

Embracing Diversity: Women's Rights in the 21st Century Virtual Program Resource Packet

United States Department of Labor Resource Links:

1. [Federal Medical Leave Employee Handbook](#)
2. [Federal Medical Leave Act Fact Sheets](#)

Additional information available: [U.S. Department of Labor \(dol.gov\)](#)

New Jersey Division on Civil Rights Resources:

**Additional languages at njcivilrights.gov*

3. [Civil Rights and COVID-19: Frequently Asked Questions Website](#)
4. How to File a Complaint with DCR Fact Sheet
5. New Jersey Law Against Discrimination Fact Sheet
6. New Jersey Family Leave Act Poster & Fact Sheet
7. The Diane B. Allen Equal Pay Act Fact Sheet
8. COVID-19 Fact Sheet
9. Gender Discrimination Protections under the LAD Fact Sheet
10. Breastfeeding/Pregnancy Accommodation Protections under the LAD Fact Sheet
11. Sexual Harassment Employment Protections under the LAD Fact Sheet

New Jersey Department of Labor & Workforce Development Resources:

**Additional languages at mysickdays.nj.gov*

11. Additional NJDOL Resources Document One Pager
12. Know Your Rights Mini Brochures* [English](#) and [Spanish](#)
13. Earned Sick Leave Handouts* [English](#) and [Spanish](#)
14. Paid Family & Medical Leave benefits handouts [English](#) and [Spanish](#)
15. New Parent Handout on Paid Family & Medical Leave [English](#) and [Spanish](#)

Rutgers University, Center for Women and Work Resource Links:

16. [COVID-19 and the Gender Wage Gap in New Jersey Fact Sheet, March 2022](#)
17. [Implementation of Paid Family Leave in New Jersey: A Promising Work in Progress Report, Oct. 2021](#)

HOW TO File a Complaint with the New Jersey Division on Civil Rights



ABOUT DCR

The New Jersey Division on Civil Rights (DCR) is the state agency charged with enforcing New Jersey's civil rights laws, including the New Jersey Law Against Discrimination (LAD) and the New Jersey Family Leave Act (NJFLA). The mission of DCR is to protect the people of New Jersey from discrimination and bias-based harassment in employment, housing, and public accommodations.

The LAD prohibits discrimination based on actual or perceived race, religion, national origin, gender, sexual orientation, gender identity or expression, disability and other protected characteristics.

This law applies to employment, housing, and places of public accommodation (places open to the public, such as businesses, restaurants, schools, summer camps, medical providers, government offices and agencies, etc.).

HOW TO FILE A COMPLAINT

- 1** In order to file a complaint with DCR, you must first submit an intake form. You can submit the intake form:
 - ▶ Online by creating an account and using the NJ Bias Investigation Access System (NJBIAS) at NJCivilRights.gov
 - ▶ By calling 1.833.NJDCR4U and asking a DCR receptionist to assist you in filling out the form on the NJ Bias Investigation Access System (NJBIAS)
- 2** A DCR investigator will contact you to conduct an intake interview to determine whether DCR has jurisdiction over your complaint (i.e., whether you are alleging a violation of the LAD that occurred within the past 180 days and if they can help).
 - ▶ If so, DCR will prepare a verified complaint form for your signature. Once you sign the verified complaint, you are known as the Complainant.
- 3** DCR will serve your complaint on the Respondent—the party that may have violated your civil rights. The Respondent has a chance to respond with their version of events.
- 4** DCR then conducts an investigation, which may include:
 - ▶ Interviews with you, the Respondent, and witnesses
 - ▶ Review of relevant documents, photos, video recordings
 - ▶ It is important that you preserve all relevant evidence, including electronically stored evidence such as text and email messages, until your case has concluded.

At the end of the investigation, DCR will determine whether there is probable cause to believe a violation of the law occurred.

