



## **Leave of Absence FAQs**

### **What is a leave of absence?**

A leave of absence is an extended period of time during which an employee is absent from their primary position while maintaining their status as an employee. The Newark Board of Education provides leaves of absence to eligible employees.

### **What is the difference between a medical leave and a non-medical leave?**

There are two categories of leaves of absence: medical and non-medical.

1. A medical leave of absence is taken when the employee has a serious health condition. An example of this would be a restoration of health.
2. A non-medical leave of absence is taken for non-medical reasons such as maternity and child care, care of a sick family member, personal, etc.

### **What is FMLA?**

The Family Medical Leave Act (FMLA) is a federal law that secures employment for anyone that needs time off for family or medical reasons.

- Eligible employees are entitled up to 12 weeks per 12-month period. The twelve (12) work weeks include both the paid portion of the leave and the unpaid portion of the leave.
- Protects an employee's job while on leave
- Allows continuation of benefits coverage

### **Who is eligible for FMLA?**

Eligibility is based on the total amount of hours worked within one (1) year of service;

- 10-month employees must work 1,200 hours; and worked one (1) full year with the District.
- 12-month employees must work 1,250 hours; and worked one (1) full year with the District.

**Instructional Staff Only:** At the discretion of the district, instructional 10 Month Employees can be approved for FMLA/NJFLA once they have 1,000 hours worked and 1 full year of service with the district.

**Per Diem Staff Only:** Per diem employees can earn 40 hours of sick leave per year that can be used for the following:

- Care for your own physical or mental illness
- Care for family member's physical or mental illness
- Receive wellness care
- Cope with domestic or sexual violence, or care for a loved one who is a victim/survivor
- Attend a child's school-related meeting, conference, or event, when requested by the school

For more information, visit <https://www.nj.gov/labor/myworkrights/leave-benefits/sick-leave/>.

**IMPORTANT:** The number of hours worked is based on a calendar year, not the school calendar. The total amount of years worked is based on 1 full year of service, not total years with the District.



### **What are FMLA-qualifying leaves?**

Not all leaves of absence offered by the Newark Board of Education are FMLA-qualifying.

The following leaves are FMLA-qualifying events. Excused absences for any of the following reasons will be charged against an employee's FMLA entitlement.

An employee may take 12 work weeks of leave in a 12-month period for:

- **Personal Illness:**  
Includes personal illness due to a serious health condition. The employee must provide the acceptable certification by a physician or other healthcare provider for serious health condition. The physician's note must contain a diagnosis and prognosis. The leave may be denied if such documentation is not provided. Certification of fitness to return to work may also be required.
- **Maternity and pregnancy-related disability:**  
Includes time needed for the birth of a child. The employee must provide acceptable certification by a physician or other healthcare provider documenting her condition. For pregnancy-related disability, the physician's note must contain a diagnosis and prognosis.
- **Care of a sick family member:**  
Seriously ill spouse, parent, or child. Employees must provide acceptable certification by a physician or other healthcare provider documenting the health condition of the family member.
- **Child care for a new born child, placement of child for adoption, or placement of child for foster care:**  
Employees requesting child care leave must provide proof that the child is under one year old. Employees requesting leave for the placement of a child for adoption or foster care must provide a copy of the birth certificate. The leave may be denied if such documentation is not provided.

### **Is FMLA optional?**

No. FMLA is mandatory. The employee does not have to request FMLA and cannot elect to "save" their FMLA entitlement. If the employee applies for a FMLA-qualifying leave and has FMLA time available to them, it will be automatically applied to their leave.

### **When does FMLA begin?**

FMLA-qualifying leaves starts with the first day of the employee's absence, even if the employee is in a paid status. The twelve (12) work weeks include both the paid portion of the leave and the unpaid portion of the leave. The paid portion of the FMLA leave includes the use of vacation, sick, personal and donor days.

If you do not return from a FMLA-qualifying leave, the District will recoup any premium costs paid during the leave.

### **If there are school/organization closings, how does that impact my FMLA entitlement?**

The FMLA approval period runs concurrently even if the school/location or the District is closed due to a holiday or scheduled break. However, any accrued time that has been approved for usage during any



portion of the FMLA period is not charged if the school/location or the District is closed due to a holiday or scheduled break.

### **Can I take my FMLA qualifying leave intermittently?**

FMLA leave may be taken intermittently in separate blocks of time for a single illness or injury (example: therapy session every other week or chemotherapy sessions twice a month).

