

KEAN UNIVERSITY

LEAVES OF ABSENCE  
POLICY AND PROCEDURES

# Contents

General Statement .....	3
TYPES OF LEAVE AVAILABLE .....	3
Federal Family and Medical Leave Act .....	3
New Jersey Family Leave Act.....	5
Leaves Pursuant to Collective Bargaining Agreements .....	6
Special Note regarding Maternity/Child Care Leave .....	6
NJ SAFE Act .....	6
Organ and Bone Marrow Leave .....	8
Leave – Related to COVID-19.....	9
Military Leave.....	11
Voluntary Furlough.....	12
PROCEDURES FOR REQUESTING LEAVE OF ABSENCE .....	12
Notification Requirement .....	13
Required Documentation.....	13
Instructions for remotely setting away messages - for email and phone.....	15
Extending Leaves/Early return .....	16
Second Opinion.....	17
Recertification .....	17
YOUR BENEFITS WHILE ON LEAVE.....	17
Using Earned Paid Time Off.....	17
Tuition Waiver Program .....	18
Health Benefits Coverage .....	18
Retirement Plans & Life Insurance.....	19
PERS Members.....	19
ABP Members .....	20
PFRS Members .....	21
WAGE REPLACEMENT PROGRAMS .....	21
Temporary Disability Insurance .....	21
New Jersey Family Leave Insurance .....	22
Waiting Period for Wage Replacement Programs .....	24
Donated Leave Program .....	24
RETURNING TO WORK.....	25
HR Contacts .....	25

## General Statement

Kean University is committed to complying with all Federal and State rules and regulations governing leave of absence, such as the Family and Medical Leave Act, the New Jersey Family Leave Act, NJ Safe Act, NJ Administrative Code Title 4A, USERRA, and applicable Collective Bargaining Agreements.

## TYPES OF LEAVE AVAILABLE

### Federal Family and Medical Leave Act

Under this policy, Kean University will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. To qualify to take leave under this law, the employee must meet the following conditions:

- 1) The employee must have worked for Kean University for 12 months or 52 weeks.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date of leave commencement.

To qualify as FMLA leave, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a son or daughter and to bond with the newborn child within one year of birth.*
- 2) The placement of a son or daughter for adoption or foster care and to care for the newly placed child within one year of placement.*
- 3) To care for a spouse, son, daughter, or parent with a serious health condition.*

4) *The serious health condition of the employee that makes the employee unable to perform the functions of the employee's position.*

5) *Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty.*

6) *To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member. (Military caregiver leave)*

### FMLA - Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

For the birth, adoption or foster care of a child, Kean University and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with Kean University before taking intermittent leave or working a reduced schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

### Calculating the FMLA leave year

At Kean University, the FMLA year used to determine eligibility for subsequent FMLA leave periods is defined as a "rolling" 12-month period measured backward – 12-

month period measured backward from the date an employee uses any FMLA leave. Under the “rolling” 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

## New Jersey Family Leave Act

Under this policy, Kean University will grant up to 12 weeks during a 24-month period to eligible employees. To qualify to take leave under this law, the employee must be employed for at least 12 months or more, and must have worked not less than 1,000 hours during the last 12-month period.

To qualify as NJFLA leave, the employee must be taking leave to provide care made necessary by reason of:

- 1. The birth of the child of the employee, including a child born pursuant to a valid written agreement between the employee and a gestational carrier, and within one year of the birth.*
- 2. The placement of a child into foster care with the employee or in connection with adoption of such child by the employee, and within one year of the placement.*
- 3. The serious health condition of a “family member” of the employee.*

“Family Member” is defined as a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, one partner in a civil union couple, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.

NJFLA does not apply to an employee’s own illness.

Leave under NJFLA may be taken in a continuous block of time, or a reduced or intermittent schedule, if medically necessary. Additionally, NJFLA permits employees to use intermittent leave upon the birth, adoption or foster care placement of a child.