DISPUTE RESOLUTION

DCR also offers free dispute resolution services to parties who wish to resolve the complaint on mutually agreeable terms. A voluntary resolution can be negotiated at any time during the complaint or investigation process.



VOICE
HOTLINE **1.833.NJDCR4U**
(653-2748)

RELAY
SERVICE **711**

DCR
EMAIL **NJDCR4U@NJCivilRights.gov**



www.NJCivilRights.gov

#NJCivilRights



5 Things You Should Know About The New Jersey Law Against Discrimination

- 1 **The New Jersey Law Against Discrimination (LAD) prohibits discrimination** and harassment based on actual or perceived race, religion, national origin, gender, sexual orientation, gender identity or expression, disability, and other protected characteristics. The law applies in employment, housing, and places of public accommodation (generally, places open to the public, including businesses, restaurants, schools, summer camps, medical providers, etc.).
- 2 **The anti-discrimination provisions mean that** an employer cannot fire someone, pay someone less money, or refuse to hire or promote someone because of their race. Similarly, a housing provider cannot refuse to rent an apartment to a couple because of their sexual orientation. And a place of public accommodation cannot refuse service to someone because of their religion.
- 3 **The LAD also prohibits bias-based harassment.** That means if someone is being subjected to bias-based harassment that creates a hostile environment, an employer, housing provider, or place of public accommodation must take reasonable steps to stop the harassment if they knew or should have known about it. That includes harassment between coworkers, tenants, or patrons, not just harassment by a landlord or by a supervisor at work. The LAD also prohibits “quid pro quo” sexual harassment—where a person in a position of power demands sex or sexual favors in exchange for favorable treatment, such as continued employment or a promotion.
- 4 **The LAD prohibits retaliation** against a person for complaining about discrimination or bias-based harassment, or otherwise exercising or attempting to exercise their rights under the law. For example, an employer cannot fire someone for reporting sexual harassment to human resources. And a housing provider cannot evict someone for reporting housing discrimination to DCR.
- 5 **The New Jersey Division on Civil Rights (DCR) enforces the LAD** and is tasked with preventing and eliminating discrimination and bias-based harassment in New Jersey. Anyone who believes their rights under the LAD have been violated may file a complaint with DCR within 180 days of the incident.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://njcivilrights.gov) or call **1.833.NJDCR4U**



NJ Office of the Attorney General
[NJCivilRights.gov](https://njcivilrights.gov)



NJ DIVISION ON
CIVIL RIGHTS
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The New Jersey Family Leave Act (NJFLA)

Entitles Certain Employees to Take up to 12 Weeks of Family Leave in a 24-month Period Without Losing Their Jobs

Employers Generally Must Provide NJFLA Leave if

- ▶ The EMPLOYER has at least 30 employees worldwide OR is a government entity, regardless of size;
 - ▶ The EMPLOYEE has worked for that employer for at least 1 year, AND has worked at least 1,000 hours in the past 12 months; and
 - ▶ The LEAVE is being taken to:
 - ▶ Care for or bond with a child within 1 year of the child's birth or placement for adoption or foster care;
 - ▶ Care for a family member, or someone who is the equivalent of family, who has a serious health condition, or who has been isolated or quarantined because of suspected exposure to a communicable disease (including COVID-19) during a state of emergency; or
 - ▶ Provide required care or treatment for a child during a state of emergency if their school or place of care is closed due to an epidemic of a communicable disease (including COVID-19) or other public health emergency.
- Note that the NJ Family Leave Act does not provide leave for the employee's own health condition.
- Certain employees may be eligible for additional leave under the federal Family and Medical Leave Act.

If you think you have experienced discrimination, contact the **Division on Civil Rights**



1-833-NJDCR4U
711 (Relay Service)

NJCivilRights.gov
#CivilRightsNJ





DIVISION ON CIVIL RIGHTS
@CivilRightsNJ #CivilRightsNJ #StopTheHate

All employers, employment agencies, and labor organizations shall display this official poster in places easily visible to all employees and applicants for employment. N.J.A.C. 13:8-2.2.



