

County of Gloucester
Human Resources Manual

CHAPTER:	6 – LEAVE TIME	ADOPTED: 3/7/06
SECTION:	11 – UNPAID LEAVE	REVISED: 11/7/18

A leave of absence without pay may be granted for, but is not limited to, the following:

- (1) Provisions of the New Jersey Family Leave Act (NJFLA) and/or the federal Family and Medical Leave Act (FMLA), which allows time to care for a newborn child, a newly adopted child, or a newly placed foster child, as well as care for a parent, child or spouse with a serious health condition. (Please refer to HR 6.11 Exhibit R for more details).
- (2) Serious health condition on the part of the employee which extends beyond accumulated sick, vacation or other paid leave as provided by the FMLA (NJFLA does not provide leave for one’s own health condition). (Please refer to HR 6.11 Exhibit R for more details).
- (3) Provisions of the New Jersey Family Leave Act (NJFLA) which allows time to care for a civil union partner with a serious health condition (Please refer to HR 6.11 Exhibit R for more details).
- (4) Other circumstances warranting such a leave (solely granted at the discretion of the Freeholder Board).
- (5) Promotions to another job within the jurisdiction.

Leaves of absence will NOT be granted for temporary family moves to another location, the acceptance of a job outside the County government, and/or other reasons that are unacceptable to the employer.

Permanent employees may be granted leaves of absence without pay for a period not to exceed one year. For exceptional circumstances, such leave may be extended beyond one year, subject to written approval by the New Jersey Department of Personnel. (4A:6-1.1(a)2).

For more information on family and medical leaves, see Chapter 6, Section 11 Exhibit R, Exhibit R-1, and the US Department of Labor (DOL) “Notice of Eligibility and Rights & Responsibilities” and “Certification of Health Care Provider for Employee’s Serious Health Condition” and/or “Certification of Health Care Provider for Family Member’s Serious Health Condition” and “Designation Notice”. These US DOL notices and forms are available on the Human Resources (HR) webpage at www.gloucestercountynj.gov as well as by request to HR.

Any employee taking an unpaid leave of absence shall be permitted to continue his/her health benefit coverage after the employer-paid coverage ends by paying the monthly premiums prior to the coverage month. Concurrently, an eligible employee who takes leave qualifying under NJFLA or the FMLA shall have coverage continued by the Employer during such leave. The FMLA requires that the employer maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Thus, as stated in HR 5.1 titled "Health Benefits," employees receiving health benefits pay a contribution towards the cost of health benefits (Chapter 78, P.L. 2011). Therefore, the employee contribution will remain in effect during an unpaid leave.

An employer may also grant an unpaid union leave pursuant to N.J.A.C. 4A:6-1.16.

Documents related to an employee's leave of absence shall be placed in his/her personnel file. However, any medical information shall be maintained in a separate file.

Paid sick days shall not accrue during a leave of absence without pay (4A:6-1.3, 2, c).

An employee who goes on a leave of absence without pay before the end of the calendar year shall have his or her leave prorated based on time earned. An employee who is on the payroll for greater than 23 days shall earn a full month's allowance, and earn one-half month's allowance if he or she is on the payroll from the 9th through the 23rd day of the month (4A:6-1.5, b).

Intermittent days off without pay shall be aggregated and considered as a continuous leave without pay for calculation of reduced vacation and sick leave credits. When intermittent days off without pay other than voluntary furlough or furlough extension days equal 11 working days, the employee's vacation and sick leave credit shall be reduced by one-half of one month's entitlement (4A:6-1.5, c).

If a holiday occurs on a regular workday of an employee and the employee does not report for duty, he or she shall not be eligible for overtime compensation or an alternate day off for that holiday (4A:3-5.8, c, 3).

Employees are liable for vacation and sick leave days taken in excess of their entitlements (4A:6-1.5, a).

An employee shall reimburse the appointing authority for paid working days used in excess of his or her prorated and accumulated entitlements (4A:6-1.5, b, 1).

An employee who returns to work from a leave of absence shall not be credited with paid vacation or sick leave until the amount of leave used in excess of the prorated entitlement has been reimbursed (4A:6-1.5, b, 2).

Employee:

Should submit a written request for a leave of absence to Human Resources stating the reason for and the inclusive dates of the leave (utilizing HR 6.11 Exhibit S “Family/Medical Leave Notice” as applicable). Requests for FMLA or NJFLA should be submitted 30 days in advance of the birth or adoption of a child or 15 days in advance if caring for a seriously ill family member. (Please note that this time requirement may be waived in emergency situations by the County Administrator/Designee).

If a request is denied, the employee may appeal the County Administrator/Designee's decision to the County Administrator and/or Designee.

Should contact the County Administrator/Designee to discuss the possible continuation of benefits since leaves of absence may affect certain employee benefits.

Employees granted leaves of absence without pay must, in writing, either confirm the date of return or request an extension.

For leaves of six months or more in duration, written notification of intent to return should be submitted four weeks before the leave expires.

For leaves of six months or less, written notification of intent to return should be submitted at least one week before the leave expires.

If an employee wishes to extend a leave without pay beyond one year, submits a written request to his/her department head stating the reason for the extension and the inclusive dates of the additional leave.

Department Head/Designee:

If any request is received at the department level, forwards the employee's request to the County Administrator/Designee within two days along with a recommendation to approve or deny the request.

Contacts the County Administrator/Designee if the employee appears to meet the criteria for NJFLA or FMLA.

County Administrator/Designee:

Approves or denies the leave within two weeks of receipt of written request utilizing the U.S. DOL Designation Notice. The approval or denial will be in writing to both the employee and the department head.

Requests approval from the NJDOP if the County wishes to grant any leave without pay beyond one year.

Maintains all records of employee leaves, including the type of leave.

Reports such leaves to the NJDOP as required (4A:6-1.1(c)).

May waive the time requirement for employee leave notification in emergency situations.

Sends the employee a Family Leave packet, which contains general information and an application for such leave to the employee. Please see HR 6.11 Exhibit R, R-1, and US DOL “Notice of Eligibility and Rights & Responsibilities” and “Certification of Health Care Provider for Employee’s Serious Health Condition” and/or “Certification of Health Care Provider for Family Member’s Serious Health Condition”. The US DOL notices and forms are available on the HR webpage, www.gloucestercountynj.gov and by request to HR.