## Calculating the NJFLA leave year

At Kean University, the NJFLA year used to determine eligibility for subsequent NJFLA leave periods is defined as a “rolling” 24-month period measured backward – 24-month period measured backward from the date an employee uses any NJFLA leave. Under the “rolling” 24-month period, each time an employee takes NJFLA leave, the remaining leave entitlement would be the balance of the 24 weeks which has not been used during the immediately preceding 24 months.

## Leaves Pursuant to Collective Bargaining Agreements

Employees may be eligible for leaves of absence pursuant to the collective bargaining units that they are members of at the time that they request the leave. For further details, please refer to the contracts for the appropriate bargaining unit member.

## Special Note regarding Maternity/Child Care Leave

For eligible employees, FMLA usually covers the time period for pregnancy and childbirth in which your doctor indicates the employee is unable to work, usually 4 weeks before and 6 weeks after the birth of the baby, (8 weeks for Cesarean section). Additionally, under the NJFLA, a new parent is allowed to take 12 weeks of leave to care for a newborn child. Additional leave time may be available to the employee pursuant to the collective bargaining agreement. Please contact the Office of Human Resources for further details on maternity and childcare leave provisions and procedures.

## NJ SAFE Act

The New Jersey Security and Financial Empowerment Act (“NJ SAFE Act”), P.L. 2013, c.82, provides that certain employees are eligible to receive an unpaid leave of absence, for a period not to exceed 20 days in a 12-month period, to address

circumstances resulting from domestic violence or a sexually violent offense. To be eligible, the employee must have worked at least 1,000 hours during the immediately preceding 12-month period.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19, or a victim of a sexually violent offense, as that term is defined in N.J.S.A. 30:4-27.6. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities as they relate to an incident of domestic violence or a sexually violent offense:

- (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family member
- (2) Obtaining services from a victim services organization for the employee or the employee's family member
- (3) Obtaining psychological or other counseling for the employee or the employee's family member
- (4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or sexual violence or to ensure the economic security of the employee or the employee's family member
- (5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- (6) Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's family member, was a victim.

“Family Member” is defined as a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, one partner in a civil union couple, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.

Leave under the NJ SAFE Act must be used in the 12-month period immediately following an instance of domestic violence or a sexually violent offense. The unpaid leave may be taken intermittently in intervals of no less than one day. The unpaid leave shall run concurrently with any paid vacation leave, personal leave, or medical or sick leave that the employee elects to use. If the employee requests leave for a reason covered by both the NJ SAFE Act and the New Jersey Family Leave Act, N.J.S.A. 34:11B-1 et seq., or the federal Family and Medical Leave Act, 20 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee’s entitlement under each respective law.

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide Kean University with written notice of the need for the leave. The employee must provide Kean University with written notice as far in advance as reasonable and practicable under the circumstances. The employee must also provide the Kean University Office of Human Resources with documentation of the domestic violence or sexually violent offense that is the basis for the leave. Kean University is required to retain any documentation provided to it in this manner in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or State law, rule or regulation.

Employees taking leave under the NJ SAFE Act will be eligible for wage replacement benefits under the New Jersey Family Leave Insurance program.

## Organ and Bone Marrow Leave

An eligible employee may be granted leave of absence with pay for the purpose of donating one or more of their human organs, or part thereof, or bone marrow to another human for human organ transplantation. The paid leave shall be up to 30 days for the donation of an organ or part of an organ and up to five days for the donation of bone marrow, and shall be in addition to any other type of leave to which the employee is entitled.

Effective as of May 20, 2020, a disability as the result of an organ or bone marrow donation is explicitly identified as a covered reason for benefit payments pursuant to temporary disability insurance (TDI). Additionally, the seven-day waiting period for TDI benefits does not apply to an organ or bone marrow donation.