Intermittent FMLA leave can be taken for up to 60 work days (or 420 hours) within a rolling year and is applicable to all employee types. Your principal/supervisor may exercise their discretion in requiring a schedule of absences be submitted along with the Intermittent FMLA leave application.

### **Intermittent Eligibility:**

If you have been a Newark Board of Education employee for at least twelve calendar months and worked 1,250 hours in the 12-month period prior to the start of the leave (these hours do not have to be consecutive), then you are eligible for an intermittent FMLA leave under the following circumstances:

- Leave to care for own serious health condition or
- Leave to care for serious health condition of your spouse, domestic partner, child, or parent

### **What is NJFLA (New Jersey Family Leave Act)?**

Under the New Jersey Family Leave Act (NJFLA), if you work for a state or local government agency, or a company or organization with 30 or more employees worldwide, and you have been employed by the company for at least 1-year (and have worked at least 1,000 hours in the past 12 months), you generally can take up to **twelve (12) weeks** of job-protected leave during any **24-month period**:

- To care for or bond with a child, as long as the leave begins within 1 year of the child's birth or placement for adoption or foster care;
- To care for a family member, or someone who is the equivalent of family, with a serious health condition (including a diagnosis of COVID-19), or who has been isolated or quarantined because of suspected exposure to a communicable disease (including COVID-19) during a state of emergency; or
- To provide required care or treatment for a child during a state of emergency if their school or place of care is closed by order of a public official due to an epidemic of a communicable disease (including COVID-19) or other public health emergency.

For more information, click on the [NJFLA Fact Sheet](#).

### **What is NJFLI (New Jersey Family Leave Insurance)?**

NJ Family Leave Insurance provides cash benefits to employees in New Jersey who are unable to work because they need to care for a family member with a physical or mental health condition, bond with a newborn, newly adopted or newly placed foster child, or handle certain matters related to domestic or sexual violence.



Workers can collect Family Leave Insurance benefits for a maximum of **twelve (12) consecutive weeks** in a **12-month period**, or up to **eight (8) weeks (56 individual days) in a 12-month period**, if taking leave in a non-continuous manner.

Family Leave Insurance is a wage replacement program and it **does not provide job protection**. However, during the period in which an employee receives these benefits, their job may be protected under state or federal law.

For more information and instructions on how to apply, download the [Family Leave Insurance](#) handout.

## Health Benefits and COBRA

### Do I keep my health benefits when I am on a leave of absence?

Employees on an approved FMLA-qualifying leave are entitled to health benefits for up to 12 weeks. If you need to remain out longer because of a serious health condition, you may be entitled to donor days.

For leaves that are not FMLA-qualifying, your health benefits will depend on whether or not you remain on payroll (for example, if the leave of absence is paid, or if you are using your accruals (if permitted) so that you can continue to receive a paycheck). Visit <https://nboehrs.com/leaves/#benefits> for more information.

### What is COBRA?

If an employee stops receiving a paycheck, and is not covered under FMLA there will be an opportunity to convert coverage to a direct payment contract (COBRA).

- COBRA applications are sent directly to you from Inspira, the third-party vendor, when the employee goes off payroll.
- COBRA applications are completed and mailed by you directly to Inspira.
- A terminated employee has 60 days from the date of termination to forward the application to Inspira, who will bill the employee.
- You will be required to pay the entire premium (the Newark Board of Education's and the employee portion). Rates will be included with the application.

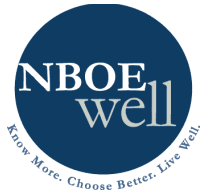
Visit <https://nboehrs.com/leaves/#benefits> or <https://nboehrs.com/cobra/> for more information.

### How do I apply for an Intermittent FMLA-qualifying Leave? Are the steps different if I decide to take a continuous FMLA-qualifying leave?

No. See instructions below on how to apply.

### Applying for FMLA (Continuous and Intermittent)

- Send an email to [leaveofabsence@nps.k12.nj.us](mailto:leaveofabsence@nps.k12.nj.us) with a brief description of your request along with the start and end date of your leave.
- You must give at least a 30-day notice (except unforeseen circumstances).
- You must notify immediate administrator/principal prior to leave request.



