

ASSEMBLY, No. 1980

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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District 35 (Bergen and Passaic)

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District 33 (Hudson)

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District 35 (Bergen and Passaic)

Co-Sponsored by:

**Assemblymen Coughlin, McKeon, Assemblywoman Murphy,
Assemblyman Benson, Assemblywomen Tucker and Mosquera**

SYNOPSIS

Establishes a partial return to work TDI program.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee with technical review.



(Sponsorship Updated As Of: 6/22/2018)

1 AN ACT permitting the payment of temporary disability benefits on
2 a part-time basis 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 5 of P.L.1948, c.110 (C.43:21-29) is amended to
8 read as follows:

9 5. (a) In the case of the disability of a covered individual,
10 disability shall be compensable subject to the limitations of
11 P.L.1948, c.110 (C.43:21-25 et al.) if: the disability is the result of
12 the covered individual suffering an accident or sickness not arising
13 out of and in the course of the individual's employment or if so
14 arising not compensable under the workers' compensation law,
15 R.S.34:15-1 et seq. **[,];** and **[resulting]** the disability results in the
16 individual's total inability to perform the duties of employment,
17 except that an individual who is otherwise eligible for benefits but
18 only able to return to work on a reduced basis while recovering
19 from the disability may receive benefits pursuant to the provisions
20 of subsection (b) of section 16 of P.L.1948, c.110 (C.43:21-40).

21 (b) In the case of an individual taking family temporary
22 disability leave, the leave shall be compensable subject to the
23 limitations of P.L.2008, c.17 (C.43:21-39.1 et al.).
24 (cf: P.L.2008, c.17, s.3)

25

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

28 16. (a) With respect to periods of disability commencing on
29 or after July 1, 1961, an individual's weekly benefit amount shall be
30 determined and computed by the division on the same basis as the
31 weekly benefit rate is determined and computed pursuant to
32 subsection (c) of R.S.43:21-3, except that for periods of disability
33 commencing on or after October 1, 1984, an individual's weekly
34 benefit rate shall be two-thirds of his average weekly wage, subject
35 to a maximum of 53% of the Statewide average weekly
36 remuneration paid to workers by employers, as determined under
37 subsection (c) of R.S.43:21-3; provided, however, that such
38 individual's benefit rate shall be computed to the next lower
39 multiple of \$1.00 if not already a multiple thereof. The amount of
40 benefits for each day of disability for which benefits are payable
41 shall be one-seventh of the corresponding weekly benefit amount;
42 provided that the total benefits for a fractional part of a week shall
43 be computed to the next lower multiple of \$1.00 if not already a
44 multiple thereof.

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 (b) For any week beginning on or after the effective date of
2 P.L. , c. (pending before the Legislature as this bill), with
3 respect to a period of disability of an individual who is otherwise
4 eligible for benefits but only able to return to work on a reduced
5 basis while recovering from the disability, the individual, if
6 permitted by the employer to return to work on the reduced basis,
7 shall be paid an amount of benefits with respect to that week such
8 that the sum of the wages and those benefits paid to the individual,
9 rounded to the next lower multiple of \$1.00, will equal the weekly
10 benefit amount the individual would have been paid if totally
11 unable to perform the duties of employment due to disability,
12 provided that:

13 (1) The individual must have been totally unable to perform the
14 duties of employment due to disability and receiving full benefits
15 for at least seven consecutive days prior to claiming partial benefits
16 under this subsection;

17 (2) The maximum duration of partial benefits paid pursuant to
18 this subsection is eight weeks, unless the division, after a review of
19 medical documentation from a qualified healthcare provider,
20 approves in writing an extension beyond eight weeks, but in no case
21 shall the duration be extended to more than 12 weeks; and

22 (3) If the individual is able to return to work on a reduced basis
23 but the employer is unable or otherwise chooses not to permit the
24 individual to do so, the individual will continue to be eligible for
25 benefits until the individual is fully recovered from the disability
26 and able to perform the duties of employment, but nothing in this
27 subsection shall be construed as increasing the total number of
28 weeks of disability benefits for which the individual is eligible.

29 For the purposes of this section, “qualified healthcare provider”
30 means a legally licensed physician, dentist, podiatrist, chiropractor,
31 certified nurse midwife, advanced practice nurse or public health
32 nurse designated by the division.

33 (cf: P.L.1984, c.104, s.3)

34

35 3. This act shall take effect on the 180th day after the date of
36 enactment.