

Comparison of Major Provisions of the Two Statutes

	Federal Law (FMLA)	New Jersey Law (NJ FLA)
Employer Coverage	<ul style="list-style-type: none"> 50 or more employees (wherever located) on payroll during 20 weeks in current or preceding calendar year 	<ul style="list-style-type: none"> 50 or more employees (wherever located) who perform work in 20 weeks in current or preceding calendar year
Employee Eligibility	<ul style="list-style-type: none"> On payroll for 1 year Work total of 1250 hours Be employed within 75 miles of 49 other employees 	<ul style="list-style-type: none"> On payroll for 1 year Work 1,000 base hours Must be minimum of 50 employees on payroll
Maximum Amount of Leave	<ul style="list-style-type: none"> 12 weeks in a 12 month period 	<ul style="list-style-type: none"> 12 weeks in a 24 month period
Purposes for Which Leave is Available	<ul style="list-style-type: none"> Birth or placement for adoption of a child Because of placement of a child for foster care To provide care for ill child, spouse, or parent Because of employee's own disability 	<ul style="list-style-type: none"> Same Not Available Same Not Available
Types of Leave	<ul style="list-style-type: none"> Consecutive, intermittent, reduced For intermittent leave: no required minimum duration of periods of leave 	<ul style="list-style-type: none"> Same Increments of intermittent leave may not be less than a full week
Minimum amounts	<ul style="list-style-type: none"> For reduced schedule: no required minimum amount of reduction in work schedule 	<ul style="list-style-type: none"> Work schedule may not be reduced by less than a full day, unless agreed to by the employee and employer
Benefits During Leave	<ul style="list-style-type: none"> Continuation of health insurance 	<ul style="list-style-type: none"> Same
Reinstatement After Leave Exceptions	<ul style="list-style-type: none"> To same or an equivalent position Reinstatement not required if employee would have been laid off May be denied to certain high-paid employees under certain conditions 	<ul style="list-style-type: none"> To same position unless it has been filled – then to equivalent position Same No such exception
Denial of Leave	<ul style="list-style-type: none"> No provision 	<ul style="list-style-type: none"> May be required for all family leaves
Medical Certification	<ul style="list-style-type: none"> May be required where leave is for serious health condition 	<ul style="list-style-type: none"> May be required for all family leaves
Posing of Notices	<ul style="list-style-type: none"> Required 	<ul style="list-style-type: none"> Required
Records	<ul style="list-style-type: none"> Extensive requirements 	<ul style="list-style-type: none"> None specified
Correlation of Federal-State Laws	<p style="text-align: center;">Employee who meets the eligibility benefits of whichever of the two is</p>	<p style="text-align: center;">requirements of <u>both</u> laws is entitled to the more favorable.</p>