- For extreme circumstances, you are required to submit clear written explanation of medical circumstance and deliver medical documentation as soon as possible to the Office of Health Services or Leave of Absence for provisional leaves (i.e., hardship; ill family member out-of-state or overseas).
- Submit sufficient medical documentation to be approved for a medical leave of absence. Forms are available at <https://www.nps.k12.nj.us/departments/human-resources/> on the bottom of the page. Once completed and signed, send the medical documentation via email at [leaveofabsence@nps.k12.nj.us](mailto:leaveofabsence@nps.k12.nj.us).

## **Payment, Accruals, and Donor Days**

### **Do I get paid while on a leave of absence?**

Whether an employee is paid while on leave depends on several factors. The type of leave, the type of employee taking the leave and the employee's allotment of available accrued time all may have a bearing on whether or not an employee can receive payment while on a leave.

A leave of absence without pay is considered inactive service, with neither salary nor pension credit. Time while on leave without pay cannot be counted toward the completion of the probationary period or for seniority calculations.

In addition, a leave may start out as paid, but then continue as an unpaid leave. Depending on the leave type you are applying for and your employee title, a leave may be paid or unpaid. For certain leaves that would normally be unpaid, you may also use your accruals or apply for donor days so that your requested days (or a portion thereof) may be paid.

### **Can I use my accruals so that I'll be paid?**

Employees accrue paid entitlements (sick, vacation and personal). For certain leaves of absence, these entitlements may be used so that you can continue to be paid.

For example, employees on a leave of absence without pay for health reasons or for maternity may use their sick and personal days so that they can continue to be paid. However, they must exhaust their accrued time prior to coming off of payroll.

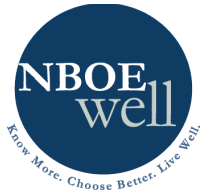
### **How do I know if I can use my accruals?**

Since every leave type and employee title is different, you must work with your Leave Administrator or timekeeper to determine your paid leave entitlement.

### **What are Donor Days?**

Employees may donate days to another employee only if the recipient has a catastrophic sickness. To qualify for donor days, an employee (the recipient) must have the following:

- Have an approved, continuous FMLA (not intermittent)
- Have exhausted all earned sick leave and accrued time
- Complete and submit a Donor Day request form which must include original signatures



### To apply for Donor Days:

- Obtain the [Donor Day Program Request Form](#)
- Complete the form and forward it to Office of Health Services at [healthservices@nps.k12.nj.us](mailto:healthservices@nps.k12.nj.us)

If you have questions about donor days, how to apply, eligibility, etc., reach out to the Office of Health Services via email at [swarren@nps.k12.nj.us](mailto:swarren@nps.k12.nj.us).

### Pension Credit

If you remain on payroll while on a leave of absence, you will continue to receive pension credit.

A leave of absence **without pay**, however (either the entire leave or a portion thereof), is considered inactive service, with neither salary nor pension credit. Time while on leave **without pay** also cannot be counted toward the completion of the probationary period or for seniority calculations. We encourage you to reach out to the Office of Benefit Services at [benefits@nps.k12.nj.us](mailto:benefits@nps.k12.nj.us) or visit <https://nboehrs.com/resources/> and read Leave of Absence and Your Benefits Fact Sheet 20 for more information.

### How long will it take for my leave application to be processed?

Please note that the Leaves department is working as quickly as possible to process your leave application in the order that it is received and by the effective date. Each leave application is dependent on various factors and there are often different parts that require review/action from different groups. Examples of this include: review by a medical doctor, verification of timekeeping by your timekeeper, action from your supervisor, action from third party insurers (for Paid Family Leave), and more.

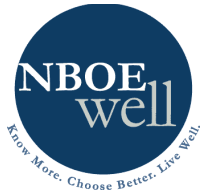
Additionally, missing information and/or incorrect submission methods will also delay the processing of your application. As such, it is important to ensure that you are submitting your application correctly and that you provide thorough and complete documentation (as required) as soon as you can.

If there is an action item required for you to complete and/or a determination has been made, you will receive an email in your NBOE email account.

**The most common delays in processing a leave of absence are caused by incomplete and late applications.**

### What can I do if my FMLA application is denied?

You can respond to the denial notice and ask why it was denied. After obtaining the reason for the denial, you can verify that the reason for denial is justified by visiting the Department of Labor's FAQ <https://www.dol.gov/agencies/whd/fmla/faq>. You can challenge the FMLA denial by submitting an email to [leaveofabsence@nps.k12.nj.us](mailto:leaveofabsence@nps.k12.nj.us) and provide a reason along with any additional supporting documentation such as the medical certificate from the physician.



