

ASSEMBLY, No. 1660

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblywoman TURNER, Assemblymen KELLY, Doria
and Gusciora

1 AN ACT providing family disability leave benefits and revising various
2 provisions of the statutory law.

3

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

6

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

9 2. This act shall be liberally construed as remedial legislation
10 enacted upon the following declarations of public policy and legislative
11 findings of fact:

12 The public policy of this State, already established, is to protect
13 employees against the suffering and hardship generally caused by
14 involuntary unemployment. But the [unemployment compensation
15 law] "unemployment compensation law" provides benefit payments to
16 replace wage loss caused by involuntary unemployment only so long
17 as an individual is "able to work, and is available for work," and fails
18 to provide any protection against wage loss suffered because of
19 inability to perform the duties of a job interrupted by nonoccupational
20 illness, injury, or other disability of the individual or of members of the
21 individual's family. Nor is there any other comprehensive and
22 systematic provision for the protection of working people against loss
23 of earnings due to such nonoccupational sickness [or] , accident, or
24 other disability.

25 The prevalence and incidence of nonoccupational sickness [and],
26 accident, and other disability among employed people is greatest
27 among the lower income groups, who either cannot or will not
28 voluntarily provide out of their own resources against the hazard of
29 earnings loss caused by nonoccupational sickness [or], accident, or
30 other disability. Disabling sickness or accident occurs throughout the
31 working population at one time or another, and approximately fifteen
32 per centum (15%) of the number of people at work may be expected
33 to suffer disabling illness of more than one week each year.

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

Matter underlined thus is new matter.

1 It [has been] was found, prior to the enactment of the "Temporary
2 Disability Benefits Law," P.L.1948, c.110 (C. 43:21-25 et seq.), that
3 then existing voluntary plans for the payment of cash sickness benefits
4 [cover] covered less than one-half of the number of working people of
5 this State who [are now] were covered by the [unemployment
6 compensation law,] "unemployment compensation law," and that even
7 [this] that degree of voluntary protection [affords] afforded uneven,
8 unequal and sometimes uncertain protection among the various
9 voluntary benefit programs. While the enactment of that law has
10 provided stable protection for New Jersey's disabled workers, there
11 are very few workers who are currently protected from income losses
12 caused by the need to take time off from work to care for family
13 members who are disabled and unable to care for themselves, including
14 newborn and newly-adopted children. The growing portion of middle-
15 income families in which all adult family members work, largely due to
16 economic necessity, points to the desperate need for replacement
17 income when a working family member must take time to care for
18 family members who are unable to take care of themselves. Moreover,
19 the United States is the only industrialized nation in the world which
20 does not have a mandatory workplace-based program for such income
21 support. It is therefore desirable and necessary to fill the gap in
22 existing provisions for protection against the loss of earnings caused
23 by involuntary unemployment, by extending such protection to meet
24 the hazard of earnings loss due to inability to work caused by
25 nonoccupational sickness [or accident], accidents, or other disabilities
26 of workers and members of their families.

27 The foregoing facts and considerations require that there be a
28 uniform minimum program providing in a systematic manner for the
29 payment of reasonable benefits to replace partially such earnings loss
30 and to meet the continuing need for benefits where an individual
31 becomes disabled during unemployment or needs to care for family
32 members unable to care for themselves. In order to maintain consumer
33 purchasing power, relieve the serious menace to health, morals and
34 welfare of the people caused by insecurity and the loss of earnings, to
35 reduce the necessity for public relief of needy persons, to alleviate the
36 enormous and growing stress on working families of balancing the
37 demands of work and family needs, and in the interest of the health,
38 welfare and security of the people of this State, such a system, enacted
39 under the police power, is hereby established, requiring the payment
40 of reasonable cash benefits to eligible individuals who are suffering
41 accident or illness which is not compensable under the workmen's
42 compensation law or who need to care for family members unable to
43 care for themselves.

44 (cf: P.L.1948, c.110, s.2)

45

46 2. Section 3 of P.L.1948, c.110 (C. 43:21-27) is amended to read

1 as follows:

2 3. As used in this act, unless the context clearly requires otherwise:

3 (a) (1) "Covered employer" means any individual or type of
4 organization, including any partnership, association, trust, estate,
5 joint-stock company, insurance company or corporation, whether
6 domestic or foreign, or the receiver, trustee in bankruptcy, trustee or
7 successor thereof, or the legal representative of a deceased person,
8 who is an employer subject to the chapter to which this act is a
9 supplement, designated as the [Unemployment Compensation Law]
10 "unemployment compensation law" (R.S.43:21-1 et seq.), except the
11 State, its political subdivisions, and any instrumentality of the State
12 unless such governmental entity elects to become a covered employer
13 under the [Temporary Disability Benefits Law] "Temporary Disability
14 Benefits Law"; provided, however, that commencing with the effective
15 date of this act the State of New Jersey, including Rutgers, The State
16 University, the University of Medicine and Dentistry of New Jersey
17 and the New Jersey Institute of Technology, shall be deemed a
18 covered employer, as defined herein.

19 (2) Any governmental entity or instrumentality which is an
20 employer under R.S.43:21-19(h)(5) may elect to become a "covered
21 employer" under this subsection beginning with the date on which its
22 coverage under subsection 19(h)(5) begins or as of January 1 of any
23 year thereafter by filing written notice of such election with the
24 division within at least 30 days of the effective date. Such election
25 shall remain in effect for at least two full calendar years and may be
26 terminated as of January 1 of any year thereafter by filing with the
27 division a written notice of termination at least 30 days prior to the
28 termination date.

29 (b) "Covered individual" means any person who is in employment,
30 as defined in the chapter to which this act is a supplement, for which
31 he is entitled to remuneration from a covered employer, or who has
32 been out of such employment for less than two weeks. However, a
33 "covered individual" who is employed by the State of New Jersey,
34 including Rutgers, The State University, the University of Medicine
35 and Dentistry of New Jersey and the New Jersey Institute of
36 Technology, or by any governmental entity or instrumentality which
37 elects to [becoming] become a "covered employer" pursuant to this
38 amendatory act, shall not be eligible to receive any benefits under the
39 [Temporary Disability Benefits Law] "Temporary Disability Benefits
40 Law" until such individual has exhausted all sick leave accumulated as
41 an employee in the classified service of the State or accumulated under
42 terms and conditions similar to classified employees or accumulated
43 under the terms and conditions pursuant to the laws of this State or as
44 the result of a negotiated contract with any governmental entity or
45 instrumentality which elects to become a "covered employer."

