

Family & Medical Leave Act - Your Rights

The Family and Medical Leave Act (FMLA) provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible. Employees are covered for the following reasons: 1) birth and care of the eligible employee's child, or placement for adoption or foster care of a child with the employee; 2) care of an immediate family member (spouse, child, parent) who has a serious health condition; or 3) care of the employee's own serious health condition. It also requires that employee's group health benefits be maintained during the leave.

MSU's policies and procedures are explained in the [Employee Handbook](#) that is online.

Birth and Care of a Child

Women who are pregnant may be eligible for temporary disability payments from the State of New Jersey. See the [NJ Department of Labor and Workforce Development website](#) for more information. Use of accrued sick time is required before disability payments can be made. Forms for temporary disability can be obtained from MSU's Office of Employee Benefits, ext. 7396.

All employees are both eligible to apply for [Family Leave Insurance](#) to bond with a newborn or newly adopted child. For women who are pregnant, access to payments from Family Leave Insurance would occur after one's temporary disability period has ended. Forms for Family Leave Insurance can be obtained from MSU's Office of Employee Benefits, ext. 7396.

Care of an Immediate Family Member

All employees are eligible to apply for [Family Leave Insurance](#) to care for a seriously ill family member. Forms for Family Leave Insurance can be obtained from MSU's Office of Employee Benefits, ext. 7396.

Care of the Employee's Own Health Condition

All employees are entitled to job protection to care for one's own health condition. Sick time can be used during this period and additional sick time can be donated to an employee out on medical leave through the negotiated [Donated Leave Program](#). The form to donate sick time to a colleague can also be found on [MSU's Human Resource's forms page](#).

FAQs when preparing for FMLA when Pregnant

1. **Do I have to work until my due date?** - No. If your doctor determines it medically necessary for you to not work before your due date you can stop working sooner.
2. **Do I have to use all of my sick time?** That will depend on how much you have accrued, how long you are out before you deliver your child, and how your baby is delivered. To receive temporary disability payments, the State requires that you deplete all of your accrued sick time.
3. **I am a faculty member; do I only get charged sick time for the days that I teach?** No. You are charged 5 days per week. Please keep in mind that a faculty member's duties go beyond only the days they teach and also include research and service.
4. **Do I have to use my vacation time?** No. You may use your vacation time after your sick time and/or temporary disability payments end. However, AFT Local 1904 encourages its members to assess their financial position and see if they can take the remainder of their FMLA time as unpaid leave or receive payments from the Family Leave Insurance program. It is our position that members will need the vacation time upon returning from work to care for the child when he/she becomes sick (since there is a strong likelihood all accrued sick time will be depleted), time off for baby wellness visits to the pediatrician, or to take time to sleep when the baby was up all night and were you too.
5. **I am a faculty member and would like to return to work in the middle of an academic semester. Do I have the right to do that?** Yes. If you are ready and willing to return to work, the University is required to assign you alternative assignments if teaching is not an option.