5 Things You Should Know About Job-Protected Family Leave

- 1 **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 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.
- 2 **You can take a consecutive block of up to 12 weeks** of leave or you can take leave on an intermittent or reduced schedule.
- 3 **NJFLA leave is not the same as the Federal Family Medical Leave Act (FMLA)**, so you will not use up NJFLA leave while taking leave for your own serious medical condition under the FMLA. In some situations, you therefore may be entitled to take up to 12 weeks of FMLA leave for your own condition and 12 weeks of NJFLA leave to care for a family member, in a single 12-month period.
- 4 **If you are pregnant or just had a baby, you can take up to 12 weeks** for pregnancy and recovery from childbirth under the FMLA, and you can then take an additional 12 weeks of NJFLA leave to bond with or care for your baby after your doctor certifies you are fit to return to work or you have exhausted your FMLA leave (whichever is earlier). Any parent may take leave under the NJFLA to bond with or care for a newborn or a child just placed for adoption or foster care.
- 5 **When you return to work, you are generally entitled to return to the same position** you held before leave, and your employer may not retaliate against you because you took or attempted to take leave under the NJFLA.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://njcivilrights.gov) or call **1.833.NJDCR4U**



NJ Office of the Attorney General
[NJCivilRights.gov](https://njcivilrights.gov)





5 Things You Should Know About The Diane B. Allen Equal Pay Act

- 1 In 2018, Governor Phil Murphy signed into law the Diane B. Allen Equal Pay Act to end **pay discrimination** based on race, sex, national origin, sexual orientation, gender identity or expression, age, disability, and other protected characteristics in New Jersey, by expanding upon the equal pay protections that already existed under the New Jersey Law Against Discrimination.
- 2 The Equal Pay Act generally prohibits an employer from paying any employee who is a **member of a protected class** less than what it pays an employee who is not a member of that protected class for “substantially similar work.” Whether work is substantially similar is viewed as a composite of skill, effort, and responsibility.
- 3 **All forms of compensation are covered by the Equal Pay Act**, including salary, bonuses, health benefits, and pension plan contributions. Comparisons of wage rates are across all of an employer’s operations or facilities. And an employer cannot reduce the rate of compensation of any employee in order to comply with Equal Pay Act.
- 4 **A separate violation of the Equal Pay Act occurs each time you are paid disparate wages** (i.e., each time you receive a paycheck paying you lower wages for substantially similar work). If you file a complaint with the Division on Civil Rights it will be considered timely if it is filed within 180 days of the most recent discriminatory paycheck; lawsuits must be filed in court within two years of the most recent discriminatory paycheck.
- 5 **The Equal Pay Act prohibits your employer from retaliating against you** for requesting salary information from a coworker, or from discussing with or disclosing such information to any coworker, lawyer, or government agency. Your employer also cannot retaliate against you for exercising or attempting to exercise any other rights under the Law Against Discrimination.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://njcivilrights.gov) or call **1.833.NJDCR4U**



NJ Office of the Attorney General
[NJCivilRights.gov](https://njcivilrights.gov)



