

YOUR GUIDE TO FAMILY LEAVE DURING UNEMPLOYMENT IN NEW JERSEY

If you apply for Family Leave Insurance benefits more than 14 days after your last day of work, you may qualify for benefits under the Family Leave During Unemployment Program.

To claim Family Leave During Unemployment benefits, you must meet all the requirements for unemployment benefits – except you are not required to show your availability for work.

You can claim Family Leave Insurance Benefits During Unemployment to:

- **Bond with a newborn** during the first 12 months after the child's birth. You, your domestic partner, or your civil union partner must be the baby's biological parent.
- **Bond with an adopted child** during the first 12 months after the child's placement.

You may take "bonding leave" for six consecutive weeks or for intermittent weeks during a 12-month period beginning with the first date of the claim.

- **Care for a family member** with a serious health condition. A health care provider must certify the condition. You can take "care leave" for six consecutive weeks or for intermittent weeks during a 12-month period beginning with the first date of the claim.

"Family member" means your child, spouse, domestic partner, civil union partner, or parent.

"Child" means your

- biological, adopted, or foster child; stepchild, or legal ward, or
- domestic partner's or civil union partner's child

The child must be

- less than 19 years old, or older but incapable of self-care because of mental or physical impairment.

Applying for Benefits

You can get an application for Family Leave Insurance benefits:

- online at www.nj.gov/labor
- by mailing a request to the Division of Temporary Disability Insurance at P.O. Box 387, Trenton, NJ 08625-0387, or
- by calling a Customer Service specialist at (609) 292-7060

If you are receiving Disability During Unemployment benefits for a pregnancy-related disability, we will automatically send you instructions for claiming Family Leave During Unemployment benefits for bonding with your newborn.

Important: DO NOT submit applications until your family leave claim begins. Filing early can delay your claim.

Wage Requirements

To establish a valid claim, you must have earned a certain amount in New Jersey covered employment during your “base year.” The base year is the 52 weeks immediately before the week in which the family leave begins.

You must have either:

- worked 20 calendar weeks in the base year, each being a week in which you had New Jersey earnings of \$165 or more **OR** a week (up to 13 weeks) in which you were separated from employment due to a declared state of emergency during the base year; or
- earned \$8,300 or more during the base year.

Benefit Amounts

Your weekly benefit is 60% of your average weekly wage earned during your base year. For family leave claims that begin in 2015, the maximum weekly benefit is \$646. Benefits are paid for calendar weeks, beginning Sunday and ending Saturday.

You may receive a maximum up to six (6) times the weekly benefit rate. No more than six weeks of Family Leave benefits in a 12-month period are payable. The 12-month period is the 365 consecutive days starting on the first day that you file a valid first claim for Family Leave Insurance benefits.

The maximum you can collect in unemployment insurance, Disability During Unemployment, and Family Leave During Unemployment benefits combined is one and one-half times the maximum benefit amount of your original unemployment insurance or Disability During Unemployment claim.

Dependency Allowance

If you do not qualify for the maximum weekly benefit rate, you may be entitled to a dependency allowance. Dependency benefits are payable at 7% of your basic weekly benefit rate for your first dependent, and then at 4% for each of the next two dependents (you may claim no more than three dependents). If your spouse or civil union partner is employed during the week your claim takes effect, you will not be eligible for a dependency allowance.

A “dependent” may be:

- an unemployed spouse or civil union partner,
- unemployed, unmarried children *under the age of 19,
- unemployed, unmarried children *under the age of 22 if attending a public or other nonprofit educational institution full time.

You must provide proof of dependency.

We will send you instructions on how to qualify for dependency benefits after you file your claim.

*including a stepchild or legally adopted child

Benefit Limitations:

You will not get Family Leave Insurance During Unemployment benefits for:

- Any period when you receive unemployment benefits, temporary disability benefits, workers' compensation benefits, or any benefits from a disability or cash sickness program or similar law of New Jersey or any other state or the federal government;
- Any period when you receive full salary or paid time off;
- Any period when you are working;
- Any period of family leave to care for a family member who was not under the care or supervision of a health care provider;
- Any period you are out of work due to a labor dispute at your place of work;
- Any period after being fired by your most recent employer for gross misconduct connected with the work because you committed a criminal act punishable under the New Jersey Code of Criminal Justice; or
- Employees of educational institutions during any period between academic years or terms or during a school-wide recess, when you have a reasonable assurance of returning to work in the same or similar capacity when school resumes.
- Any period when you would be subject to disqualification under the Unemployment Compensation Law.

End of Family Leave

- If you return to work before your approved period of family leave ends, you must notify this division.
- If you are unemployed on the date your period of family leave ends, you must contact the Reemployment Call Center to claim or to resume unemployment insurance benefits.

The Reemployment Call Centers can be reached at:

Union City Call Center	(201) 601-4100
Freehold Call Center	(732) 761-2020
Cumberland Call Center	(856) 507-2340
Out-of-State Claims	(999) 795-6672

Tax Information

Family Leave Insurance benefits are subject to federal income tax and to federal rules on reporting income and paying taxes. Family Leave Insurance benefits are not subject to New Jersey state income tax.

You may choose to have 10% of your benefits withheld for federal income tax. After the end of each calendar year, form 1099G will be sent to you. This form lists the total benefits received

that year. We also give this information to the Internal Revenue Service (IRS).

Impartial Examinations

An examination may be needed to support your claim for Family Leave During Unemployment benefits. We may require that the person you are caring for get a physical examination by a state-appointed physician. There is no cost to you or the care recipient. If the care recipient refuses an examination, benefits will be denied.

Appeals

The Division of Temporary Disability Insurance will make a determination of eligibility on your claim. If you disagree with the determination, you may file a formal appeal. You must file the appeal in writing within seven calendar days after delivery of the determination, or within 10 calendar days after the decision is mailed. The appeal costs nothing. You do not need a lawyer.

Please allow fourteen (14) days processing time before inquiring about a claim.

IMPORTANT:

Your Social Security Number and signature must appear on any correspondence or inquiry about your claim. Without a Social Security Number, we cannot locate your claim.

**Family Leave During Unemployment
Division of Temporary Disability Insurance
New Jersey Department of Labor and Workforce Development
PO Box 956
Trenton NJ 08625-0956**

Claims Information: (609) 292-3842 or (609) 292-3349
Fax: (609) 292-9209 or (609) 292-2868

Hearing Impaired Individuals May Contact Our Office by:
Telecommunication Device for the Deaf (TDD): (609) 292-8319
New Jersey Relay Service: TT user 1-800-852-7899

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