

SENATE, No. 2168

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)

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:*
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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 24 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 12 times the weekly benefit amount
25 of the higher paid individual in that individual's base year for the
26 first 12 weeks of family temporary disability leave, and 12 times the
27 weekly benefit amount of the lesser paid individual in that
28 individual's base year for the second 12 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 and shall not apply to applications for family
36 temporary disability leave benefits made before the effective date.
37

38
39 STATEMENT
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41 This bill provides that, in the case of covered individuals who are
42 in a marriage, domestic partnership, or civil union and who are
43 taking or eligible to take family temporary disability leave to be
44 with a child following that child's birth or adoption, benefits may
45 be provided for a maximum of 24 weeks, to be divided between the
46 two individuals at their discretion. All of the disability benefits paid
47 to each spouse, partner, or civil union member during a period of
48 family temporary disability leave with respect to any one birth or

1 adoption shall be for a single continuous period of time for each
2 spouse, except that an employer may permit a covered individual to
3 receive the disability benefits during non-consecutive weeks.

4 Under the bill, the maximum total benefits payable to covered
5 individuals who are in a marriage, domestic partnership, or civil
6 union for any period of family temporary disability leave shall be
7 six times the weekly benefit amount of the higher paid individual in
8 that individual's base year for the first 12 weeks of family
9 temporary disability leave and 12 times the weekly benefit amount
10 of the lesser paid individual in that individual's base year for the
11 second 12 weeks of family temporary disability leave, regardless of
12 which individual takes the leave first or the duration of the leave.