46 "Covered individual" shall not mean any member of the Division of

1 State Police in the Department of Law and Public Safety.

2 (c) "Division" or "commission" means the Division of
3 Unemployment and Temporary Disability Insurance of the Department
4 of Labor, and any transaction or exercise of authority by the director
5 of the division shall be deemed to be performed by the division.

6 (d) "Day" shall mean a full calendar day beginning and ending at
7 midnight.

8 (e) "Disability" shall mean such disability as is compensable under
9 section 5 of this act.

10 (f) "Disability benefits" shall mean any cash payments which are
11 payable to a covered individual pursuant to this act.

12 (g) "Period of disability" with respect to any individual shall mean
13 the entire period of time during which he is continuously and totally
14 unable to perform the duties of his employment, except that two
15 periods of disability due to the same or related cause or condition and
16 separated by a period of not more than 14 days shall be considered as
17 one continuous period of disability; provided the individual has earned
18 wages during such 14-day period with the employer who was his last
19 employer immediately preceding the first period of disability.

20 (h) "Wages" shall mean all compensation payable by covered
21 employers to covered individuals for personal services, including
22 commissions and bonuses and the cash value of all compensation
23 payable in any medium other than cash.

24 (i) (1) "Base week" with respect to periods of disability
25 commencing prior to October 1, 1984, means any calendar week
26 during which an individual earned not less than \$15.00 from a covered
27 employer, in employment as defined in the chapter to which this act is
28 a supplement.

29 (2) "Base week" with respect to periods of disability commencing
30 on or after October 1, 1984, and prior to October 1, 1985, means any
31 calendar week during which an individual earned in employment from
32 a covered employer remuneration equal to not less than 15% of the
33 Statewide average weekly remuneration as determined under
34 subsection (c) of R.S. 43:21-3, which shall be adjusted to the next
35 higher multiple of \$1.00 if not already a multiple thereof.

36 (3) "Base week" with respect to periods of disability commencing
37 on or after October 1, 1985, means any calendar week during which
38 an individual earned in employment from a covered employer
39 remuneration equal to not less than 20% of the Statewide average
40 weekly remuneration as determined under subsection (c) of
41 R.S.43:21-3, which shall be adjusted to the next higher multiple of
42 \$1.00 if not already a multiple thereof.

43 (4) "Base week" with respect to periods of family disability leave
44 commencing on or after January 1, 1997, means any calendar week
45 during which an individual earned in employment from a covered
46 employer remuneration equal to not less than 20% of the Statewide

1 average weekly remuneration as determined under subsection (c) of
2 R.S.43:21-3, which shall be adjusted to the next higher multiple of
3 \$1.00 if not already a multiple thereof.

4 (j) "Average weekly wage" means the amount derived by dividing
5 a covered individual's total wages earned from his most recent covered
6 employer during the base weeks in the eight calendar weeks
7 immediately preceding the calendar week in which disability or family
8 disability leave commenced, by the number of such base weeks. If this
9 computation yields a result which is less than the individual's average
10 weekly earnings in employment, as defined in the chapter to which this
11 act is a supplement, with all covered employers during the base weeks
12 in such eight calendar weeks, then the average weekly wage shall be
13 computed on the basis of earnings from all covered employers during
14 the eight base weeks immediately preceding the week in which the
15 disability or family disability leave commenced.

16 (k) "Child" means a biological, adopted, or foster child, stepchild
17 or legal ward who is less than 18 years of age or is 18 years of age or
18 older but incapable of self-care because of mental or physical
19 impairment.

20 (l) "Family disability leave" means leave taken by a covered
21 individual from employment to provide care for a family member made
22 necessary by: the birth of a child of the individual; the placement of a
23 child with the individual in connection with the adoption of the child
24 by the individual; or a serious health condition of a family member of
25 the individual.

26 (m) "Family member" means a child, parent or spouse of a covered
27 individual;

28 (n) "Parent" means a biological parent, foster parent, adoptive
29 parent, or stepparent of a covered individual or a person who was a
30 legal guardian of the covered individual when the covered individual
31 was a child.

32 (o) "Period of family disability leave" means the period of leave
33 taken from employment by a covered individual to provide care for a
34 family member in a single one of the following events:

35 (1) The birth of a child of the individual;

36 (2) The placement of a child with the individual in connection with
37 the adoption of the child by the individual; or

38 (3) A serious health condition episode of a family member of the
39 individual.

40 (p) "Serious health condition" means an illness, injury, or physical
41 or mental condition which requires: inpatient care in a hospital,
42 hospice, or residential medical care facility; or continuing medical
43 treatment or continuing supervision by a health care provider.

44 (cf: P.L.1984, c.104, s.1)

45

46 3. Section 8 of P.L.1948, c.110 (C. 43:21-32) is amended to read

1 as follows:

2 8. Establishment of private plans

3 Any covered employer may establish a private plan for the payment
4 of disability benefits in lieu of the benefits of the State plan hereinafter
5 established. Benefits under such a private plan may be provided by a
6 contract of insurance issued by an insurer duly authorized and
7 admitted to do business in this State, or by an agreement between the
8 employer and a union or association representing his employees, or by
9 a specific undertaking by the employer as a self-insurer. Subject to the
10 insurance laws of this State, such a contract of insurance may be
11 between the insurer and the employer; or may be between the insurer
12 and two or more employers, acting for the purpose through a
13 nominee, designee or trustee; or may be between the insurer and the
14 union or association with which the employer has an agreement with
15 respect thereto. Each such private plan shall be submitted in detail to
16 the Division of Employment Security and shall be approved by the
17 division, to take effect as of the first day of the calendar quarter next
18 following, or as of an earlier date if requested by the employer and
19 approved by the Division of Employment Security, if it finds that:

20 (a) all of the employees of the employer are to be covered under
21 the provisions of such plan with respect to any disability and, after
22 December 31, 1996, any family disability leave, commencing after the
23 effective date of such plan, except as otherwise provided in this
24 section; and

25 (b) eligibility requirements for benefits are no more restrictive than
26 as provided in this act for benefits payable by the State plan; and

27 (c) the weekly benefits payable under such plan for any week of
28 disability or family disability leave are at least equal to the weekly
29 benefit amount payable by the State plan, taking into consideration any
30 coverage with respect to concurrent employment by another employer,
31 and the total number of weeks of disability or family disability leave
32 for which benefits are payable under such plan is at least equal to the
33 total number of weeks for which benefits would have been payable by
34 the State plan; and

35 (d) no greater amount is required to be paid by employees toward
36 the cost of benefits than that prescribed by law as the amount of
37 worker contribution to the State disability benefits fund for covered
38 individuals under the State plan; and

39 (e) coverage is continued under the plan while an employee
40 remains a covered individual as defined in section three of this act, but
41 not after the employee may become employed by another employer
42 following termination of employment to which the plan relates; and

43 (f) a majority of the employees to be covered by the plan have or
44 shall have agreed to the plan prior to the effective date thereof, if
45 employees are required to contribute to the cost of the private plan, as
46 provided in section nine.

1 Subject to the approval of the Division of Employment Security,
2 any such private plan may exclude a class or classes of employees,
3 except a class or classes determined by the age, sex or race of the
4 employees, or by the wages paid such employees, the exclusion of
5 which, in the opinion of the division, will result in a substantial
6 selection of risk adverse to the State plan. Covered individuals so
7 excluded shall be covered by the State plan and subject to the
8 employee contribution required by law to be paid into the State
9 disability benefits fund.

10 (cf: P.L.1953, c.426, s.1)

11

12 4. Section 9 of P.L.1948, c.110 (C. 43:21-33) is amended to read
13 as follows:

14 9. Election by employees: deduction of contributions.

15 If employees are to be required to contribute toward the cost of
16 benefits under a private plan, such plan shall not become effective
17 unless prior to the effective date a majority of the employees in the
18 class or classes to be covered thereby have agreed thereto by written
19 election. In such event, the employer may during the continuance of
20 the approved private plan collect the required contributions thereto by
21 deduction from the wages paid to covered individuals under such plan,
22 which deduction may be combined with that deduction required by
23 Revised Statutes, section 43:21-7(d)(1) if reasonable notice is given
24 covered individuals concerning such combined deduction by the
25 employer; provided, that if any employer fails to deduct the
26 contributions of any of his employees at the time their wages are paid,
27 or fails to make a deduction therefor at the time wages are paid for the
28 next succeeding payroll period, he may not thereafter collect a
29 contribution with respect to such wages previously paid.

30 A covered individual shall not be entitled to any benefits from the
31 State disability benefits fund with respect to any period of disability or
32 family disability leave commencing while he is covered under an
33 approved private plan.

34 (cf: P.L.1950, c.173, s.3)

35

36 5. Section 10 of P.L.1948, c.110 (C. 43:21-34) is amended to read
37 as follows:

38 10. If upon the effective date of this act a covered employer has in
39 effect a plan for the payment of cash disability benefits to his
40 employees or to any class or classes thereof, or has in effect an
41 agreement with a union or association whereby there is in effect a plan
42 for the payment of cash disability benefits to his employees or to any
43 class or classes thereof (and to the cost of which plan the employer is
44 obligated to contribute,) such plan shall, regardless of the requirements
45 of this article, be deemed to be an approved private plan until the
46 earliest date upon which the employer shall have the right to modify

1 the benefits of or discontinue such plan, or to discontinue
2 contributions toward the cost thereof. In such case the employer shall
3 notify the commission of the circumstances. During the continuance
4 of such private plan the employees covered thereunder shall not be
5 entitled to any benefits under the State plan with respect to any period
6 of disability or family disability leave commencing while they are
7 covered under such private plan. If any such private plan covers only
8 a class or classes of covered individuals, the employer may effect
9 another private plan for his remaining employees or for a class or
10 classes of them, subject to the requirements and limitations of section
11 eight.

12 (cf: P.L.1948, c.110, s.10)

13

14 6. Section 11 of P.L.1948, c.110 (C. 43:21-35) is amended to read
15 as follows:

16 11. (a) If the division is furnished satisfactory evidence that a
17 majority of the employees covered by an approved private plan have
18 made election in writing to discontinue such plan, the division shall
19 withdraw its approval of such plan effective at the end of the calendar
20 quarter next succeeding that in which such evidence is furnished.
21 Upon receipt of a petition therefor signed by not less than 10% of the
22 employees covered by an approved private plan, the division shall
23 require the employer upon 30 days' written notice to conduct an
24 election by ballot in writing to determine whether or not a majority of
25 the employees covered by such private plan favor discontinuance
26 thereof; provided, that such election shall not be required more often
27 than once in any 12-month period.

28 (b) Unless sooner permitted, for cause, by the division, no
29 approved private plan shall be terminated by an employer, in whole or
30 in part, until at least 30 days after written notice of intention so to do
31 has been given by the employer to the division and after notices are
32 conspicuously posted so as reasonably to assure their being seen, or
33 after individual notices are given to the employees concerned.

34 (c) The division may, after notice and hearing, withdraw its
35 approval of any approved private plan if it finds that there is danger
36 that the benefits accrued or to accrue will not be paid, that the security
37 for such payment is insufficient, or for other good cause shown. No
38 employer, and no union or association representing employees, shall
39 so administer or apply the provisions of an approved private plan as
40 to derive any profit therefrom. The division may withdraw its approval
41 from any private plan which is administered or applied in violation of
42 this provision.

43 (d) No termination of an approved private plan shall affect the
44 payment of benefits, in accordance with the provisions of the plan, to
45 disabled employees whose period of disability or family disability leave
46 commenced prior to the date of termination. Employees who have

1 ceased to be covered by an approved private plan because of its
2 termination shall, subject to the limitations and restrictions of this act,
3 become eligible forthwith for benefits from the State Disability
4 Benefits Fund for disability or family disability leave commencing after
5 such cessation, and contributions with respect to their wages shall
6 immediately become payable as otherwise provided by law. Any
7 withdrawal of approval of a private plan pursuant to this section shall
8 be reviewable by writ of certiorari or by such other procedure as may
9 be provided by law.