**I submitted my leave application but haven't heard back. My leave of absence is starting soon. What do I do?**

Submission of an application does not constitute authorization for absence or leave prior to approval. Therefore, it is important that you submit your application as early as possible so that the processing of your application can be done in a timely manner and to minimize withholding of pay.

**I'm too ill to go in, but my medical leave of absence application is still pending determination. Do you have any other guidance?**

Provided that you are eligible and you have submitted sufficient supporting medical documentation, the leave may be granted as requested. Please also speak with your principal/supervisor or contact Labor Relations at [npslaborrelations@nps.k12.nj.us](mailto:npslaborrelations@nps.k12.nj.us).

**What is an unauthorized leave?**

Unexcused absences without a submitted leave case may result being placed on unauthorized leave by your principal/supervisor. Additionally, if you are on a leave of absence but fail to return by your leave end date, you will also be placed on an unauthorized leave and will be subject to AWOL (Absence without Leave) procedures.

Once on an unauthorized leave, you will receive an email outlining the following courses of action:

1. **Return to work.**
2. **Resign** - if this option is chosen, the employee must submit a letter of resignation. Visit, [ESS \(Employee Self Service\)](#) to submit the form.
3. **Apply for a leave of absence extension.**
4. **Retire** - if this option is chosen, the employee should consult a Benefit Services team member for more information at [benefits@nps.k12.nj.us](mailto:benefits@nps.k12.nj.us).
5. **Apply for disability retirement** - If you would like to apply for disability retirement, please contact your retirement system directly.

If we do not receive a response, you may be subject to AWOL (Absence without Leave) procedures and risk termination from your position with the Newark Board of Education for failure to return to service following a leave of absence.

**What does it mean to be Absent Without Leave (AWOL)?**

All employees are required to report their absence to their respective principal/supervisor and Aesop prior to their scheduled starting time. Any employee who does not provide the above notification of his/her absence shall be AWOL and recorded accordingly. In the event of a conflict with procedures set forth in a collective bargaining agreement, the collective bargaining agreement shall control.

“ [A]ny employee who is absent from duty for five (5) or more consecutive days without the approval of his or her superior shall be considered to have abandoned his/her position and shall be recorded as resignation not in good standing.” [N.J.A.C. 4A:2-6.2 \(b\)](#).



### **Returning from a Leave of Absence**

To return from a leave of absence, the steps will slightly differ depending on whether or not you are on a medical or non-medical leave. Additionally, if you would like to return early, there are different steps that you must take depending on the status of your application.

### **When do I need to report to work?**

Please note that the end date of your leave of absence is the day before you return to work. For example, if your leave of absence is from February 1<sup>st</sup> through March 25<sup>th</sup>, you should return to work on March 26<sup>th</sup>.

### **What do I need to do when I return from a leave? Where can I find a checklist of things I need to do?**

Now that your leave has ended, please make sure that you've completed the following items listed below to make your return to work a smooth one. If payroll and health benefits were active for the duration of your leave, these steps will not apply to you.

### **CHECKLIST**

1. **Staffing status:**

Please consult with your principal/supervisor or timekeeper to confirm that your return to work has been recorded in the appropriate systems. You will not be entitled to receive pay, health benefits or access to NBOE systems until you are considered "active."

2. **Confirm your mailing address**

Please confirm that the mailing address we have on file for you in [ESS \(Employee Self Service\)](#) is current.

3. **Health Benefits:**

Please work with a team member in the Office of Benefit Services to reinstate your health benefits if your coverage was impacted by emailing [benefits@nps.k12.nj.us](mailto:benefits@nps.k12.nj.us).

4. **Complete the Return to Work Medical Certification Form (only for medically related leaves)**

Complete the [Return to Work Certification Form](#) and send it to [leaveofabsence@nps.k12.nj.us](mailto:leaveofabsence@nps.k12.nj.us).

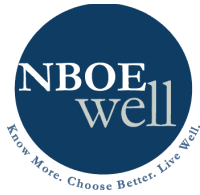
### **Non-Medical Leaves of Absence**

The District provides leaves of absence that are not medically related, they are:

- Personal\*
- Marriage\*
- Military\*
- Jury Duty

**\*IMPORTANT:** Terms also subject to collective bargaining agreements. Refer to your respective collective bargaining agreements for provisions related to your title/position by visiting [NBOE Union Contracts](#) and clicking on the various contracts on the left-hand side of the page.





## **Personal Leave**

A Personal Leave of Absence for the adjustment of personal affairs is available to employees who must attend to a situation of grave nature that will require their full-time attention. This leave is **without pay**. **There is a minimum service requirement of one (1) year in order to be eligible for this leave.**

### **Supporting Documentation Required:**

Please complete and submit [Leave of Absence Without Pay \(Personal, Military, Marriage, etc.\) Form](#) to [leaveofabsense@nps.k12.nj.us](mailto:leaveofabsense@nps.k12.nj.us).

## **Marriage Leave**

The District may grant an employee two (2) weeks of **unpaid** leave for purposes of marriage.

### **Supporting Documentation:**

Proof of marriage should be submitted as soon as possible to [leaveofabsense@nps.k12.nj.us](mailto:leaveofabsense@nps.k12.nj.us).

## **Military Leave**

Employees called to duty for service in the U.S. Military may be entitled to a leave **with** or **without pay**. In accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) 38 U.S.C. 403, et seq., for up to **five (5) years** to any person who is absent from a job because of uniformed service.

### **Is there a minimum service requirement?**

No. There is no minimum service requirement.

### **How long can I take this leave for?**

The maximum duration of this leave will depend on your military orders.

### **Will I be paid while on this leave?**

Employees called for active reserve duty for periods of two (2) weeks or less shall suffer no loss of pay or benefits for up to 90 days per year pursuant to [N.J.S.A 38A:4-4a](#).

### **Will I have health benefits?**

You will be keep your health benefits for up to 90 days per year pursuant to [N.J.S.A 38A:4-4a](#).

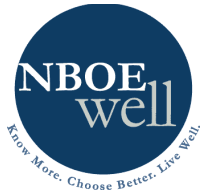
### **What supporting documentation is required?**

A copy of your military orders.

## **Jury Duty**

If you are summoned to serve as a juror in a judicial proceeding, you are entitled to time off for jury duty.

### **How do I request time off for jury duty?**



To be granted an absence for jury duty, you must present your jury duty notice/summons to your principal/supervisor before the day you need to report to court.

### **Reasonable Accommodations**

It is the policy of the Newark Board of Education to allow all staff to request reasonable accommodations, based on their own medical condition or health needs.

The American with Disabilities Act (*ADA*) provides equal employment opportunity for people with disabilities. Under federal, state, local, and city law, any current employee who has a disability may request a reasonable accommodation to perform his or her essential job duties.

### **What is 504 Accommodation?**

A 504 accommodation is a modification or adjustment to a job or the work environment. The reasonable accommodation provides an equal employment opportunity to employees with a disability or an impairment.

### **What is the difference between an accommodation and a leave of absence?**

Accommodations are adjustments to one's work structure or work environment, and vary by position, job description and reasonableness. Accommodations are not leaves of absence.

Taking a leave instead of an accommodation does not guarantee that you will continue to receive your salary or your benefits. Ongoing pay depends on the specific circumstances surrounding your absence, as detailed above, and whether that situation is an eligible occurrence under the District's current payroll policies.

### **How do I submit a request for an accommodation?**

Complete and return a [Section 504 ADA Accommodation Request Form](#) along with supporting medical documentation that reflects a diagnosis and prognosis and email it to Human Resources [humanresources@nps.k12.nj.us](mailto:humanresources@nps.k12.nj.us). Upon receipt of the application, an email will be sent to your principal/supervisor and a determination will be made as to whether you meet the ADA's qualification of "disabled" and/or "handicapped." In all cases, the requested accommodation is subject to feasibility and administrator approval.

Should you be identified as disabled/handicapped, your principal/supervisor will receive notice of the requested accommodation without revealing the diagnosis. This may lead to an interactive meeting with you, your principal/supervisor and the 504 Accommodation Officer. The interactive meeting will address the request and determine a reasonable accommodation that can be offered/implemented (*i.e.*, 504 Plan). Thereafter, a 504 Plan letter will be forwarded to you and your principal/supervisor for their respective records and they will implement the plan.

### **Need more information?**

Visit <https://nboehrs.com/leaves/> for important information, links and documents.