

# It's About Time!

## TIME TO RECOVER TO BOND TO ADJUST



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New Jersey is a national leader in paid family leave. Currently, only five states and the District of Columbia have passed legislation that allow parents to take paid leave to bond with their new children, whether that child was born into the family, adopted or is being fostered. Eligible mothers and fathers may receive cash assistance to support the growing family through two systems:

- **Temporary Disability Insurance (TDI)**, for expectant mothers prior to giving birth and to recover afterwards, and
- **Family Leave Insurance (FLI)**, for both mothers and fathers to have time to bond with their new additions, to be used within the first year of the child's arrival.

Thanks to new legislation signed by Governor Murphy in February 2019, major improvements are coming to both programs to make them more accessible and affordable. Having access to paid leave time ensures that families have critical time to bond and adjust in the first few weeks, helping to build a strong relationship between the child and their most important caregivers, especially during this critical time period for babies.

**Why family leave is so important for babies.** The strong attachments babies build with their parents during the first few weeks, known as the "fourth trimester," are among the most critical in a child's life. During this time of intense brain growth, a baby is learning how to relate to other people, how to begin exploring the world and how to feel safe and loved.

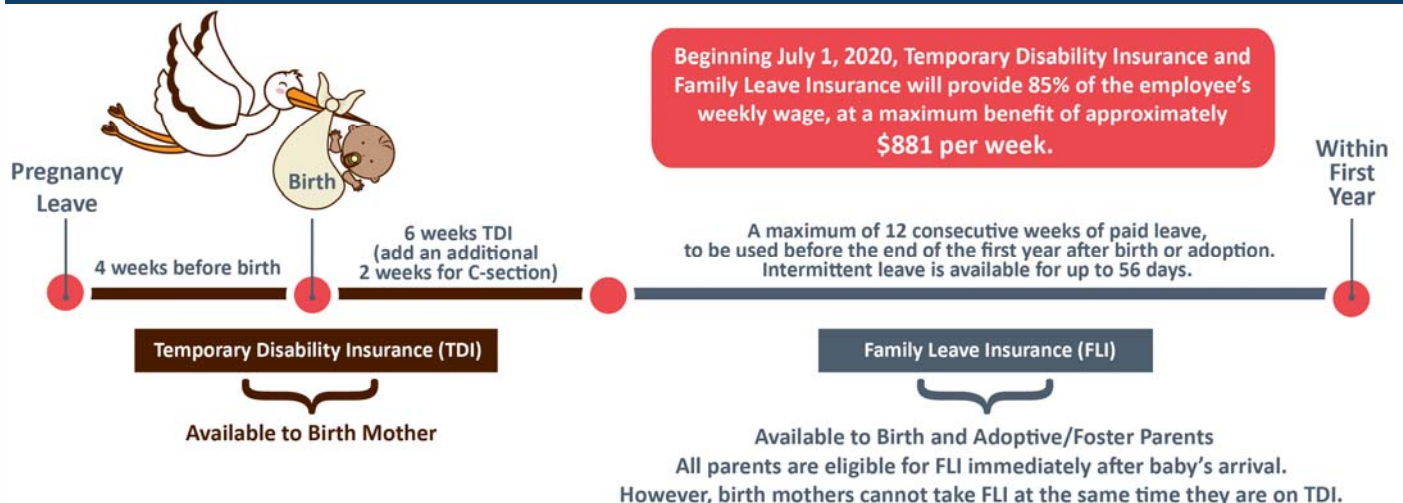
Paid leave is strongly associated with better infant health, higher rates of breastfeeding, more regular health checkups for both mom and child and fewer infant deaths and injuries. Additionally, fathers who take two or more weeks off after the birth of a child are more involved in that infant's care than fathers who take no leave. These basic building blocks will help children thrive and become productive adults.<sup>1</sup>

*"I couldn't believe that [postpartum depression] could happen to me after wanting nothing more than [my baby girl] for 10 years, but like one in five women, that became my story. If [my husband] was not able to stay home, the financial hit probably would have forced us to sell our house. New Jersey is one of the most progressive states when it comes to family leave."*

—Colleen, mother and beneficiary of New Jersey's Family Leave programs

**Why family leave is important for businesses.** Though the program benefits for families may be obvious, employers, taxpayers and the economy also see positive outcomes. Workers develop a loyalty to their employers and are more likely to stay—increasing retention and reducing costly turnover expenses. Parents who dedicate time to their children upfront, reducing infant mortality and long-term illness risks, are less likely to lose valuable time at the office later. Finally, paid family leave paves the way for future successful workers, strengthening economic growth.<sup>1</sup>

### Special Delivery: New Jersey's Expansion of Paid Family Leave Benefits\*



\*This infographic depicts a typical scenario of families eligible for paid leave to bond with a new child. Visit [myleavebenefits.nj.gov](http://myleavebenefits.nj.gov) for more specific details.

