

<p style="text-align: center;">TOWNSHIP OF VERONA COUNTY OF ESSEX, NEW JERSEY</p>  <p style="text-align: center;"><i>POLICIES AND PROCEDURES</i></p>	Policy Title:	Family & Medical Leave of Absence
	Policy Reference No:	5-4
	Release Date:	16-December-2020
	Approved By:	Matthew Cavallo, Township Manager
	Authority:	§ 36-1 (C) § 36-25
	Revision History:	None
	No. of Pages:	6
	Applicability:	All Employees

The Township recognizes that from time to time employees may require a leave of absence to attend to certain family or medical situations. Therefore, the Township will provide leave under the Federal Family Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA) for the following reasons:

1. the birth of an employee's child (including children born via gestational carrier, adopted or foster-placed child) and in order to care for that child and for the placement of child with the employee for adoption or foster care and in order to care for the newly placed child (leave to be completed within one year of the child's birth) (referred to as "family leave" under the FMLA and NJFLA);
2. to provide necessary care for the serious health condition of the employee's spouse, parent, or minor or disabled child (referred to as "family leave" under the FMLA);
3. To provide necessary care for the serious health condition of a seriously ill family member, including his or her child (biological, adopted, foster child, or resource family child, stepchild, legal ward, or child of a parent, including a child who becomes the child of a parent pursuant to a valid written agreement between the parent and a gestational carrier), parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, or 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, parent-in-law or civil union partner (referred to as "family leave" under the NJFLA only).
4. to care for your own serious health condition, which renders you unable to perform any of the essential functions of your position (referred to as "medical leave" under the FMLA only); or
5. A qualifying exigency of a spouse, son, daughter, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) (referred to as "Service Member Exigency Leave under the FMLA only).

Policy Title:	Family & Medical Leave of Absence
Policy Reference No:	5-4
Release Date:	16-December-2020
Page	2 of 6

6. To care for the spouse, son, daughter, parent or next of kin who is a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) who needs medical treatment, recuperation or therapy, is otherwise in out-patient status or is otherwise on the temporary disability retired list for a serious illness or injury incurred in the line of duty (referred to as Military Caregiver Medical Leave under the FMLA only). Military Caregiver Medical Leave may be up to 26 weeks or up to 12 weeks for a qualifying exigency (referred to as "Military Caregiver Medical leave" under the FMLA only).

Employees are eligible for up to twelve (12) weeks of FMLA leave during a twelve (12) month period (measured forward from the date an employee's first family/medical leave begins) (for reasons 1, 2, 4 and 5 above) and/or up to twelve (12) weeks during a twenty-four-month period (measured forward from the date the employee's first family leave begins) under the New Jersey Family Leave Act (for reasons 1 and 2 above). Employees are eligible for up to twenty-six (26) weeks of Military Caregiver Medical Leave (number 6 above) in every twelve (12) month period

Leave under the FMLA and NJFLA will run concurrently where appropriate.

Eligibility

To qualify for FMLA leave, you must: (1) have worked for the Township for at least twelve (12) months, although it need not be consecutive; (2) worked at least 1,250 hours in the twelve (12) month period immediately preceding the commencement of the leave; and (3) be employed at a worksite that has fifty (50) or more employees within seventy five (75) miles.

To qualify for NJFLA leave, you must have: (1) worked for the Township for at least twelve (12) months; and (2) worked at least 1,000 hours during the preceding twelve (12) month period.

Spouses who are eligible for FMLA leave and are both employed by the Township are limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. . Spouses who are both employed by the Township are limited to a combined total of twenty (26) weeks of Military Caregiver Medical leave to care for a covered injured or ill service member.

Leave may be taken:

- Consecutively.

Policy Title:	Family & Medical Leave of Absence
Policy Reference No:	5-4
Release Date:	16-December-2020
Page	3 of 6

- Intermittently (in separate blocks of time), or on a reduced leave schedule (fewer hours in a day or days in a week).

We reserve the right to temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care. If leave is unpaid, the Township will reduce your salary based on the amount of time actually worked.

The employee should try to reach agreement with management before taking intermittent leave or working a reduced hour schedule.

Required Documentation

When planning a family or medical leave, employees should make all reasonable efforts to minimize the disruption to Township operations. Employees seeking leave, to the extent that such leave is foreseeable, must provide at least fifteen (15) days prior notice for leave to care for a family member, and at least thirty (30) days prior notice for leave for any other reason. In emergent circumstances, employees must provide such notice as soon as practicable. Written request forms are available from, and should be submitted to, the Township Manager at the time of notice to the Township. The Township Manager will be solely responsible for granting or denying a request for family or medical leave. In addition, employees must complete a Leave Designation/Employee Acknowledgement of Obligations form prior to taking leave. This form will be provided to employees after a request for leave is received. Employees may also be required to fill out other forms, depending upon the leave request. All required forms will be provided to employees by the Township Manager.

Employees shall be provided at the time leave is requested with an indication of the number of hours, days, or weeks of leave that will be counted as FMLA leave if known at the time leave is provided.

Employees requesting medical leave to care for a seriously ill family member, or for the employee's own serious health condition, must provide the Township Manager with a written certification from the health care provider certifying the need for leave. Failure to provide the certification required by the Township may result in denial or postponement of leave. Health Care Provider Certification Forms will be sent to the employee requesting medical leave by the Township Manager.

The Township may directly contact the employee's health care provider for verification or clarification purposes. In compliance with HIPAA Medical Privacy Rules, the Township will obtain the employee's permission for clarification of individually identifiable health information.

Policy Title:	Family & Medical Leave of Absence
Policy Reference No:	5-4
Release Date:	16-December-2020
Page	4 of 6

In the event that the Health Care Provider Certification Form is not deemed sufficient, the employee shall be provided written notice and shall be allowed 7 days to cure the deficiency.

Failure to provide the Health Care Provider Certification Form in a timely manner (no more than fifteen days from the initial request) and/or failure to cure deficiencies may result in the delay or denial of leave, benefits continuation, denial of reinstatement, or termination of employment for unauthorized absence.

The Township reserves the right to require employees to obtain second or third medical opinions, at its expense, in order to determine the necessity of leave and/or eligibility for sick time.

Certifications for leave for to care for a Family Member's Serious Health Condition, Service Member Exigency Leave, and Military Caregiver Medical Leave must also be completed.

Before returning to work, employees on medical leave must obtain medical certification indicating that they may perform the essential functions of their position, with or without reasonable accommodation. Job descriptions shall be provided to employees required to provide return to work certifications.

Employee Status and Benefits during Leave

While an employee is on leave, the Township 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. This means that if you pay a portion of your health benefits, you are responsible for continuing to pay this portion during your leave time. If your leave is an unpaid leave, you must arrange with the Township Manager for the payment of your portion. If the payment is more than thirty (30) days late, the employee's health care coverage may be dropped for the duration of the leave. We will provide fifteen (15) days' notification prior to the employee's loss of coverage.

Employee Status after Leave

An employee returning from a medical leave taken for his or her own serious health condition must provide a certification from his or her health care provider that he or she is able to return to work and to perform the essential functions of his or her job with or without accommodation. Employees shall be provided with a copy of their job description or essential job functions in order to allow the Health Care Provider to determine the employee's ability to return to work. The Township reserves the right to require employees to obtain a second medical opinion, at its expense, in order to determine that the employee is able to return to work and perform the essential functions of his or her job with or without accommodation.

Upon expiration of an employee's leave, the Township will reinstate the employee, except those who would have been affected by a reduction in force or layoff had they not taken leave or are

Policy Title:	Family & Medical Leave of Absence
Policy Reference No:	5-4
Release Date:	16-December-2020
Page	5 of 6

“key employees” as defined by law, to the same position, or to an equivalent position, with no loss in salary, benefits, or other terms and conditions of employment which the employee enjoyed prior to his or her leave. Please direct all questions regarding “key employees” to human resources.

To the extent possible, employees should make every effort to notify the Township Manager at least two (2) business days in advance if the employee intends to return to work before the expiration of the leave or to take more leave than originally requested.

Although taking leave will not result in the loss of any employment benefit that accrued prior to the start of the leave, employees will not accrue additional benefits, such as vacation, during any leave period.

Use of Paid and Unpaid Leave

An employee who is taking a leave of absence under this policy for the care of a newborn child or a seriously ill family member, or for the adoption or placement of a child must use all accrued paid time off as part of the leave unless the employee is also taking paid leave as provided under New Jersey’s Paid Family Leave Law. If an employee is taking paid leave under New Jersey’s Paid Family Leave Law as part of FMLA/NJFLA leave, the employee may but is not required to use any accrued unused paid time off as part of the leave.

Employees taking leave for their own serious health condition, Service Member Exigency Leave, and or Military Family Caregiver Medical Leave must exhaust all accrued paid vacation, personal and sick time as part of the leave period. If employees are also receiving other partial pay supplementation (for example pursuant to the provisions of the Township’s disability coverage), the use of paid time off shall be used as a supplement. The remainder of the leave will be unpaid. Please speak to your supervisor for more information.

An employee who is using military leave for a qualifying exigency under this policy must use all paid time off prior to being eligible for unpaid leave. An employee using military caregiver leave under this policy must also use all paid time off prior to being eligible for unpaid leave.

In no case shall use of accrued paid vacation and personal time extend the leave.

Approval

Both your supervisor and the Township Manager will review all requests for a leave of absence under this policy. You will be notified if your leave has been approved.

Additional Leave

Policy Title:	Family & Medical Leave of Absence
Policy Reference No:	5-4
Release Date:	16-December-2020
Page	6 of 6

Additional leave beyond that required herein may be granted to employees for their own medical condition in the sole discretion of the Township as an accommodation or as otherwise required by state or federal law. In such circumstances, medical verification must be submitted to the Township Manager, explaining the necessity for the extension of the leave, prior to the expiration of the leave. Determinations regarding how much additional leave will be granted and whether health benefits will be maintained during the leave will be determined by the Township Manager

Lastly, an employee taking a leave of absence under this policy is not permitted to accept employment or otherwise work elsewhere during the leave. If we discover an employee has or is working during an approved leave of absence, your separation of employment will be processed.

~~

Revision No.	Revision Date	Nature of Revision	Approved By