10 (e) Anything in this act to the contrary notwithstanding, a covered
11 employer who, under an approved private plan, is providing benefits
12 at least equal to those required by the State plan, may modify the
13 benefits under the private plan so as to provide benefits not less than
14 the benefits required by the State plan; provided, that individuals
15 covered under such plan shall not be required to contribute to such
16 plan at a rate exceeding $\frac{3}{4}$ of 1% of the amount of "wages"
17 established for any calendar year under the provisions of
18 R.S.43:21-7(b) prior to January 1, 1975, and $\frac{1}{2}$ of 1% for calendar
19 years beginning on or after January 1, 1975. Notification of such
20 proposed modification shall be given by the employer to the division
21 and to the individuals covered under such plan, on or before May 1,
22 1975.

23 (cf: P.L.1974, c.86, s.8)

24

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

27 15. Limitation of benefits. Notwithstanding any other provision of
28 the "Temporary Disability Benefits Law," P.L.1948, c.110
29 (C.43:21-25 et seq.), no benefits shall be payable under the State plan
30 to any person:

31 (a) (1) for the first seven consecutive days of each period of
32 disability; except that if benefits shall be payable for three consecutive
33 weeks with respect to any period of disability commencing on or after
34 January 1, 1968, then benefits shall also be payable with respect to the
35 first seven days thereof;

36 (2) for the first seven consecutive days of each period of family
37 disability leave; except that if benefits are payable for three weeks with
38 respect to any period of disability commencing on or after January 1,
39 1997, then benefits shall also be payable with respect to the first seven
40 days thereof and, in the case of intermittent leave in a single period of
41 leave the seven-day waiting period shall apply only one time during the
42 entire period of leave;

43 (b) (1) for more than 26 weeks with respect to any one period of
44 disability;

45 (2) for more than 12 weeks with respect to any one period of
46 family disability leave;

1 (3) for more than 12 weeks of family disability leave during any 12-
2 month period;

3 (4) for more than 26 weeks, with respect to all periods of disability
4 and family disability leave during any 12-month period, except when
5 the individual is paid benefits for more than 26 weeks with respect to
6 periods of disability during the 12-month period;

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

9 (d) for any period of disability during which the claimant, or, in a
10 case of family disability leave for a serious health condition of a family
11 member of the claimant, the family member, is not under the care of a
12 legally licensed physician, dentist, optometrist, podiatrist, practicing
13 psychologist, [or] chiropractor, or other health care provider approved
14 by, or meeting standards set by, the division who, when requested by
15 the division, shall certify within the scope of the practitioner's practice,
16 the disability of the claimant or the serious health condition of the
17 family member, the probable duration thereof, and, where applicable,
18 the medical facts within the practitioner's knowledge;

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

20 (f) for any period of disability due to willfully and intentionally
21 self-inflicted injury, or to injury sustained in the perpetration by the
22 claimant of a crime of the first, second, or third degree;

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

25 (h) in a weekly amount which together with any remuneration the
26 claimant continues to receive from the employer would exceed regular
27 weekly wages immediately prior to disability or family disability leave;

28 (i) for any period during which a covered individual would be
29 disqualified for unemployment compensation benefits under subsection
30 (d) of R.S.43:21-5, unless the disability commenced prior to such
31 disqualification; and there shall be no other cause of disqualification
32 or ineligibility to receive disability benefits hereunder except as may be
33 specifically provided in this act.

34 (cf: P.L.1989, c.213, s.2)

35

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

38 16. With respect to periods of disability commencing on or after
39 July 1, 1961, an individual's weekly benefit amount shall be determined
40 and computed by the division on the same basis as the weekly benefit
41 rate is determined and computed pursuant to subsection (c) of
42 R.S.43:21-3, except that for periods of disability commencing on or
43 after October 1, 1984 and periods of family disability leave
44 commencing on or after January 1, 1997, an individual's weekly benefit
45 rate shall be two-thirds of his average weekly wage, subject to a
46 maximum of 53% of the Statewide average weekly remuneration paid

1 to workers by employers, as determined under subsection (c) of
2 R.S.43:21-3; provided, however, that such individual's benefit rate
3 shall be computed to the next lower multiple of \$1.00 if not already a
4 multiple thereof. The amount of benefits for each day of disability or
5 family disability leave for which benefits are payable shall be
6 one-seventh of the corresponding weekly benefit amount; provided
7 that the total benefits for a fractional part of a week shall be computed
8 to the next lower multiple of \$1.00 if not already a multiple thereof.
9 (cf: P.L.1984, c.104, s.3)

10
11 9. Section 17 of P.L.1948, c.110 (C. 43:21-41) is amended to read
12 as follows:

13 17. (a) (Deleted by amendment, P.L.1975, c. 355.)

14 (b) **[**With respect to periods of disability commencing on or after
15 January 1, 1953, and prior to January 1, 1976, no individual shall be
16 entitled to benefits under this article unless he has established at least
17 17 base weeks within the 52 calendar weeks preceding the week in
18 which his period of disability commenced, nor unless he shall duly file
19 notice and proof of claim, and submit to such reasonable examinations
20 as are required by this act and the rules and regulations of the
21 division.] (Deleted by amendment, P.L. _____, c. _____)(pending before the
22 Legislature as this bill)

23 (c) **[**With respect to periods of disability commencing on or after
24 January 1, 1976, and prior to October 1, 1984, no individual shall be
25 entitled to benefits under this article unless he has established at least
26 17 base weeks within the 52 calendar weeks preceding the week in
27 which his period of disability commenced, or, in the alternative, has
28 earned \$2,200.00 or more within the 52 calendar weeks preceding the
29 week in which his period of disability commenced, nor unless he shall
30 duly file notice and proof of claim, and submit to such reasonable
31 examinations as are required by this act and the rules and regulations
32 of the division.