## Leave – Related to COVID-19

### **Under Family and Medical Leave Act (FMLA):**

The Families First Coronavirus Response Act (“Families First Act”) was enacted on March 18, 2020 and amended the FMLA to require Public Health Emergency Leave effective April 1, 2020. Eligible employees (those who have been employed for at least 30 calendar days) may apply for Public Health Emergency Leave if the employee is unable to work (or telework) due to a need for leave to care for the employee’s child, if the school or place of care has been closed, or the child care provider is unavailable, due to a COVID-19-related public health emergency declared by a Federal, State, or local authority.

The first 10 days of the Public Health Emergency Leave may be unpaid, but employees may substitute accrued vacation, personal, medical or sick leave. Thereafter, employers must provide paid leave for each subsequent day (after the first unpaid 10 days) of Public Health Emergency Leave in an amount that is not less than two-thirds of an employee’s regular rate of pay for the number of hours the employee would normally be scheduled to work – up to \$200 per day and \$10,000 in the aggregate.

The Families First Act also requires employers to provide employees with paid sick time if the employee is unable to work (or telework) due to a need for leave because: (1) the employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; (2) the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; (3) the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis; (4) the employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2); (5) the employee is caring for their child if the school or place of child care has been closed, or the child care provider is unavailable, due to COVID-19 precautions; or (6) the employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Full-time employees must be paid up to 80 hours of paid sick time and part-time employees must be paid a number of hours equal to the number of hours that such employee averages over 2 weeks of work at the following rates:

- for a use described in (1), (2), or (3) above: at the employee's regular rate of pay up to \$511 per day and \$5,110 in the aggregate
- for a use described in (4), (5), or (6) above: at 2/3 of the employee's regular rate of pay up to \$200 per day and \$2,000 in the aggregate

#### **Under New Jersey Family Leave Act (NJFLA):**

In response to the COVID-19 pandemic, NJFLA was recently expanded to include protections for certain absences related to COVID-19. Specifically, eligible employees may qualify for up to 12 weeks of leave in a 24-month period for leaves of absences related to school or daycare closures caused by COVID-19 or to care for family members who must quarantine. NJFLA does not provide leave for an employee to care for his/her own serious health condition whether or not related to COVID-19.

#### **Wage Replacement**

The definition of compensable “family temporary disability leave” contained in the New Jersey Family Leave Insurance Law has been expanded to include leave taken *to care for a family member* relating to COVID-19. In effect, the NJFLI will provide wage replacement benefits for up to 6 weeks (12 weeks effective July 1, 2020) for leave taken *to care for a family member* relating to COVID-19.

The definition of *an employee’s own “disability”* was also expanded under New Jersey Temporary Disability Insurance in light of the COVID-19 pandemic. In effect, TDI will provide wage replacement benefits due to an employee’s own health condition relating to COVID-19.

**Employees who are unable to work due to a COVID-19 related leave of absence should notify the Office of Human Resources as soon as practical and provide sufficient documentation to support their request for leave. Where there are overlapping regulations regarding compensation during an eligible leave of absence related to COVID-19, the University will comply with all provisions, paying whichever is greater.**

## Military Leave

An eligible employee who is deployed to active duty military/uniformed service may request a military leave of absence. Additionally, employees taking part in a variety of military duties, such as periods of active duty training (generally 1 to 3 weeks annually) and an inactive duty training (generally 2 to 3 days for weekend drills on a monthly basis) may also be eligible for military leave.

To request a military leave of absence due to deployment or training, the employee should notify their supervisor and submit a copy of the service order to the Office of Human Resources as soon as possible.

Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide Kean University with notice of the need for military leave as far in advance as is reasonable under the circumstances. Written notice is preferred.

For example, if an employee receives an annual schedule for inactive duty trainings, the employee is encouraged to provide this schedule to the Office of Human Resources on an annual basis, as soon as the schedule is available.

Additionally, employees are encouraged to complete a Military Leave Form 30 days prior to departure for uniformed service, when it is feasible to do so.

Eligibility for leave of absence with pay for active duty is governed pursuant to N.J.A.C. 4A:6-1.11.

