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Assemblywoman Murphy, Assemblyman Benson, Assemblywomen Tucker
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SYNOPSIS
Establishes a partial return to work TDI program.

CURRENT VERSION OF TEXT
As amended on September 27, 2018 by the Senate pursuant to the
Governor's recommendations.

(Sponsorship Updated As Of: 6/22/2018)
AN ACT permitting the payment of temporary disability benefits on
a part-time basis and amending P.L.1948, c.110.

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

1. Section 5 of P.L.1948, c.110 (C.43:21-29) is amended to
read as follows:

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

(b) In the case of an individual taking family temporary
disability leave, the leave shall be compensable subject to the
(cf: P.L.2008, c.17, s.3)

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

16. (a) With respect to periods of disability commencing on or
after July 1, 1961, an individual's weekly benefit amount shall be
determined and computed by the division on the same basis as the
weekly benefit rate is determined and computed pursuant to
subsection (c) of R.S.43:21-3, except that for periods of disability
commencing on or after October 1, 1984, an individual's weekly
benefit rate shall be two-thirds of his average weekly wage, subject
to a maximum of 53% of the Statewide average weekly
remuneration paid to workers by employers, as determined under
subsection (c) of R.S.43:21-3; provided, however, that such
individual's benefit rate shall be computed to the next lower
multiple of $1.00 if not already a multiple thereof. The amount of
benefits for each day of disability for which benefits are payable
shall be one-seventh of the corresponding weekly benefit amount;
provided that the total benefits for a fractional part of a week shall
be computed to the next lower multiple of $1.00 if not already a
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.
Matter enclosed in superscript numerals has been adopted as follows:
Senate amendments adopted in accordance with Governor's
recommendations September 27, 2018.
(b) For any week beginning on or after the effective date of P.L. , c. (pending before the Legislature as this bill), with respect to a period of disability of an individual who is otherwise eligible for benefits but only able to return to work on a reduced basis while recovering from the disability, the individual, if permitted by the employer to return to work on the reduced basis, shall be paid an amount of benefits with respect to that week such that the sum of the wages and those benefits paid to the individual, rounded to the next lower multiple of $1.00, will equal the weekly benefit amount the individual would have been paid if totally unable to perform the duties of employment due to disability, provided that:

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

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

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

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

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

3. This act shall take effect 1one year1 after the date of enactment.