33 Notwithstanding any provisions of this section to the contrary, the
34 provision of subsection 17(c) shall apply to any claim pending before
35 the division or the courts on the effective date of this act.] (Deleted by
36 amendment, P.L. _____, c. _____)(pending before the Legislature as this
37 bill)

38 (d) With respect to periods of disability commencing on or after
39 October 1, 1984, no individual shall be entitled to benefits under this
40 act unless he has established at least 20 base weeks within the 52
41 calendar weeks preceding the week in which his period of disability
42 commenced, or, in the alternative, the individual has earned twelve
43 times the Statewide average weekly remuneration paid to workers, as
44 determined under subsection (c) of R.S.43:21-3, raised to the next
45 higher multiple of \$100.00, if not already a multiple thereof, or more
46 within the 52 calendar weeks preceding the week in which his period

1 of disability commenced, nor shall the individual be entitled to benefits
2 unless he shall duly file notice and proof of claim, and submit to such
3 reasonable examinations as are required by this act and the rules and
4 regulations of the division.

5 (e) With respect to periods of family disability leave commencing
6 on or after January 1, 1997, no individual shall be entitled to benefits
7 under this act unless he has established at least 20 base weeks within
8 the 52 calendar weeks preceding the week in which the period of
9 family disability leave commenced, or, in the alternative, the individual
10 has earned twelve times the Statewide average weekly remuneration
11 paid to workers, as determined under subsection (c) of R.S. 43:21-3,
12 raised to the next higher multiple of \$100.00, if not already a multiple
13 thereof, or more within the 52 calendar weeks preceding the week in
14 which the period of family disability leave commenced, nor shall the
15 individual be entitled to benefits unless he files all notices, proofs and
16 certifications required by this act, and submits to any reasonable
17 examinations required by this act and the rules and regulations of the
18 division.

19 (cf: P.L.1984, c.104, s.4)

20

21 10. Section 23 of P.L.1948, c.110 (C. 43:21-47) is amended to
22 read as follows:

23 23. Withdrawal from Federal Treasury. (a) The State Treasurer is
24 hereby authorized and directed to requisition and withdraw on or
25 before December 31, 1948, the sum of \$50,000,000.00 from the
26 amount of worker contributions heretofore accumulated in the State
27 unemployment compensation fund and deposited in and credited to the
28 account of this State in the unemployment trust fund of the United
29 States of America, established and maintained pursuant to section 904
30 of the Social Security Act, as amended (42 U.S.C. {1104}), and to
31 deposit such sums in the State disability benefits fund, established
32 under the "Temporary Disability Benefits Law." The State Treasurer
33 is further authorized and empowered to make such requisitions or
34 withdrawals in accordance with such regulations relating thereto as
35 may be prescribed by the United States Secretary of the Treasury. No
36 portion of the amount requisitioned or withdrawn from the Federal
37 Treasury shall be expended for the purpose of administering the
38 "Temporary Disability Benefits Law."

39 (b) The State Treasurer is hereby authorized and directed to
40 requisition and withdraw within 90 days of this enactment, an
41 additional sum of \$50,000,000.00 from the amount of worker
42 contributions heretofore accumulated in the State unemployment
43 compensation fund and deposited in and credited to the account of this
44 State in the unemployment trust fund of the United States of America,
45 established and maintained pursuant to section 904 of the Social
46 Security Act, as amended (42 U.S.C.{1104}), and to deposit such sums

1 in the State disability benefits fund, established under the "Temporary
2 Disability Benefits Law." The State Treasurer is further authorized and
3 empowered to make such requisitions or withdrawals in accordance
4 with such regulations relating thereto as may be prescribed by the
5 United States Secretary of the Treasury. If the balance in the State
6 disability benefits fund as of December 31 of any calendar year,
7 increased by the contributions credited thereto on or before, or as of
8 January 31 immediately thereafter is in excess of \$75,000,000.00, the
9 excess shall be withdrawn from the State disability benefits fund and
10 deposited to the account of this State in the unemployment trust fund
11 until the entire \$50,000,000.00 requisitioned and withdrawn under this
12 subsection (b) has been returned and deposited to the account of this
13 State in the unemployment trust fund pursuant to the provisions of this
14 subsection (b) and subsection (c) hereof. Such repayment to the
15 unemployment trust fund shall be considered in determining
16 contribution rates by employers to the State disability benefits fund
17 under R.S.43:21-7(c). No portion of the amount requisitioned or
18 withdrawn from the Federal Treasury shall be expended for the
19 purpose of administering the "Temporary Disability Benefits Law."

20 (c) The State Treasurer shall transfer from the State disability
21 benefits fund to the clearing account of the unemployment
22 compensation fund, as established under R.S.43:21-9, the sum of
23 \$25,000,000.00. Such transfer may be made at such times and in such
24 installments as the State Treasurer may deem proper, except that the
25 total sum shall have been transferred by no later than April 30, 1971.
26 Amounts transferred to the clearing account of the unemployment
27 compensation fund under this subsection shall be clear immediately
28 and shall be deposited with the Secretary of the Treasury of the United
29 States of America in accordance with the provisions of
30 R.S.43:21-9(b).

31 (d) The State Treasurer is hereby authorized and directed to
32 requisition and withdraw on or before December 31, 1985 a minimum
33 of \$50,000,000.00, at the discretion of the Commissioner of Labor,
34 from the State disability benefits fund established under section 22 of
35 P.L.1948, c.110 (C.43:21-46) and to deposit such sum in the clearing
36 account of the State unemployment compensation fund established
37 under R.S.43:21-9. The amount transferred under this subsection (d)
38 shall be cleared immediately and shall be deposited with the Secretary
39 of the Treasury of the United States of America, in accordance with
40 the provisions of R.S.43:21-9(b).

41 (e) The State Treasurer is hereby authorized and directed to
42 requisition and withdraw on or after July 1, 1992 an amount not
43 greater than \$25,000,000 from revenues received pursuant to
44 paragraph (1) of subsection (e) of R.S.43:21-7, at the discretion of the
45 Commissioner of Labor, from the State disability benefits fund
46 established pursuant to section 22 of P.L.1948, c.110 (C.43:21-46)

1 and to deposit that amount in the New Jersey Workforce Development
2 Partnership Fund created pursuant to section 9 of P.L.1992, c.43
3 (C.34:15D-9).

