLIA benefits as a part of my continuous leave due to winter break falling during my FMLA.

I am planning on returning to work on March 8, 2022 and work for the remainder of the 2021-2022 school year.

I kindly ask to receive written notification from the Board of Education granting this leave.



# Example of letter where you come back (plus C-section)

Dear Ms. Ciarrocca:

I am writing to request a childbirth disability leave of absence to commence on or about November 4, 2021. My estimated due date is November 13, 2021. I intend to use my accumulated sick days for the 4 days prior to my due date and for the first six weeks after the birth of my child due to a Caesarean section, which will establish December 25, 2021 as the approximate termination date for my disability leave of absence. Since I will be having a Caesarean section and will know the actual date of delivery ahead of time, I will inform you when I know to adjust the dates of my leave of absence.

Following the completion of my childbirth disability leave, I wish to be placed on an unpaid leave of absence for 12 weeks in accordance with the Federal Maternity Leave Act. I understand that during these twelve weeks I will continue to receive benefits but no pay and that my position will be secure upon my return. The twelve weeks of FMLA will run from approximately January 6, 2022 to March 28, 2022. I will be applying for NJ-FLIA benefits as a part of my leave.

I am planning on returning to work on March 31, 2022 and work for the remainder of the 2021-2022 school year.

I kindly ask to receive written notification from the Board of Education granting this leave.

# Example of letter where you don't start the school year

Dear Ms. Ciarrocca:

I am writing to request a childbirth disability leave of absence to commence on or about September 3, 2022. My estimated due date is September 22, 2022. I intend to use my accumulated sick days for the twelve school days prior to my due date and for the first thirty calendar days after the birth of my child, which will establish October 19, 2022 as the approximate termination date for my disability leave of absence.

Following the completion of my childbirth disability leave, I wish to be placed on an unpaid leave of absence for 12 weeks in accordance with the Federal Maternity Leave Act. I understand that during these twelve weeks I will continue to receive benefits but no pay and that my position will be secure upon my return. The twelve weeks of FMLA will run from approximately October 22, 2022 to January 25, 2023. I intend to return to work on January 26, 2023. I will be applying for NJ-FLIA benefits as a part of my leave.

I kindly ask to receive written notification from the Board of Education granting this leave.

Sincerely,

# Example of letter where you extend your leave to a childcare leave of absence

Dear Ms. Ciarrocca:

I am writing to request a childbirth disability leave of absence to commence on or about September 3, 2022. My estimated due date is September 22, 2022. I intend to use my accumulated sick days for the twelve school days prior to my due date and for the first thirty calendar days after the birth of my child, which will establish October 19, 2022 as the approximate termination date for my disability leave of absence.

Following the completion of my childbirth disability leave, I wish to be placed on an unpaid leave of absence for 12 weeks in accordance with the Federal Maternity Leave Act. I understand that during these twelve weeks I will continue to receive benefits but no pay and that my position will be secure upon my return. The twelve weeks of FMLA will run from approximately October 22, 2022 to January 25, 2023. I will be applying for NJ-FLIA benefits as a part of my leave. Following my FMLA leave, on approximately January 28, 2023, I wish to be placed on unpaid Child Care leave for the remainder of the 2022-2023 school year. I intend on starting the 2023-2024 school year in September of 2023.

I kindly ask to receive written notification from the Board of Education granting this leave.

Sincerely,

# Paternity Letter #1

Dear Ms. Ciarrocca:

I am writing to request to be placed on an unpaid leave of absence for 2 weeks in accordance with the Federal Maternity Leave Act. I understand that during these two weeks I will continue to receive benefits but no pay and that my position will be secure upon my return. My wife's estimated due date is December 6, 2021 so my leave will commence on or about that date pending her delivery. I will be applying for NJ-FLIA benefits as a part of my leave.

I kindly ask to receive written notification from the Board of Education granting this leave.

Sincerely,

# Paternity Letter #2

Dear Ms. Ciarrocca:

My son was born on November 12, 2021 and I am writing to request to be placed on an unpaid leave of absence for 6 weeks in accordance with the Federal Maternity Leave Act. I understand that during these six weeks I will continue to receive benefits but no pay and that my position will be secure upon my return. The six weeks of FMLA will run from February 14, 2022 to March 25, 2022. I am planning on returning to work on March 28, 2022 and work for the remainder of the 2021-2022 school year. I will be applying for NJ-FLIA benefits as a part of my leave.

I kindly ask to receive written notification from the Board of Education granting this leave.

Sincerely,

# Example of FMLA letter

Dear Ms. Ciarrocca,

I am writing this letter to request a Family Medical Leave of absence this upcoming week. My mother is very ill and I am her sole caregiver. I am requesting leave from January 14, 2016 through January 23, 2016 approximately but possibly longer if necessary. I understand that during these dates, I will continue to receive benefits but no pay and that my position will be secure upon my return. I will be applying for NJ-FLIA benefits as a part of my leave.

I kindly ask to receive written notification from the Board of Education granting this leave.

# Example of FMLA letter (Intermittent)

Dear Ms. Ciarrocca,

I am writing this letter to request a Family Medical Leave of absence. My mother has cancer and will be receiving chemotherapy treatments for on Wednesdays for the next 2 months. I am her sole caregiver. I am requesting an intermittent leave of absence to care for my mother for the following dates: January 4, January 11, January 18, January 24, January 30, February 5, February 12, February 19, and February 27. At this time, I only plan to take leave on Wednesdays, however I may need to take other days depending on her illness. I will let you know as soon as possible if necessary. I will be applying for NJ-FLIA benefits as a part of my leave.

I understand that during these dates, I will continue to receive benefits but no pay and that my position will be secure upon my return.

I kindly ask to receive written notification from the Board of Education granting this leave.

# Now we are done!

- Any questions???