

[Second Reprint]

ASSEMBLY, No. 2762

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

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**Assemblywomen Murphy, Lampitt, McKnight, Mosquera, Assemblyman
Schaer, Senators Cruz-Perez, Pou, Assemblywomen Pintor Marin, Downey
and Assemblyman Chiaravalloti**

SYNOPSIS

Revises law concerning temporary disability leave.

CURRENT VERSION OF TEXT

As amended on August 27, 2018 by the General Assembly pursuant to the
Governor's recommendations.



(Sponsorship Updated As Of: 9/28/2018)

1 AN ACT concerning temporary disability leave and supplementing
 2 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 any provision of law to the contrary,
 8 when a covered individual applies for temporary disability benefits
 9 for disability resulting from pregnancy or the birth of a child, the
 10 plan administering the covered individual's benefits shall
 11 automatically process an application for that individual for the paid
 12 family leave benefits program, unless the individual affirmatively
 13 opts out of that program, such that the individual shall be required
 14 to submit only one application for both programs. The application
 15 for benefits shall be processed to allow the paid family leave
 16 benefits, if approved, to begin immediately following the end of the
 17 temporary disability benefits, unless the individual notifies the plan
 18 that the individual wants to postpone or opt out of the paid family
 19 leave benefits. A covered individual who is approved for benefits
 20 under this section shall notify the plan administering the covered
 21 individual's benefits ¹of¹ the date on which the covered individual
 22 will return to work, and shall notify the plan administering the
 23 benefits if the covered individual returns to work on an earlier date.

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

37 b. A covered individual who is approved for temporary
 38 disability benefits for disability resulting from pregnancy shall
 39 ¹**receive up** ¹be entitled¹ to four weeks of benefits before the
 40 expected delivery date and ¹**up to**¹ six weeks of benefits after the
 41 actual delivery date. The covered individual shall recertify for
 42 benefits no later than two weeks following the actual delivery date,

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALA committee amendments adopted June 14, 2018.

²Assembly amendments adopted in accordance with Governor's recommendations August 27, 2018.

1 and shall not be required to recertify at any other time during the
2 benefit periods. A covered individual shall receive a longer period
3 of disability before the expected delivery date or after the actual
4 delivery date, if the covered individual provides the plan
5 administering the benefits with a certification from a health care
6 provider that the longer period is necessary.
7
8 2. This act shall take effect ²【on the】² ¹【first day of the third
9 month next following】 ²【180th day】 one year² after the date of¹
10 enactment.