Giving Every Child A Chance

## It's About Time: *Time to recover, time to bond, time to adjust*

**Big improvements for families.** Although New Jersey's old family leave laws helped many families, it was not always easy to use. With the latest improvements in the new law, more parents will be able to afford taking time to spend with their new child.

Some changes have already taken effect. As of July 1, 2019, employers with 30 or more employees must provide job-protected family leave under FLA to qualifying employees; employees who use paid family leave cannot be dismissed simply for using the program. Benefits are also more quickly available and the application process is easier.

### Coming July 1, 2020:

- Each worker will be able to take 12 consecutive weeks off, double the current available six weeks.
- Parents can get a higher percentage of their salary, 85 percent of their weekly salary up to a maximum of approximately \$881 per week. (The amount adjusts annually based on the state's average weekly wage.)

**What parents and early childhood stakeholders need to know.** Many parents do not know that they are eligible for paid family leave through New Jersey's state program. That's why it's important to let employees know:

- Most workers qualify. To be eligible, workers must have worked at least 20 calendar weeks in the "base year" before taking leave and earned \$172 weekly or earned a total of \$8,600 in the "base year."
- All parents can take paid time off to bond with their child, not just the mother. The FLI program allows any parent, including an adoptive or foster parent, to apply.
- Applying online is faster than submitting a paper application. Parents can find more information and apply online on the NJ Department of Labor website at: <https://myleavebenefits.nj.gov/labor/myleavebenefits/worker/maternity/>

- Applicants can check their claim status online. The application process can take time, especially because your doctor or health care provider will need to submit paperwork to the state verifying the pregnancy and birth. Applicants can check on a claim status here: [https://www14.state.nj.us/DOL\\_DABI](https://www14.state.nj.us/DOL_DABI).

*"With the financial support that paid family leave provides, new parents can maintain their family's economic stability and not be forced to rush back to work after having a baby. Increased access to paid family leave in New Jersey will also increase the likelihood that new parents continue to remain financially secure, as research shows they are able to return to work after taking leave and make higher lifetime earnings."*

—Yarrow Willman-Cole, NJ Time to Care Coalition

**What's next?** ACNJ commends efforts to improve the paid family leave program, affecting potentially 57,000 babies and their parents annually.<sup>2</sup> Although these improvements make New Jersey's program one of the best in the country, many workers may still be left out of accessing them. Employees working for a company with fewer than 30 employees are still not guaranteed job protection if they take time to bond with their new child. Independent contractors are also not eligible for the program. All babies benefit from spending time with their parents, especially during those first few critical weeks. Raising awareness – both of the availability of the program for eligible families, and of the needs for those left out of the program – is a step in the right direction to ensuring working families do not have to choose between caring for their new child and risking their economic security.

#### References:

1. ZERO TO THREE. "Paid Family Leave Fact Sheet". 1 Feb 2018. Accessed 21 Aug 2019. <https://www.zerotothree.org/resources/2156-paid-family-leave-fact-sheet>
2. Advocates for Children of New Jersey. "New Jersey Babies Count: 2018: A Statewide Profile of Infants and Toddlers" p. 15. 30 Jul 2018. Accessed 21 Aug 2019. <https://acnj.org/new-jersey-kids-count-2018/>

## Terminology

- ⇒ **Bonding** is the attachment relationship a baby forms with a parent or caregiver. Without this relationship, children are less likely to form and maintain healthy relationships with others throughout their lives.
- ⇒ **FLI vs TDI** - Family Leave Insurance (FLI) covers caring for someone else, such as a newborn, foster or adopted child. Temporary Disability Insurance (TDI) covers an employee's own medical conditions, including pregnancy and postpartum.
- ⇒ **FLI vs NJFLA** - FLI is partial wage replacement benefit for the time an eligible employee takes off from work to care for a seriously ill loved one or for bonding with a new child. The New Jersey Family Leave Act (NJFLA) guarantees that the same or a similar job will be available to the employee when returning from taking time off.
- ⇒ **FMLA vs NJFLA** - The Family Medical Leave Act (FMLA) is a Federal law that protects an employee's right to return to the same job or an equivalent job after taking time off for pregnancy. NJFLA is a State law that protects an employee's ability to return to the same job or a similar job after taking time off for bonding with your newborn; NJFLA does not cover time taken off for pregnancy.