## Voluntary Furlough

The Voluntary Furlough Program (NJAC 4:6-1.23) is intended to reduce salary costs and thereby lessen the need for a reduction in the workforce. It allows employees in the career, senior executive or unclassified services to take up to 30 days off from work without pay for any purpose (except sick leave, sick leave extension or outside employment). Employees may choose to work shorter days, a shorter work week, or take a number of consecutive days off. Additional furlough extension may be available. Furlough extension may only be used for education or family care needs. **All voluntary furlough requests are subject to the approval of the department head and the Office of Human Resources.**

# PROCEDURES FOR REQUESTING LEAVE OF ABSENCE

## Notification Requirement

When the need for the leave is foreseeable, the employee must provide the Kean University Office of Human Resources with at least 30 days' notice<sup>1</sup>. (Faculty members should provide the University with a minimum of 30 days' notice prior to the start of the semester in which the leave will be required.)

When an employee becomes aware of a need for leave less than 30 days in advance (i.e., emergency surgery/hospitalization), the employee must provide notice of the need for the leave either the same day or the next business day.

When the need for leave is not foreseeable, the employee must comply with Kean University's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances, **at the first possible opportunity**.

Employees that are absent for medical/family reasons for five consecutive days or more are required to apply for leave of absence, and provide medical documentation to substantiate the need for leave. Additionally, an employee is not allowed to utilize more than four consecutive sick days if he/she has not been placed in an authorized leave of absence status.

All leave of absence requests covered under this policy (i.e. family, medical, military) will be reviewed by the Office of Human Resources.

## Required Documentation

An employee requesting leave of absence must provide to the Office of Human Resources:

Documentation for requesting family/medical leave:

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<sup>1</sup> Under NJFLA, when an employee requests intermittent leave to care for a family member with a serious health condition, the advance notice requirement is 15 days.

1. Request for Family/Medical Leave Form
2. Leave of Absence Questionnaire (Medical Certification to be completed by employee's physician) or Leave of Absence Questionnaire – Care of Family (Medical Certification to be completed by family member's physician)

The employee should provide the Request for Leave Form and the Leave of Absence Questionnaire (medical certification substantiating the need for leave of absence) at least 30 days prior to the start of the leave, whenever the leave is foreseeable. Kean University will require certification for all leaves of absence. The medical certification should be from the employee's own physician or that of the employee's seriously ill family member substantiating the employee's need for leave of absence, and including an estimated date of return to work. If the employee fails to provide appropriate documentation for a leave, the Office of Human Resources will ask the employee to provide this information. The employee must respond to such a request within 15 days of the request. Failure to provide certification may result in a denial of leave.

Where the certification is for the birth or placement of a child, the certification need only state the date of birth or date of placement (and the name of the employee).

*SPECIAL NOTE: The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. **To comply with this law, your physician is directed not to provide Kean University any genetic information when responding to your request for medical certification of a medical leave of absence.** "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.*

Documentation for requesting Military Family Leave under FMLA - Qualifying Exigency:

1. Request for Leave Form
2. DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/whd/forms/WH-384.pdf>).

Documentation for requesting Military Family Leave under FMLA - Serious Injury or Illness of Covered Service member:

1. Request for Leave Form
3. DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov/whd/forms/WH-385.pdf>).

## Instructions for remotely setting away messages - for email and phone

During a leave of absence, an employee is required to place an away message on their personal work email (Gmail & Outlook Accounts) and phone line upon the start of the leave period.

Employees, who have an unforeseen need for leave of absence and are suddenly away from work, have the option of accessing their accounts remotely from home in order to place an away message on email and phone accounts.

If an employee is unable to place an away message on email accounts and phone lines that are used as a means of contact at work, he/she is required to notify their supervisor and the Office of Human Resources for assistance.

Enabling the Out of Office Assistant on Outlook/Exchange's web application:

1. Go to: <https://exchange.kean.edu/owa>.
2. Login using your network credentials.
3. In the upper right corner of the window, click **Options**.