4 (f) The State Treasurer, in consultation with the Commissioner of
5 Labor, is hereby authorized and directed to requisition and withdraw
6 on or after July 1, 1994 from revenues received pursuant to paragraph
7 (1) of subsection (e) of R.S.43:21-7, an amount from the State
8 disability benefits fund not greater than 25% of the balance in that fund
9 as of June 30, 1994 and to deposit that amount in the clearing account
10 of the unemployment compensation fund established under
11 R.S.43:21-9. The amount transferred under this subsection (f) shall be
12 cleared immediately and shall be deposited with the Secretary of the
13 Treasury of United States of America, in accordance with the
14 provisions of R.S.43:21-9(b).

15 (g) To the extent that funds from the General Fund are also
16 deposited into the clearing account subsequent to July 1, 1994 but
17 before October 2, 1994, such amount shall be reimbursed to the
18 General Fund from amounts collected pursuant to
19 R.S.43:21-7(d)(1)(G) and R.S.43:21-7(e) for quarterly periods ending
20 on or after September 30, 1994.

21 (h) The amount transferred from the State disability benefits fund
22 to the clearing account of the unemployment compensation fund under
23 subsection (f) of this section plus any amount reimbursed to the
24 General Fund in accordance with subsection (g) shall be repaid to the
25 State disability benefits fund from general state revenues with interest
26 at the rate earned by the investments made with moneys remaining in
27 the State disability benefits fund. The repayment period shall not
28 exceed ten years. The amount repaid each year shall be not less than
29 one tenth of the total amount transferred from the State disability
30 benefits fund to the clearing account of the unemployment
31 compensation fund under subsection (f) of this section, plus not less
32 than one tenth of the amount reimbursed to the General Fund in
33 accordance with subsection (g), plus accrued interest, and, on
34 January 1, 1997, the State Treasurer shall repay the entire amount not
35 yet repaid by depositing that entire amount from the General Fund to
36 the State disability benefits fund. [The State Treasurer shall, on or
37 before the thirty-first day of January in 1995 and in each subsequent
38 year determine what amount shall be repaid to the State disability
39 benefits fund in the next commencing fiscal year, which amount shall
40 be consistent with the provisions of this subsection (h). The
41 Legislature shall appropriate that amount from the General Fund to the
42 State disability benefits fund. For purposes of determining the balance
43 in the State disability benefits fund as prescribed pursuant to
44 subparagraph (1) of subparagraph (E) of paragraph (3) of subsection
45 (e) of R.S.43:21-7, the amount transferred from the State disability
46 benefits fund to the unemployment compensation fund pursuant to

1 subsection (f) of this section and reimbursed to the General Fund
2 pursuant to subsection (g) of this section less repayments or other
3 reductions, plus accrued interest shall be included therein.]

4 (cf: P.L.1994, c.112, s.4)

5

6 11. Section 24 of P.L.1948, c.110 (C. 43:21-48) is amended to
7 read as follows:

8

24. Assessment of costs of administration.

9

(a) If officers or employees of the Division of Employment
10 Security perform duties in part related to the administration of this act
11 and of the [unemployment compensation law,] "unemployment
12 compensation law." or if there be expenses otherwise incurred jointly
13 in connection with administration of such acts, the division shall make
14 an equitable apportionment to determine the portion of total expense
15 to be charged to administration of this act including R.S.43:21-4(f).
16 So far as possible such apportionment shall be based upon records to
17 be maintained with the respect to activities undertaken in administering
18 this act.

19

(b) The Division of Employment Security shall, at the end of each
20 fiscal year, determine the total amount expended by it for
21 administrative cost directly attributable to the supervision and
22 operation of approved private plans, together with a proportionate
23 part of the administrative cost of R.S.43:21-4(f), and such total
24 amount shall be prorated among the approved private plans in effect
25 during that year on the basis of the total amount of taxable wages that
26 were paid to all employees covered under such private plans. The
27 prorated amounts shall be assessed against the respective employers
28 but shall not exceed 1/20 of 1% of such wages, and such amounts shall
29 be collectible by the division in the same manner as provided for the
30 collection of employer contributions under the chapter to which this
31 act is a supplement. In making this assessment, the division shall
32 furnish to each affected employer a brief summary of the
33 apportionment of expense to be charged to administration of this act,
34 and of the facts upon which the calculation of the assessment is based.
35 The amounts of such assessments shall be credited to the
36 administration account.

37

(c) The division shall, at the end of each fiscal year, determine the
38 total amount expended by it for administrative cost directly
39 attributable to maintaining separate disability benefits accounts for
40 employers required to contribute to the State disability benefits fund
41 and assigning modified rates of contribution to such employers in
42 accordance with the provisions of R.S.43:21-7(e)(3). Such total
43 amount of administrative costs shall be prorated among such employer
44 accounts on the basis of the total amount of taxable wages paid to all
45 employees during the preceding calendar year with respect to which
46 contributions were payable to the State disability benefits fund. The

1 prorated amounts shall be assessed against the respective employers,
2 and such amounts shall be collectible by the division in the same
3 manner as provided for the collection of employer contributions in
4 R.S.43:21-14. The amounts of such assessments shall be credited to
5 the administration account.

6 (d) Any expenses which the Task Force on Work and the Family
7 determines are necessary to carry out its duties pursuant to section 17
8 of this 1996 amendatory and supplementary act shall be prorated
9 among employers required to contribute to the State disability benefits
10 fund and employers covered by approved private plans on the basis of
11 the total amount of taxable wages paid to all employees by each
12 employer. The prorated amounts shall be assessed against the
13 respective employers, and such amounts shall be collectible by the
14 division in the same manner as provided for the collection of employer
15 contributions in R.S.43:21-14.