# Overview of Key Changes Supporting Bonding Leave in New Jersey



## New Jersey Family Leave and Temporary Disability Insurance

Topic/Issue	Law	Historical Rule	New Rule
Definition of "child"	FLI	"Child" includes biological, adopted, resource family child, stepchild or legal ward of a parent	Clarifies to include foster children and children born from surrogacy arrangements
Employer Paid Time Off (PTO)	FLI	Employers could require employees to take up to two weeks of PTO before accessing the FLI benefit, thereby reducing the length of the FLI benefit	Employee chooses whether or not to use PTO before accessing FLI and is eligible for a full 12 weeks of FLI, regardless of PTO
Wait period	FLI	No benefits for the first 7 days; retroactive benefits provided for first 7 days after Day 21	Benefits are immediately available
Returning to work under NJ Family Leave Act (NJFLA)	FLI	NJFLA only protects employees working at businesses with 50+ employees	NJFLA protects employees working in businesses with 30+ employees

## Further Changes as of July 1, 2020

Topic/Issue	Law	Historical Rule	New Rule
Wage replacement rate	TDI and FLI	66.7% of a worker's average weekly wage	85% of a worker's average weekly wage
Maximum benefit	TDI and FLI	\$650, 53% statewide average weekly wage	Approximately \$881, 70% statewide average weekly wage. This adjusts annually
Maximum paid leave	FLI	6 weeks/42 intermittent days	12 weeks/56 intermittent days
Employees working 2+ jobs taking leave	FLI	Would not permit a worker to work at all while receiving FLI or TDI	Workers can take leave from one job and receive benefits while continuing their other job(s)



**Campaign partners helping to make New Jersey babies a state priority!**

# What You Need to Know Before Applying for FLI

## **What is covered by FLI?**

You can use FLI benefits to care for a loved one with a serious health condition, bonding time with a child (by birth or by adoption/foster care/surrogacy, as long as it is within the first twelve months) and for yourself or for supporting someone who experienced domestic violence or sexual assault. A person does not need medical documentation to request time off for bonding with a newborn or foster/adoptive child.

## **What makes a worker eligible for FLI?**

You must have paid into the FLI program, and worked in New Jersey for 20 weeks, earning at least \$172 weekly, or earned a total of \$8,600 in the last 52 weeks from work in New Jersey. If your employer provides a private plan, you may be covered by that plan instead of FLI. If you are not sure, you are encouraged to apply. You do not have to be a full-time employee, nor even currently employed, to be eligible for FLI!

## **What might my employer be required to do?**

### **What might I be required to do by them?**

Your employer must be covered by the Unemployment Compensation Law (federal employees are not covered, but many New Jersey state employees are covered). In addition, your employer cannot require that you use up to two weeks of sick leave prior to using FLI.

## **How much money does FLI provide?**

As of July 1, 2019, you will receive 66.7 percent of your normal weekly paycheck, capped at \$667 weekly.

On July 1, 2020, this increases to 85 percent, capped at approximately \$881 weekly.

## **Are there any restrictions on FLI?**

You can apply for FLI at the same time you apply for TDI, but you cannot receive benefits for both at the same time. You also cannot receive FLI at the same time you receive any other government disability, unemployment insurance, workers' compensation or paid time off—though you can still receive private disability benefits.

You can only take FLI for six weeks. **Remember, this increases to 12 weeks in July 2020.**

You must apply for FLI within 30 days of the first day of the claim. You can apply outside of the 30 day period if you are able to justify why. When possible, you must also give your employer 30 days' notice. Your employer will also need to fill in parts of the application.

## **How will I get paid?**

Applications are processed in the order that they are received. Remember, payment may be delayed if your application is incomplete, or if it contains missing or conflicting information, so make sure you completely and carefully fill out all paperwork.

You will then receive a debit card from Bank of America by mail in a plain, unmarked envelope (it may look like junk mail, so check all of your mail carefully). This is before your claim is approved and funds are applied to the card. Don't lose it!

After your claim is processed, payments are usually issued every two weeks with a one-week lag for processing time. Once a payment is posted, funds should be available on your debit card within two business days of the payment date. No federal income tax is withheld from your benefits unless you request a 10 percent deduction when you apply.

## **How can I speed up the application process?**

To help ensure a speedy process, you can:

- Apply online at <https://lwd.state.nj.us/tdi/caller.aspx>
- Make sure your doctors know that they need to fill out sections of your FLI claim, when relevant. Medical providers will not be automatically notified by the MyLeaveBenefits system
- Fill out your application completely and accurately
- Include your social security number on all correspondence
- Scan documents. Do not submit pictures of them
- Look out for the debit card for Bank of America in the mail. If you already have a debit card from a previous claim, the same card will be used for FLI. If you can't find the card, contact Bank of America for a replacement

## **Is my job protected?**

If you worked for at least 1,000 hours in the twelve months immediately prior to taking leave, gave your employer 30 days' notice and your employer is a non-government entity with 30+ employees, then your job is protected under FMLA and NJFLA. Otherwise, your employer is not required to provide the same or similar job for you when you return from FLI leave. Note that it's possible to be eligible for wage replacement under FLI without being eligible for job protection under FMLA (e.g. making more than \$8,600 but working fewer than 1,000 hours or for an employer with fewer than 30 employees).

**For more information, visit [myleavebenefits.nj.gov](http://myleavebenefits.nj.gov)**