4. In the resulting window, in the Light Interface, on the left, click **Out of Office Assistant**.
5. To set a time frame for the Out of Office auto-replies to begin and end, check **Send replies only during this time period:** . Then:
6. Next to "Start time:", use the menu to select the month and day, and then the time you want the Out of Office Assistant to start sending the auto-replies.
7. Repeat for the "End time:".
8. Compose the auto-reply in the text boxes provided; you can also send a different message to external senders.
9. Click **Save**.

#### Enabling the Vacation Responder on GMAIL application:

1. Go to: <http://www.kean.edu/>
2. Click on the Email button at the top of the screen.
3. Login to Gmail with your Gmail credentials.
4. Click on the options button (icon that looks like a gear) in the upper right hand corner of the screen.
5. Select Mail Settings from the drop down list that appears.
6. Scroll down to "Vacation Responder" and enter your dates and message.
7. Click Save Changes.

#### Enabling the Out of Office Greeting on your Work Phone

1. Call 908-737-KEAN, and press # when you hear the Kean greeting.
2. Enter your work phone number when prompted and your passcode.
3. Select option for "Phone Manager."
4. Select option for "Out of Office Greeting" and follow the prompts.

## Extending Leaves/Early return

For extension of leave or early return from leave, the employee must submit medical re-certification five days prior to the last day of the current leave-ending day. Should the employee's doctor's appointment fall on the leave-ending day, the employee must notify or fax the medical certificate to the Office of Human Resources on the same day. The confidential fax number for medical documentation is (908) 737-3319. Medical certification is required for any Family/Medical leave extension.

## Second Opinion

Kean University has the right to ask for a second opinion if it has reason to doubt the medical certification, or if the fitness-for-duty certification includes work restrictions. Kean University will pay for the employee to get a certification from a second doctor, which Kean University will select. Kean University may deny leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. An eligible employee may be provisionally entitled to leave and benefits pending a second and/or third opinion.

## Recertification

Kean University may request recertification for the serious health condition of the employee or the employee's family member when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave.

# YOUR BENEFITS WHILE ON LEAVE

## Using Earned Paid Time Off

Employees that are approved for a medical or family leave of absence may charge paid time off (including sick, vacation, personal, administrative and/or compensatory) that is accrued to date. However, employees will not be allowed to charge time that was credited at the beginning of the year and that was not earned.

Additionally, once an employee requests and/or has started a leave of absence without pay, he/she will not be returned to pay status until the employee has returned to work, except for certain situations involving maternity/childcare.

For example: In the case of maternity and subsequent care of newborn child, an employee who is on a leave of absence without pay may apply for TDI benefits through the State due to her own medical condition. When the employee's physician deems the employee fit to return to work, the employee, if eligible for FMLA and/or NJFLA, may request further leave to care for the child, and may request to use other unused accrued time, such as vacation, during this leave period.

Employees that are approved for military FMLA leave due to a qualifying exigency may charge paid time off (including vacation, personal, administrative and/or compensatory) that is accrued to date.

Employees may elect to use accrued unused paid time off for NJ Safe Act purposes.

## Tuition Waiver Program

If you are currently participating or plan to participate in the Tuition Waiver Program, it is required that you speak with Tameeka Upshaw in our office regarding how being on an approved leave of absence could impact your eligibility for the Tuition Waiver Program. She can be reached at 908-737-3308 or [tupshaw@kean.edu](mailto:tupshaw@kean.edu).

## Health Benefits Coverage

While an employee is on medical or family leave of absence with pay, Kean University will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If the employee regularly pays a portion of the health care premium, while on paid leave, Kean University will continue to take payroll deductions to collect the employee's share of the premium.

In the case of an employee who takes a leave of absence without pay for medical/family leave, health coverage will continue for a period of 12 weeks as long as the employee continues to pay any premiums that she/he normally pays.

After the three month maximum the employee is required to pre-pay the full cost of the health, dental and prescription plan premiums. (For cases of maternity and care of newborn child, health benefits will continue while the employee is on unpaid FMLA or NJFLA leave of absence, not to exceed 24 weeks, as long as the employee continues to pay the required premiums. This covered period of leave will vary. Please see the Office of Human Resources for details.)