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04/09/21



5 Things You Should Know About Civil Rights and COVID-19

- 1 **The New Jersey Law Against Discrimination (LAD) protects you from discrimination and harassment** based on actual or perceived race, national origin, religion, disability, and other protected characteristics in employment, housing, and places of public accommodation (places open to the public, including businesses, schools, medical providers, etc.), including when the conduct at issue is related to COVID-19.
- 2 **The LAD's protections in employment mean, for example,** that your employer cannot fire you because you coughed at work and they perceived you to have COVID-19. And if you have east-Asian heritage and a coworker repeatedly harasses you by calling this "the Chinese virus" or claiming that Chinese people "caused" COVID-19 or were responsible for spreading it, your employer must take reasonable action to stop the harassment if they knew or should have known about it. Finally, if your employer lays off workers because of COVID-19, they cannot select employees to lay off based on race, national origin, religion, age, disability, or any other LAD-protected characteristic.
- 3 **Places of public accommodation, like stores and medical facilities,** cannot discriminate based on race, disability, religion, gender identity or expression, or other LAD-protected characteristics in their provision of services. For example, it is unlawful for a medical facility to provide different levels of COVID-19 testing or treatment to Black and white patients because of their race. In addition, the LAD requires places of public accommodation to provide reasonable accommodations to patrons with a disability unless doing so would be an undue burden on their operations. For a grocery store or pharmacy, that means making a contact-free method of obtaining goods available to a person who cannot wear a mask because of a disability. For other places of public accommodation, like gyms and movie theaters, if there is no reasonable accommodation that the establishment can provide that would mitigate the risk of COVID-19 transmission to its staff and to other patrons and not be an undue burden on its operations, then it can deny entry to people who cannot wear masks because of a disability.
- 4 **The prohibition on discrimination and bias-based harassment in housing means,** for example, that a landlord cannot ask a tenant to move out because they have COVID-19 or because the landlord believes they have COVID-19. Similarly, a landlord cannot refuse to rent a property to you because you are Jewish and they say that Jewish people are responsible for spreading COVID-19.
- 5 **You may be able to take job-protected leave under the New Jersey Family Leave Act (NJFLA)** to care for a family member, or someone who is the equivalent of family, who has a serious health condition, including a diagnosis of COVID-19, or who has been isolated or quarantined because of suspected exposure to COVID-19. You may also be eligible to take job-protected leave to care for your child if their school or place of care was ordered closed due to COVID-19.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://www.njcivilrights.gov) or call **1.833.NJDCR4U**



NJ Office of the Attorney General
[NJCivilRights.gov](https://www.njcivilrights.gov)



03/16/21



5 Things You Should Know About Gender Discrimination

- 1 The New Jersey Law Against Discrimination (LAD) prohibits discrimination and harassment in employment, housing, and places of public accommodation** (places that are generally open to the public), based on actual or perceived gender. Gender discrimination includes discrimination based on gender stereotypes, [gender identity or expression](#), or [pregnancy or breastfeeding](#) status. This means that people of all genders—including female, male, intersex, gender non-conforming, or gender non-binary individuals—must be treated equally at work, in housing, and in places open to the public.
- 2 An employer may not make employment decisions** like hiring or firing, promotions, [pay](#), or benefits based on actual or perceived gender or based on gender stereotypes. For example, an employer cannot differentiate between employees of different genders in its provisions for parental leave based on stereotypes about who is primarily responsible for childcare.
- 3 A landlord cannot refuse to lease, charge higher rent, offer different amenities, or refuse repairs based on a tenant's gender.** And a place of public accommodation cannot refuse service or offer a different degree of service or care based on gender.
- 4 The LAD also prohibits harassment based on gender in a way that creates a hostile environment.** If an employer, housing provider, or place of public accommodation knows or should know about such harassment, they must take action to stop it. Bias-based gender harassment can include unwelcome, offensive conduct because of a person's gender, such as a coworker constantly making disparaging remarks about women. It can also include [sexual harassment](#)—hostile, demeaning, or intimidating comments; offensive gestures; non-consensual sexual contact; and unwanted sexually-suggestive language.
- 5 An employer, landlord, or place of public accommodation cannot retaliate** against a person for exercising or attempting to exercise these or any other rights under the LAD.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://njcivilrights.gov) or call **1.833.NJDCR4U**