16 (cf: P.L.1970, c.324, s.3)

17

18 12. Section 25 of P.L.1948, c.110 (C. 43:21-49) is amended to
19 read as follows:

20 25. (a) In the event of the disability or family disability leave of any
21 individual covered under the State plan, the employer shall on the
22 ninth day of disability or family disability leave issue to the individual
23 and to the division printed notices on division forms containing the
24 name, address and Social Security number of the individual, such
25 wage information as the division may require to determine the
26 individual's eligibility for benefits, and the name, address, and division
27 identity number of the employer, together with a printed copy of
28 benefit instructions of the division. Not later than 30 days after the
29 commencement of the period of disability or family disability leave for
30 which such notice is furnished, the individual shall furnish to the
31 division a notice and claim for disability benefits under the State plan
32 or for disability during unemployment. Upon the submission of such
33 notices by the employer and the individual, the division may issue
34 benefit payments for periods not exceeding 3 weeks pending the
35 receipt of medical proof and other required certification. When
36 requested by the division, such notice and proof shall include
37 certification of total disability by the attending physician, or a record
38 of hospital confinement and, in the case of family disability leave, the
39 certifications required pursuant to section 15 of this 1996 amendatory
40 and supplemental act. Failure to furnish notice and proof within the
41 time or in the manner above provided shall not invalidate or reduce
42 any claim if it shall be shown to the satisfaction of the division not to
43 have been reasonably possible to furnish such notice and proof and
44 that such notice and proof was furnished as soon as reasonably
45 possible.

46 (b) A person claiming benefits under the State plan or for disability

1 during unemployment shall, when requested by the division, submit at
2 intervals, but not more often than once a week, to an examination by
3 a legally licensed physician, dentist, podiatrist, chiropractor, or public
4 health nurse designated by the division. In all cases of physical
5 examination of a claimant, the examination shall be made by a designee
6 of the division, who shall be the same sex as the claimant if so
7 requested by the claimant. All such examinations by physicians,
8 dentists, podiatrists, chiropractors or nurses designated by the
9 division shall be without cost to the claimant and shall be held at a
10 reasonable time and place. Refusal to submit to such a requested
11 examination shall disqualify the claimant from all benefits for the
12 period of disability in question, except as to benefits already paid.

13 (c) All medical records of the division, except to the extent
14 necessary for the proper administration of this act, shall be confidential
15 and shall not be published or be open to public inspection (other than
16 to public employees in the performance of their public duties) in any
17 manner revealing the identity of the claimant, or the nature or cause of
18 disability nor admissible in evidence in any action or special
19 proceeding other than one arising under this act.

20 (cf: P.L.1980, c.90, s.15)

21

22 13. Section 31 of P.L.1948, c.110 (C. 43:21-55) is amended to
23 read as follows:

24 31. Penalties. (a) Whoever makes a false statement or
25 representation knowing it to be false or knowingly fails to disclose a
26 material fact, and each such false statement or representation or failure
27 to disclose a material fact shall constitute a separate offense, to obtain
28 or increase any benefit under the State plan or an approved private
29 plan, or for a disability during unemployment, either for himself or for
30 any other person, shall be liable to a fine of twenty dollars (\$20.00) to
31 be paid to the Division of Employment Security. Upon refusal to pay
32 such fine, the same shall be recovered in a civil action by the division
33 in the name of the State of New Jersey. If in any case liability for the
34 payment of a fine as aforesaid shall be determined, any person who
35 shall have received any benefits hereunder by reason of the making of
36 such false statements or representations or failure to disclose a
37 material fact, shall pay to the division, the employer or insurer, as the
38 case may be, an amount equal to the sum of any benefits hereunder
39 received from the division, employer or insurer by reason thereof, and
40 such person shall not be entitled to any benefits under this act for any
41 disability or family disability leave occurring prior to the time he shall
42 have discharged his liability hereunder to pay such fine, and to
43 reimburse the division, employer or insurer.

44 (b) Any employer or any officer or agent of any employer or any
45 other person who makes a false statement or representation knowing
46 it to be false or knowingly fails to disclose a material fact, to prevent

1 or reduce the benefits to any person entitled thereto, or to avoid
2 becoming or remaining subject hereto or to avoid or reduce any
3 contribution or other payment required from an employer under this
4 act, or who willfully fails or refuses to make any such contributions or
5 other payment or to furnish any reports required hereunder or to
6 produce or permit the inspection or copying of records as required
7 hereunder, shall be liable to a fine of twenty dollars (\$20.00) to be
8 paid to the division. Upon refusal to pay such fine, the same shall be
9 recovered in a civil action by the division in the name of the State of
10 New Jersey.

11 (c) Any person who shall willfully violate any provision hereof or
12 any rule or regulation made hereunder, for which a fine is neither
13 prescribed herein nor provided by any other applicable statute, shall be
14 liable to a fine of fifty dollars (\$50.00) to be paid to the division. Upon
15 the refusal to pay such fine, the same shall be recovered in a civil
16 action by the division in the name of the State of New Jersey.

17 (d) Any person, employing unit, employer or entity violating any
18 of the provisions of the above subsections with intent to defraud the
19 Division of Employment Security of the State of New Jersey shall in
20 addition to the penalties hereinbefore described, be liable for each
21 offense upon conviction before the Superior Court or any municipal
22 court to a fine not to exceed two hundred fifty dollars (\$250.00) or by
23 imprisonment for a term not to exceed ninety days, or both, at the
24 discretion of the court. The fine upon conviction shall be payable to
25 the State disability benefits fund of the Division of Employment
26 Security. Any penalties imposed by this subsection shall be in addition
27 to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).
28 (cf: P.L.1991, c.91, s.422)

29

30 14. (New section) Family disability leave shall be compensable
31 subject to the limitations of this 1996 amendatory and supplementary
32 act for any period of family disability leave taken by a covered
33 individual which commences on or after January 1, 1997, and, if the
34 individual is not entitled to family disability leave benefits for that
35 leave under an approved private plan, the individual shall be entitled
36 to the benefits under the State plan. The benefits shall be payable with
37 respect to the eighth consecutive day of the leave period and each day
38 thereafter and if the period continues for longer than three weeks, then
39 benefits shall also be payable for the first seven days of the leave
40 period. In the case of intermittent leave taken pursuant to the
41 provisions of this act, the seven-day waiting period shall only apply
42 one time during the entire leave period. The maximum total benefits
43 payable to a covered individual during a period of family disability
44 leave shall be either 12 times the individual's weekly benefit or one
45 third of the total wages in the individual's base year, whichever is less,
46 provided that the maximum amount shall be computed in the next

1 lower multiple of \$1.00 if not already a multiple thereof.