While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Office of Human Resources on a timely basis. If the payment is late, the employee's health care coverage may be dropped for the duration of the leave.

Employees may also continue their health, prescription, and dental coverage through COBRA rather than prepaying the University.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, Kean University may require the employee to reimburse Kean University the amount it paid for the employee's health insurance premium during the leave period.

## Retirement Plans & Life Insurance

### PERS Members

While the employee is on unpaid leave, PERS pension contributions will be suspended. Upon return to active pay status, members of PERS may request to purchase unearned service credits. The employee may contact the Office of Human Resources to request additional information.

## PERS – LIFE INSURANCE

The non-contributory portion of employee life insurance will remain in effect during this period of leave. However, in order for the contributory portion of group life insurance to continue, the employee must remit payments in advance to the Division of Pensions and Benefits. To do so, please contact the Office of Human Resources to request a Personal Insurance Contribution Remittance Form.

## ABP Members

While on unpaid leave, ABP retirement plan contributions will be suspended. They will restart upon the employee's return to the regular full-time position. This time cannot be "bought back."

## ABP – LIFE INSURANCE

All ABP members are covered by employer-paid life insurance, payable to their designated beneficiaries, in the amount of three and one-half times the employee's annual base salary. ABP members on leave of absence without pay continue to be insured for:

- up to two years while on approved leave of absence for illness;
- up to one year while on approved leave of absence to fulfill a residency requirement for an advanced degree; or
- up to 93 days while on leave for other reasons, including child care.

Employees have the option to convert the group life insurance coverage to an individual policy with the Prudential Insurance Company when employees lose coverage while on a leave of absence without pay.

## PFRS Members

While the employee is on unpaid leave, PFRS pension contributions will be suspended. Upon return to active pay status, members of PFRS may request to purchase unearned service credits. The employee may contact the Office of Human Resources to request additional information.

## PFRS – LIFE INSURANCE

Your group life insurance coverage will continue in full force for an official leave of absence without pay under the following conditions:

- Up to two years while on an official leave of absence for personal illness.
- Up to one year while on an official leave to fulfill a residency requirement for an advanced degree or as a full-time student at an institution of higher education.
- Up to 93 days while on official leave for personal reasons (also family leave).

An official leave of absence requires documentation that establishes the nature of the leave and the continuing relationship between the employer and the member.

## WAGE REPLACEMENT PROGRAMS

### Temporary Disability Insurance

Under the New Jersey Temporary Disability Benefits Law, cash benefits may be payable when an employee cannot work because of a sickness or injury that is not job-related. The employee must file a claim for Disability Benefits within (30) days of the start of the disability. The weekly maximum benefit is payable for no more than (26) weeks. The disability benefit will pay approximately 66 % of the employee's base pay, but not exceed \$667 until June 30, 2020, and \$881 as of July 1, 2020. In order to maintain disability benefits without interruption, employee must comply with and

respond to all inquiries from Disability Benefits Services. The form can be found on the Human Resources Web site at <http://www.kean.edu/KU/Leave-of-Absence-ADA>.

**You will not be required to utilize any available accrued sick leave prior to applying for temporary disability insurance benefits.**

## New Jersey Family Leave Insurance

In accordance with P.L.2008, C.17, which was signed into law by Governor Jon S. Corzine on May 2, 2008, Kean University employees became eligible for Family Leave Insurance (FLI) benefits beginning in 2009.

Eligible Kean University employees may apply for up to six weeks (until June 30, 2020, and twelve weeks as of July 1, 2020) of FLI benefits during leave taken to:

- **Bond with a child** during the first 12 months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the covered individual or to bond with a newly placed foster child.
- **Care for a family member with a serious health condition** supported by a certification provided by a health care provider. Claims may be filed for consecutive weeks, for intermittent weeks or for intermittent days (42 days until June 30, 2020, and 56 days as of July 1, 2020) during a 12-month period beginning with the first date of the claim.
- Attend to matters related to the occurrence of domestic or sexual violence.

