

**SENATE, No. 3085**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED MARCH 13, 2017

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senator Ruiz**

**SYNOPSIS**

Increases duration and weekly amount of family temporary disability benefits.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/26/2017)**

1 AN ACT concerning the amount and duration of family temporary  
2 disability benefits and amending P.L.1948, c.110.

3

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

6

7 1. Section 14 of P.L.1948, c.110 (C.43:21-38) is amended to  
8 read as follows:

9 14. With respect to any period of disability for an individual's  
10 own disability commencing on or after January 1, 1953, disability  
11 benefits, not in excess of an individual's maximum benefits, shall be  
12 payable with respect to disability which commences while a person  
13 is a covered individual under the Temporary Disability Benefits  
14 Law, and shall be payable with respect to the eighth consecutive  
15 day of such disability and each day thereafter that such period of  
16 disability continues; and if benefits shall be payable for three  
17 consecutive weeks with respect to any period of disability  
18 commencing on or after January 1, 1968, then benefits shall also be  
19 payable with respect to the first seven days thereof. With respect to  
20 any period of family temporary disability leave commencing on or  
21 after July 1, 2009 and while an individual is a covered individual,  
22 family temporary disability benefits, not in excess of the  
23 individual's maximum benefits, shall be payable with respect to the  
24 first day of leave taken after the first one-week period following the  
25 commencement of the period of family temporary disability leave  
26 and each subsequent day of leave during that period of family  
27 temporary disability leave; and if benefits become payable on any  
28 day after the first three weeks in which leave is taken, then benefits  
29 shall also be payable with respect to any leave taken during the first  
30 one-week period in which leave is taken. The maximum total  
31 benefits payable to any eligible individual for any period of  
32 disability of the individual commencing on or after January 1, 1968,  
33 shall be either 26 times his weekly benefit amount or 1/3 of his total  
34 wages in his base year, whichever is the lesser; provided that such  
35 maximum amount shall be computed in the next lower multiple of  
36 \$1.00 if not already a multiple thereof. The maximum total benefits  
37 payable to any eligible individual for any period of family  
38 temporary disability leave commencing on or after July 1, 2009 and  
39 before July 1, 2018, shall be six times the individual's weekly  
40 benefit amount or 1/3 of his total wages in his base year, whichever  
41 is the lesser; provided that the maximum amount shall be computed  
42 in the next lower multiple of \$1.00, if not already a multiple  
43 thereof. The maximum total benefits payable to any eligible  
44 individual for any period of family temporary disability leave  
45 commencing on or after July 1, 2018, shall be twelve times the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 individual's weekly benefit amount or 1/3 of the individual's total  
2 wages in the individual's base year, whichever is the lesser;  
3 provided that the maximum amount shall be computed in the next  
4 lower multiple of \$1.00, if not already a multiple thereof.

5 (cf: P.L.2008, c.17, s.5)

6

7 2. Section 15 of P.L.1948, c.110 (C.43:21-39) is amended to  
8 read as follows:

9 15. Limitation of benefits. Notwithstanding any other provision  
10 of the "Temporary Disability Benefits Law," P.L.1948, c.110  
11 (C.43:21-25 et al.), no benefits shall be payable under the State plan  
12 to any individual:

13 (a) for the first seven consecutive days of each period of  
14 disability; except that:

15 (1) if benefits shall be payable for three consecutive weeks with  
16 respect to any period of disability, then benefits shall also be  
17 payable with respect to the first seven days thereof;

18 (2) in the case of intermittent leave in a single period of family  
19 temporary disability leave taken to provide care for a family  
20 member of the individual with a serious health condition, benefits  
21 shall be payable with respect to the first day of leave taken after the  
22 first one-week period following the commencement of the period of  
23 family temporary disability leave and each subsequent day of leave  
24 during that period of family temporary disability leave; and if  
25 benefits become payable on any day after the first three weeks in  
26 which leave is taken, then benefits shall also be payable with  
27 respect to any leave taken during the first one-week period in which  
28 leave is taken; and

29 (3) in the case of an individual taking family temporary  
30 disability leave immediately after the individual has a period of  
31 disability for the individual's own disability, there shall be no  
32 waiting period between the period of the individual's own disability  
33 and the period of family temporary disability;

34 (b) (1) for more than 26 weeks with respect to any one period of  
35 disability of the individual;

36 (2) for more than six weeks with respect to any one period of  
37 family temporary disability leave commencing before July 1, 2018  
38 and more than 12 weeks if the period of leave commences on or  
39 after July 1, 2018, or more than 42 days with respect to any one  
40 period of family temporary disability leave commencing before July  
41 1, 2018 and more than 84 days if the period of leave commences on  
42 or after July 1, 2018, in the case of leave taken on an intermittent  
43 basis to provide care for a family member of the individual with a  
44 serious health condition; and

45 (3) for more than six weeks of family temporary disability leave  
46 during any 12-month period commencing before July 1, 2018 and  
47 more than 12 weeks for any 12-month period commencing on or  
48 after July 1, 2018, or for more than 42 days of family temporary

1 disability leave taken during any 12-month period commencing  
2 before July 1, 2018 and more than 84 days if the period of leave  
3 commences on or after July 1, 2018, on an intermittent basis to  
4 provide care for a family member of the individual with a serious  
5 health condition, including family temporary disability leave taken  
6 pursuant to R.S.43:21-4(f)(2) while unemployed;

7 (c) for any period of disability which did not commence while  
8 the claimant was a covered individual;

9 (d) for any period of disability of a claimant during which the  
10 claimant is not under the care of a legally licensed physician,  
11 dentist, optometrist, podiatrist, practicing psychologist, advanced  
12 practice nurse, certified nurse midwife, or chiropractor, who, when  
13 requested by the division, shall certify within the scope of the  
14 practitioner's practice, the disability of the claimant, the probable  
15 duration thereof, and, where applicable, the medical facts within the  
16 practitioner's knowledge or for any period of family temporary  
17 disability leave for a serious health condition of a family member of  
18 the claimant, during which the family member is not receiving  
19 inpatient care in a hospital, hospice, or residential medical care  
20 facility or is not subject to continuing medical treatment or  
21 continuing supervision by a health care provider, who, when  
22 requested by the division, shall certify within the scope of the  
23 provider's practice, the serious health condition of the family  
24 member, the probable duration thereof, and, where applicable, the  
25 medical facts within the provider's knowledge;

26 (e) (Deleted by amendment, P.L.1980, c.90.)

27 (f) for any period of disability due to willfully and intentionally  
28 self-inflicted injury, or to injury sustained in the perpetration by the  
29 claimant of a crime of the first, second, third, or fourth degree, or  
30 for any period during which a covered individual would be  
31 disqualified for unemployment compensation benefits for gross  
32 misconduct under subsection (b) of R.S.43:21-5;

33 (g) for any period during which the claimant performs any work  
34 for remuneration or profit;

35 (h) in a weekly amount which together with any remuneration  
36 the claimant continues to receive from the employer would exceed  
37 regular weekly wages immediately prior to disability;

38 (i) for any period during which a covered individual would be  
39 disqualified for unemployment compensation benefits under  
40 subsection (d) of R.S.43:21-5, unless the disability commenced  
41 prior to such disqualification;

42 and there shall be no other cause of disqualification or ineligibility  
43 to receive disability benefits hereunder except as may be  
44 specifically provided in this act.

45 (cf: P.L.2009, c.114, s.1)

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47 3. Section 16 of P.L.1948, c.110 (C.43:21-40) is amended to  
48 read as follows:

