

[First Reprint]

ASSEMBLY, No. 2762

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

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SYNOPSIS

Revises law concerning temporary disability leave.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on June 14, 2018, with amendments.

AN ACT concerning temporary disability leave and supplementing P.L.1948, c.110 (C.43:21-25 et al.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. Notwithstanding any provision of law to the contrary, when a covered individual applies for temporary disability benefits for disability resulting from pregnancy or the birth of a child, the plan administering the covered individual's benefits shall automatically process an application for that individual for the paid family leave benefits program, unless the individual affirmatively opts out of that program, such that the individual shall be required to submit only one application for both programs. The application for benefits shall be processed to allow the paid family leave benefits, if approved, to begin immediately following the end of the temporary disability benefits, unless the individual notifies the plan that the individual wants to postpone or opt out of the paid family leave benefits. A covered individual who is approved for benefits under this section shall notify the plan administering the covered individual's benefits 1 of 1 the date on which

the covered individual will return to work, and shall notify the plan administering the benefits if the covered individual returns to work on an earlier date.

The provisions of this act shall apply to ¹[private plans and]¹ the State plan ¹and a private plan which holds temporary disability insurance and family leave insurance for the individual¹. ¹A private plan that offers only temporary disability benefits shall provide to its temporary disability claimants written notice of the application process for family leave benefits concurrently with issuing its written approval of temporary disability benefits.¹ A private plan that offers ¹[only] both¹ temporary disability benefits ¹[or] and¹ paid family leave benefits shall adopt procedures for effectuating the provisions of this act, so individuals are only required to submit one application for both temporary disability benefits and family leave benefits ¹[even if those benefits are not administered by the same plan]¹.

b. A covered individual who is approved for temporary disability benefits for disability resulting from pregnancy shall ¹[receive up] be entitled¹ to four weeks of benefits before the expected delivery date and ¹[up to]¹ six weeks of benefits after the actual delivery date. The covered individual shall recertify for benefits no later than two weeks following the actual delivery date, and shall not be required to recertify at any other time during the benefit periods. A covered individual shall receive a longer period of disability before the expected delivery date or after the actual delivery date, if the covered individual provides the plan administering the benefits with a certification from a health care provider that the longer period is necessary.

2. This act shall take effect on the ¹[first day of the third month next following] 180th day after the date of ¹ enactment.