Eligible applicants who are covered by the state FLI plan will receive weekly benefits amounting to no more than two-thirds of their weekly pay, subject to the same maximum as temporary disability insurance (TDI) for an individual's own disability

(the maximum weekly benefit rate for TDI is \$667 until June 30, 2020, and \$881 as of July 1, 2020).

### **Wage Requirements**

To have a valid claim, a claimant must have had employment in at least 20 calendar weeks (base weeks) in New Jersey covered employment with earnings of \$143 or more, or have earned \$7,200 or more in such employment during the 52 weeks (base year) immediately prior to the week in which the family leave claim begins.

The Family Leave Insurance benefits program provides covered individuals with a monetary benefit – not a leave entitlement. Employees have the option of utilizing Paid Time Off benefits prior to NJFLI. Additionally, when an employee elects to use their PTO benefits prior to NJFLI, this will no longer reduce the amount of NJFLI benefits available to the employee. Your PTO benefits can be used *in addition to* claiming the maximum allowed NJFLI benefits to which you are entitled.

### **FLI Notice Requirements**

It must be noted that with regard to a claim for family leave insurance benefits to bond with a newborn or newly adopted child or newly placed foster child, the employee shall provide the employer with notice of the period of family leave upon which the covered employee's claim for family leave benefits is based not less than 30 days prior to commencement of the family leave, if taking the leave in one continuous period. For caregiving claims, you must give reasonable notice if taking your leave in one continuous period, unless there are unforeseen or emergency circumstances. If taking your leave in a non-continuous manner, you must give 15 days' notice before each anticipated absence.

Effective as of July 1, 2020, number of weeks of paid leave benefits will be 12 weeks within a 12 month period. The amount of intermittent paid leave benefits will increase

from 42 to 56 days in a 12 month period. The weekly maximum benefit will increase to \$881 per week in 2020.

## Waiting Period for Wage Replacement Programs

### **Temporary Disability Insurance**

#### ***When do my benefits begin?***

The Temporary Disability Insurance program has a week built into it that is initially unpaid—a period called the “waiting week.” TDI pays benefits starting on the eighth day of disability. The first seven days of payment (known as the waiting week) is held until you meet one condition: **your unpaid leave continues for a total of 22 days or more**. If your disability continues that long, you will be paid retroactively for the first 7 days.

### **Family Leave Insurance**

#### ***When do my benefits begin?***

Family Leave Insurance does not have any waiting period restrictions built into it. Benefits are issued for each family leave day claimed, immediately after they are approved.

## Donated Leave Program

The Donated Leave Program (NJAC 4A: 6-1.22) permits Kean University employees to voluntarily donate a portion of their earned sick and/or vacation time to other employees. In order to be eligible to receive donated leave, employees must first exhaust their earned leave time. An employee can receive donated leave if he/she is suffering from a catastrophic illness or injury which necessitates a prolonged absence from work. Leave is also offered to provide care for a member of the employee’s

immediate family who is suffering from a catastrophic health condition. Further details are available from the Office of Human Resources.

## RETURNING TO WORK

When the employee's physician releases him/her to return to work, the employee must provide a fitness for duty certification with a return date noted in the letter. If the employee's physician recommends that the employee be allowed to return to work with restrictions, the employee will be required to be evaluated by a physician of the University's choosing at the University's expense.

In order to ensure that the employee will receive proper pay and health benefits coverage upon returning to work, he/she is required to report to the Office of Human Resources on the day of their return to work and present a fitness for duty certification.

## HR Contacts

If you have questions regarding Leave of Absence, you may contact:

Lorice Thompson-Greer  
Managing Administrative Assistant  
lgreer@kean.edu  
908-737-3309

Yrelys Tapanes  
Managing Assistant Director – Benefits  
ytapanes@kean.edu  
908-737-3313

*Revised June 2020*