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04/09/21



5 Things You Should Know About Accommodations for Pregnancy and Breastfeeding at Work

- 1 **The New Jersey Law Against Discrimination (LAD) requires your employer to grant you a reasonable accommodation for pregnancy, childbirth, related medical conditions, and breastfeeding** to enable you to continue working while maintaining a healthy pregnancy or return to work after giving birth. The LAD is more protective than the federal Pregnancy Discrimination Act in this regard.
- 2 **If you are pregnant, your employer must grant you a reasonable accommodation recommended by your doctor**, including bathroom breaks, water breaks, rest breaks, assistance with manual labor, job restructuring, modified work schedules, and a temporary transfer to less strenuous or hazardous work, unless your employer can show that doing so would be an undue hardship on its operations.
- 3 **If you are breastfeeding, your employer must grant you reasonable break time each day, and a suitable private place (other than a toilet stall) in which to express breast milk**, unless your employer can show that doing so would be an undue hardship on its operations.
- 4 **Factors to be considered** in whether an accommodation would be an undue hardship include the overall size of your employer's business with respect to employees, facilities, and budget; the nature and cost of the accommodation needed; and the extent to which the accommodation would involve waiver of an essential requirement of your job.
- 5 **Your employer may not in any way penalize you or retaliate against you** for requesting or using an accommodation for pregnancy or breastfeeding.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://www.njcivilrights.gov) or call **1.833.NJDCR4U**



NJ Office of the Attorney General
[NJCivilRights.gov](https://www.njcivilrights.gov)



04/09/21



5 Things You Should Know About Protections from Sexual Harassment in Employment Under New Jersey Law

- 1 The New Jersey Law Against Discrimination (LAD) prohibits sexual harassment**, a form of gender-based discrimination, in employment. This means that you have the right to be free from sexual harassment at work no matter the type or size of your employer, what job you do, or what language you speak. Sexual harassment can include verbal harassment, such as obscene language or demeaning comments, whether in person, over the phone, or online; physical harassment, such as unwanted touching; or visual harassment, such as displaying or emailing pornographic images, cartoons, or drawings.
- 2 There are two types of unlawful sexual harassment in the workplace:** quid pro quo and hostile work environment. Quid pro quo harassment is when a benefit like a promotion is conditioned on sexual favors, or when an adverse action like being fired is threatened if you refuse a sexual advance. A hostile work environment exists when you are subjected to unwanted harassing conduct based on gender in the workplace that is severe or pervasive enough to create a work environment that is intimidating, hostile, or offensive.
- 3 An employer must take action to stop sexual harassment** if it knows or should have known about it. This is true regardless of whether the person engaging in the harassing conduct is a supervisor, a colleague, or a third party that you interact with at work (like a patron, client, or vendor). So, for example, if a co-worker discusses your body in graphic detail in front of your supervisor, or if you report that a patron is subjecting you to unwanted sexual touching, your employer must take action.
- 4 Federal law also protects you from sexual harassment at work**, but the LAD provides two key additional protections. First, federal law applies only to employers with fifteen or more employees, while the LAD applies to all employers in New Jersey, regardless of size. Second, the LAD also protects independent contractors from sexual harassment, while federal law only protects those workers who are legally classified as employees.
- 5 The LAD prohibits an employer from retaliating against you** for objecting to sexual harassment, filing a sexual harassment complaint, or for exercising or attempting to exercise any other rights under the law.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://www.njcivilrights.gov) or call **1.833.NJDCR4U**



NJ Office of the Attorney General
[NJCivilRights.gov](https://www.njcivilrights.gov)



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NJ CIVIL RIGHTS**
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02/24/21

TOP NEW JERSEY DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT (NJDOL) WORKERS' RIGHTS RESOURCES



NJDOL employees do not ask about immigration or citizenship and serve all workers regardless of their status. The Department will keep your information private, and will not share it with any federal immigration agency, unless required by an Open Public Records Act request, court order, or subpoena.

