



New Jersey Institute of Technology
University Policies and Procedures

DATE: April 1, 2020

Subject: HUMAN RESOURCES – Expanded Family Medical Leave Act – Child Care

This is a guideline sheet and is intended to supplement and amend the NJIT Family and Medical Leave Policy dated July 2019.

Effective Date

This policy is effective between April 1, 2020 and December 31, 2020. This policy expires at 12:00 a.m. on January 1, 2021.

Statement of Policy

This policy expands employees’ rights under the Federal Family Medical Leave Act (“FMLA”). This policy provides expanded FMLA leave to employees who are unable to work or telework because of their need to care for their children during a public health emergency.

Qualifications

In order to qualify for expanded FMLA use, you must first meet a 30 day service requirement.

In addition to the service requirement, you must also be unable to work or telework because you must care for your child (under the age 18) due to the closure of your child’s school or place of care due to a public health emergency. You may also take leave for your adult child if he or she has a physical or mental disability which renders him/her incapable of self-care.

Telework means that you are able to work from home (i.e. work remotely) or from some other location that is not your normal work location. If you and NJIT have entered into an agreement that permits you to work remotely outside your normally scheduled hour (i.e. late at night) you are able to telework.

If you cannot perform your tasks or work the requisite number of hours for your position because of your need to care for your child as described in this policy, you qualify for Expanded FMLA.

Exclusions

This policy does not apply to Public Safety and other emergency responders.

Leave Entitlement

Expanded FMLA allows for up to 12 weeks of leave to be used for the childcare reasons set forth herein. If you have used FMLA pursuant to our policy for any other reason during our leave year (i.e. your own serious health condition) your leave entitlement will be offset by any FMLA time already taken.

Pay During Leave

The first 10 days of expanded FMLA is unpaid leave time. You may elect to use Emergency Paid Sick Leave or other available leave entitlements to remain in paid status during this time. If you use Emergency Sick Leave, you are permitted to supplement the NJIT provided pay with your available leave balances to a maximum of your regular daily rate.

After the first 10 days of leave ends, you are eligible for up to 10 additional paid weeks of job protected leave. NJIT will pay you a maximum of 2/3 your regular rate of pay, to a maximum of \$200 per day. Your total payment during this emergency FMLA use is \$10,000. If you want to remain in full paid status during this time, you may supplement your leave with other available leave balances to a maximum of your regular daily rate.

If you use other available leave banks to supplement any NJIT provided pay, it will be charged in one hour increments for hourly employees. It will be charged in half day increments for exempt employees.

Use of paid leave entitlements does not increase the amount of extended FMLA to which you are otherwise entitled.

Health Benefits

Health benefits coverage in effect and covering the employee immediately prior to leave shall be maintained throughout the period of expanded FMLA leave subject only to program participation and parameter alterations as appropriately negotiated and/or implemented consistent with law. Required health benefit contributions shall be continued during the expanded FMLA leave period, unless the pay during the expanded FMLA leave is insufficient to cover the cost of the employee's contributions, in which case the employee shall make arrangements for payment of the employee share of health care premiums.

Other Benefits

Any other benefit entitlements are governed by the NJIT Family Leave Policy.

Validation

If you are using expanded FMLA your child's school or place of care has closed, we reserve the right to request you confirm that you are the only individual available to provide care for the child/children, to identify the name and ages of the child/children, the name of the closed school(s) or day care provider(s). If the child is older than 14 years of age, we also reserve the

right to request a statement detailing special circumstances as to why the child older than 14 needs care during daylight hours.

Amendments

These guidelines are subject to amendments based on changes in applicable Federal and State law.