

# ASSEMBLY, No. 3912

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 20, 2016

**Sponsored by:**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**SYNOPSIS**

Allows for sharing of family leave benefits between covered individuals under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



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

3

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

6

7 1. a. Notwithstanding the provisions of P.L.1948, c.110  
8 (C.43:21-25 et al.) to the contrary, in the case of covered individuals  
9 who are in a marriage, domestic partnership, or civil union and who  
10 are taking or eligible to take family temporary disability leave to be  
11 with a child following that child's birth or adoption, benefits may  
12 be provided for a maximum of 12 weeks, to be divided between the  
13 two individuals at their discretion. All of the disability benefits paid  
14 to each spouse, partner, or civil union member during a period of  
15 family temporary disability leave with respect to any one birth or  
16 adoption shall be for a single continuous period of time for each  
17 spouse, except that an employer may permit a covered individual to  
18 receive the disability benefits during non-consecutive weeks as  
19 provided in section 12 of P.L.2008, c.17 (C.43:21-39.3).

20 b. The maximum total benefits payable to covered individuals  
21 who are in a marriage, domestic partnership, or civil union for any  
22 period of family temporary disability leave commencing on or after  
23 the effective date of P.L. , c. (C. ) (pending before the  
24 Legislature as this bill), shall be six times the weekly benefit  
25 amount of the higher paid individual in that individual's base year  
26 for the first six weeks of family temporary disability leave, and six  
27 times the weekly benefit amount of the lesser paid individual in that  
28 individual's base year for the second six weeks of family temporary  
29 disability leave, regardless of which individual takes the leave first  
30 or the duration of the leave. The maximum amount shall be  
31 computed in the next lower multiple of \$1.00, if not already a  
32 multiple thereof.

33

34 2. This act shall take effect on the first day of the third month  
35 following enactment.

36

37

38

#### STATEMENT

39

40 This bill provides that, in the case of covered individuals who are  
41 in a marriage, domestic partnership, or civil union and who are  
42 taking or eligible to take family temporary disability leave to be  
43 with a child following that child's birth or adoption, benefits may  
44 be provided for a maximum of 12 weeks, to be divided between the  
45 two individuals at their discretion. All of the disability benefits paid  
46 to each spouse, partner, or civil union member during a period of  
47 family temporary disability leave with respect to any one birth or  
48 adoption shall be for a single continuous period of time for each

**A3912 PINTOR MARIN**

1 spouse, except that an employer may permit a covered individual to  
2 receive the disability benefits during non-consecutive weeks.

3 Under the bill, the maximum total benefits payable to covered  
4 individuals who are in a marriage, domestic partnership, or civil  
5 union for any period of family temporary disability leave shall be  
6 six times the weekly benefit amount of the higher paid individual in  
7 that individual's base year for the first six weeks of family  
8 temporary disability leave and six times the weekly benefit amount  
9 of the lesser paid individual in that individual's base year for the  
10 second six weeks of family temporary disability leave, regardless of  
11 which individual takes the leave first or the duration of the leave.  
12 The maximum amount shall be computed in the next lower multiple  
13 of \$1.00, if not already a multiple thereof.