NJDOL HOMEPAGE: nj.gov/labor

Work Rights

- **myworkrights.nj.gov:** Overview of NJ work rights, including information on wage theft, minimum wage, misclassification, protections for immigrants, and how to file a complaint
- **mysickdays.nj.gov:** Information on NJ's Earned Sick Leave law
- **nj.gov/labor/safetyandhealth:** Information on state-provided workplace health and safety programs, including recourse for public employees, training and other resources

Benefits

- **myleavebenefits.nj.gov:** Learn about NJ Paid Family and Medical Leave benefits and apply online (Social Security Number required)
- **myunemployment.nj.gov:** Learn about unemployment and apply online
- **nj.gov/labor/workerscompensation:** Information on NJ's Workers' Compensation Insurance

Career Services

- **nj.gov/labor/career-services:** Resume writing guidance, interviewing assistance, re-employment orientation, training, apprenticeships, and opportunities for workers with disabilities

COVID-19 Resources

- **nj.gov/labor/covidbenefits:** Information about COVID-19 Worker Benefits and Protections
- **nj.gov/labor/covidsafety:** Information on Workplace Health and Safety During COVID-19

NJDOL Grant Programs

- **nj.gov/labor/grants:** Information for organizations (including worker advocacy groups) on NJDOL grant opportunities



NJ.GOV/LABOR

UPDATED: 4/18/2022

NJ'S Minimum Wage:

NJ has enacted a law to phase in a \$15 minimum wage*

DATE	EMPLOYERS		
	Most	Seasonal & Small**	Agricultural
July 1, 2019	\$10	\$8.85	\$8.85
Jan. 1, 2020	\$11	\$10.30	\$10.30
Jan. 1, 2021	\$12	\$11.10	\$10.44
Jan. 1, 2022	\$13	\$11.90	\$10.90
Jan. 1, 2023	\$14	\$12.70	\$11.70
Jan. 1, 2024	\$15	\$13.50	\$12.50

*Different cash wage and phase-in times apply to tipped workers.

**Fewer than 6 employees

Paid Family & Medical Leave for NJ Workers

Do you need longer term paid leave for pregnancy, childbirth, illness/injury, or to care for a loved one?

You may qualify for Temporary Disability or Family Leave Benefits – most NJ workers do.

Visit myleavebenefits.nj.gov



KNOW YOUR NJ WORK RIGHTS

myworkrights.nj.gov



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KNOW YOUR NJ WORK RIGHTS

myworkrights.nj.gov



You Have the Right to be Paid

For all hours worked and no less than the State minimum wage

Are you eligible for overtime?

You are owed 1.5 times your hourly rate of pay for hours worked over 40 hours/week.

Are you working on a publicly funded construction project, such as a school?

The contractor must pay you the prevailing wage for a public works job.

Are you an independent contractor?

You could be misclassified, and denied the right to unemployment, disability, family leave, minimum wage, equal pay and more.

Employers who break the law can face fines and penalties.

Paid Sick Time is the Law:

You have the right to care for yourself and loved ones

- Employers must provide 1 hour of paid sick leave for every 30 hours you work, up to 40 hours a year.
- It's against the law for employers to retaliate against you for using your sick leave.
- Use Paid Sick Leave for physical or mental health, to cope with sexual or domestic violence, your child's school appointments and more.

Learn more at mysickdays.nj.gov



If You Believe Your Rights Are Being Violated

**Minimum Wage • Overtime
Earned Sick Leave • Child Labor
Farmworkers**

Make a complaint at myworkrights.nj.gov

- **Keep track of your work hours**
- **Keep records of your pay**
- **Record your employer's contact information**

The NJ Department of Labor applies NJ labor laws without consideration to the immigration status of the worker. The Department will keep your information private, and will not share it with any federal immigration agency, unless required by an Open Public Records Act request, court order, or subpoena.

