

March 27, 2009

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Mr. Riccio concentrates his practice in representing management in the public and private sectors in various employment matters such as discrimination, harassment, retaliation, and wrongful termination claims. He represents management before the EEOC, NLRB, Division on Civil Rights, PERC, and federal and state courts. He also conducts investigations of discrimination and harassment claims, training sessions on workplace anti-discrimination and harassment issues, and advises clients regarding employment practices, policies, and procedures.

Mr. Riccio was appointed by the Director of the New Jersey Division on Civil Rights as Chairperson for the Southern New Jersey Region in an employer outreach initiative undertaken by the Division. Among other things, the initiative will provide employers the opportunity for input on regulations.

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Continuing with the facts from the March 19, 2009 *H.R. Brain Break*.
(Please click here for the link to the March 19, 2009 *H.R. Brain Break*.)

Pat is not a key employee under either statute. Pat used a total of 10 weeks of FMLA leave from the point of pre-natal care through her full recovery after the birth of her child. How much leave time is Pat entitled to use for bonding time with her new born child?

Answer: Once Pat recovers from delivery of her child, Pat is entitled to 12 weeks of “bonding” leave under the NJFLA. Since Pat did not use her entire FMLA entitlement prior to her recovery, the Company would run the balance of her FMLA leave (2 weeks) at the same time Pat uses her 12 weeks of NJFLA leave. In other words, the first 2 weeks of Pat’s leave will be counted as FMLA and NJFLA time. The remaining 10 weeks will count toward the balance of Pat’s NJFLA time.

Feel free to pass the question, or question and answer, along to supervisors, fellow HR professionals, or insureds.

Would your company like an in-house training session? If so, please contact ariccio@capehart.com.

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