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BENEFITS & PROTECTIONS FOR NEW & EXPECTING PARENTS WHO WORK IN NJ

CASH BENEFITS: NJ TEMPORARY DISABILITY AND FAMILY LEAVE INSURANCE
JOB PROTECTION: FEDERAL AND STATE LAWS



DURING MY PREGNANCY & RECOVERY



How to Receive Benefits

Temporary Disability Insurance

Apply at: myleavebenefits.nj.gov/maternity

Typically provides 10-12 weeks of cash benefits so you can stop working to care for yourself before and after childbirth

Eligibility details in next section



WHILE BONDING WITH MY BABY



How to Receive Benefits

Family Leave Insurance

Apply at: myleavebenefits.nj.gov/maternity

Provides up to 12 weeks of cash benefits so you can stop working to bond with your new child

Eligibility details in next section

Parents who gave birth can transition directly to bonding benefits



How to Protect My Job

Federal Family & Medical Leave Act (FMLA)

Enforced by US Department of Labor:
dol.gov/agencies/whd/fmla

Up to 12 weeks of unpaid job-protected leave to care for yourself before and after childbirth and to bond with your new child



How to Protect My Job

NJ Family Leave Act (NJFLA)

Enforced by NJ Division on Civil Rights:
njcivilrights.gov

Up to 12 weeks of job-protected leave to bond with your new child

Take up to 12 weeks of FMLA for pregnancy/recovery and/or a related serious health condition + up to 12 weeks of NJFLA for bonding = up to 24 weeks of job protection



HOW TO RECEIVE BENEFITS



DURING MY PREGNANCY & RECOVERY

Typically 4 weeks
BEFORE DUE DATE



DELIVERY

and 6-8 weeks
AFTER DELIVERY



Temporary Disability Insurance

Birth parents apply at:
myleavebenefits.nj.gov/maternity

Medical provider determines length

- Typically 4 weeks before due date, plus 6 weeks after for vaginal birth or 8 weeks for C-section
- Leave could be longer if you have serious complications or you're quarantined due to a public health emergency



WHILE BONDING WITH MY BABY

OPTION #1 take all 12 weeks at once



OPTION #2 take max 56 days (8 weeks) in parts:



Family Leave Insurance

- Benefits to be used in baby's first year; for non-birth parents too
- Adoptive and foster parents eligible within a year of placement
- Non-birth parents apply for bonding benefits online at: myleavebenefits.nj.gov/worker/fli

Parents who gave birth can transition directly to bonding benefits

MOST NJ EMPLOYEES QUALIFY

- For 2022, you must have earned at least \$12,000 total or \$240 weekly for 20 weeks total in employment in the 18 months prior to the start of your benefit claim.
- Apply online at myleavebenefits.nj.gov and start your application up to 60 days before your leave.

Receive 85% of your average wages, up to \$993/week

- Learn about how you'll be paid at myleavebenefits.nj.gov/yourpayment.
- It can take 2-6 weeks to approve a claim and pay benefits once we have a complete application – including medical forms. Follow up with your medical provider to ensure timely processing.

Employers must participate in these public insurance programs and deduct payroll taxes for employees working in NJ, or provide a private insurance plan. The federal government is not required to participate in either program. For local governments (for ex., counties, municipalities and school districts), Family Leave Insurance is required but Temporary Disability is optional. Generally, employees that work a significant amount of time outside of NJ are not covered, but are encouraged to apply to find out. For important information on notifying your employer, application tips, and more, see myleavebenefits.nj.gov. For private insurance plans, contact your employer to learn more about your coverage and get a leave application.



HOW TO PROTECT MY JOB



DURING MY PREGNANCY & RECOVERY

Federal Family & Medical Leave Act (FMLA)

Enforced by US Department of Labor:
dol.gov/agencies/whd/fmla

Up to 12 weeks of job-protected leave to care for yourself before and after childbirth if

- Your employer has at least 50 employees within 75 miles of your worksite or is a government entity
- You've worked there for at least 12 months
- You've worked at least 1,250 hours in past 12 months
- You must give your employer 30 days' notice if need for leave is foreseeable

✓ all these requirements must be met or your employer is not required to hold your job for you

* **FMLA leave can also be taken to bond with a new child but it then runs concurrently with NJFLA leave**

Contact employer or USDOL with FMLA questions:

US Department of Labor (USDOL)
866-487-9243
dol.gov/whd/fmla



WHILE BONDING WITH MY BABY

NJ Family Leave Act (NJFLA)

Enforced by NJ Division on Civil Rights:
njcivilrights.gov

Up to 12 weeks of job-protected leave to bond with your new child within a year of birth or placement if

- Your employer has at least 30 employees worldwide, or is a government entity, regardless of size
- You've worked there for at least 1 year
- You've worked at least 1,000 hours in past 12 months
- You generally must give your employer 30 days' notice if need for leave is foreseeable

✓ all these requirements must be met or your employer is not required to hold your job for you

Contact employer or NJ Division on Civil Rights with NJFLA questions:

NJ Division on Civil Rights
973-648-2700
njcivilrights.gov

Take up to 12 weeks of FMLA for pregnancy/recovery and/or a related serious health condition + up to 12 weeks of NJFLA for bonding = up to 24 weeks of job protection



TRANSITION BETWEEN CASH BENEFITS: UNEMPLOYMENT, PREGNANCY/CHILDBIRTH RECOVERY & BONDING

Unemployed? You can transition from unemployment benefits to pregnancy/recovery benefits or bonding benefits. Learn more: myleavebenefits.nj.gov/unemployed.

Laid off while receiving pregnancy/recovery or bonding benefits? You can apply for unemployment or reopen your claim. See myunemployment.nj.gov.



PREGNANCY & BREASTFEEDING RIGHTS

- NJ workers are entitled to certain pregnancy and breastfeeding protections, including reasonable accommodations to continue working while pregnant or breastfeeding, and breaktime in a private location other than a bathroom to express breast milk at work.
- Employers cannot retaliate against you for requesting or using an accommodation for pregnancy or breastfeeding.
- These laws are enforced by the NJ Division on Civil Rights. Learn more: njcivilrights.gov.

ANSWERS TO YOUR QUESTIONS CAN BE FOUND AT:

myLeaveBenefits.nj.gov

For further assistance



T: 609-292-7060

F: 609-984-4138

MONDAY-FRIDAY

8:30 am – 4:30 pm



Temporary Disability and Family Leave Insurance
PO Box 387 | Trenton | NJ | 08625

Please note: This handout is intended to give general information about benefits and rights available to New Jersey workers. Eligibility determinations for each benefit or protection are made in accordance with the law.



NJ.GOV/LABOR



NJ Workers

Now have the right to paid sick time. Full-time, part-time and temporary workers are eligible under the law.

Use sick time to care for yourself or a family member – the definition of family is generous:

- for physical/mental illness or wellness care
- to get the COVID-19 vaccine and/or recover from side effects
- to cope with domestic or sexual violence
- to attend a meeting at your child's school

Workers earn **1 hour of sick leave** for **every 30 hours they work**, up to 40 hours per year.

It's against the law for your employer to punish you for using sick leave you've earned, or to make you find a replacement for your shift. Your employer may not ask for documentation unless it's more than 3 days in a row.

To learn more, visit mysickdays.nj.gov

For information on other rights and benefits, visit nj.gov/labor



MW-569 (6-21)



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MW-569 (6-21)

LEARN MORE AT:
myLeaveBenefits.nj.gov

CASH BENEFITS TO CARE FOR YOURSELF AND LOVED ONES

MOST NJ WORKERS ARE COVERED

and your job may be protected under federal and/or state law.

When you have to stop working to:

- Care for your own or a loved one's physical or mental health (including COVID-19)
- Care for yourself during pregnancy and childbirth recovery
- Bond with a new child
- Cope with domestic or sexual violence

Receive 85% of your average weekly wages, up to \$993 per week (2022).

LEARN MORE about eligibility requirements and job protection laws, and apply online for cash benefits at:

myLeaveBenefits.nj.gov