2 In the case of a family member who has a serious health condition,
3 the period of family leave may be taken intermittently when medically
4 necessary, if:

5 a. The total time within which the leave is taken does not exceed
6 12-months.

7 b. The covered individual provides the employer with prior notice
8 of the leave in a manner which is reasonable and practicable; and

9 c. The covered individual makes a reasonable effort to schedule the
10 leave so as not to disrupt unduly the operations of the employer.

11 In the case of the birth or adoption of a healthy child, the leave may
12 be taken intermittently if agreed to by the covered individual and the
13 employer of the individual.

14 Leave taken because of the birth or placement for adoption of a
15 child may commence at any time within a year after the date of the
16 birth or placement for adoption.

17

18 15. (New section) Any period of family disability leave shall be
19 supported by certification issued by a duly licensed health care
20 provider or any other health care provider determined by the division
21 to be capable of providing adequate certification.

22 a. If the certification is for the serious health condition of a family
23 member of the covered individual, the certification shall be sufficient
24 if it states:

25 (1) The date on which the serious health condition commenced;

26 (2) The probable duration of the condition;

27 (3) The medical facts within the provider's knowledge regarding
28 the condition;

29 (4) A statement that the covered individual is needed to care for
30 the family member; and

31 (5) If the leave is intermittent, the dates of planned treatment and
32 a statement of the medical necessity for the intermittent leave and the
33 expected duration of the intermittent leave.

34 b. If the certification is for the birth or placement of the child, the
35 certification need only state the date of birth or date of placement,
36 whichever is appropriate.

37 If the employer has reason to doubt the validity of the certification
38 provided pursuant to this section, the employer may require, at its own
39 expense, that a covered individual obtain an opinion regarding the
40 serious health condition from a second health care provider designated
41 or approved, but not employed on a regular basis, by the employer.
42 If the second opinion differs from the certification provided pursuant
43 to paragraph (1) of subsection a. of this section, the employer may
44 require, at its own expense, that the covered individual obtain the
45 opinion of a third health care provider designated or approved jointly
46 by the employer and the covered individual concerning the serious

1 health condition. The opinion of the third health care provider shall be
2 considered to be final and shall be binding on the employer and the
3 covered individual.

4
5 16. (New section) In any case in which the necessity for family
6 disability leave under this act is foreseeable, based upon an expected
7 birth or placement of the child for adoption, the covered individual
8 shall provide the employer with prior notice of the expected birth or
9 placement of the child for adoption in a manner which is reasonable
10 and practicable.

11
12 17. (New section) There is established in, but not of, the
13 Department of Labor, a Task Force on Work and the Family. The task
14 force shall consist of 15 members as follows: the Commissioner of
15 Labor and 14 public members, appointed by the Governor with the
16 advice and consent of the Senate, including: four representatives of
17 women's organizations; four representatives of labor organizations;
18 four representatives of business organizations, and two individuals
19 with expertise on the impact of work on family life. Not more than
20 seven of the public members shall be of the same political party. Any
21 member may be removed from office by the Governor, for cause, after
22 a hearing and may be suspended by the Governor pending the
23 completion of the hearing. All vacancies shall be filled in the same
24 manner as the original appointment. Members shall serve without
25 compensation.

26 The task force shall organize itself within 15 days after the
27 appointment of its members. In organizing itself, the task force shall
28 elect a chairperson and vice-chairperson from among its members.
29 Each member shall be entitled to one vote on all matters which may
30 come before the task force. No determination, decision or action of
31 the board shall be made or taken unless a majority of the members
32 votes in favor of the action.

33 The task force shall issue a report not later than June 1, 1998 which
34 evaluates and describes the impact of the provisions of this act on the
35 State disability benefits fund, and makes recommendations regarding
36 any changes necessary in the funding of the temporary disability
37 benefits program. The report shall include any draft legislation
38 necessary to implement the recommendations.

39 In addition, the task force shall issue a second report not later than
40 June 1, 2000 which evaluates and describes the effects of the
41 provisions of this act, including the costs and benefits resulting from
42 the provisions of this act for:

- 43 a. Employees and their families;
- 44 b. Employers, including benefits such as reduced training and other
45 costs related to reduced turnover of personnel, and increased
46 affordability of family disability leave insurance through the State plan,

1 with special attention given to small businesses; and

2 c. The public, including savings caused by any reduction in the
3 number of people receiving public assistance. The task force shall
4 evaluate the impact of the provisions of this act on the temporary
5 disability benefits fund, on welfare costs, and on the stability of
6 employment of participants.

7 The second report shall include recommendations regarding
8 whether to continue or modify the provisions of this act after
9 December 31, 2001 and any draft legislation needed to implement the
10 recommendations. That report may also include recommendations
11 regarding the continuation, elimination or modification of experience
12 rating with respect to employer contributions to the State disability
13 benefits fund.

14 The task force may hold public hearings and shall have access to all
15 files and records of the Department of the Treasury, the Department
16 of Labor and other relevant State agencies and may call to its
17 assistance and avail itself of the services of the employees of those
18 departments and agencies to provide whatever information the board
19 deems necessary in the performance of its functions.

20 The total amount of expenses which the task force determines is
21 necessary to carry out its duties pursuant to this section, if any, shall
22 be charged to the administration account, except that the total amount
23 shall in no case exceed \$200,000. The task force shall make that
24 determination in consultation with the Commissioner of Labor and
25 shall report that determination to the Commissioner of Labor not later
26 than the 60th day following its organization.

27

28 18. This act shall take effect immediately and sections 1 through 16
29 of this act shall expire on December 31, 2001.

30

31

32

STATEMENT

33

34 This bill extends the State's existing temporary disability insurance
35 system to provide workers who are participating in the system with
36 paid family leave. The bill provides up to 12 weeks of leave with
37 income-replacement at the same rate that the State's temporary
38 disability insurance currently provides to disabled workers: two thirds
39 of the worker's average weekly wage up to a maximum of 53% of the
40 average weekly wage for all workers. This benefit would be available
41 to a worker to provide care for family members unable to care for
42 themselves in the following instances: the birth of a child of the
43 worker; the adoption of a child by the worker; or a serious health
44 condition of a family member of the individual.

45 In the case of a serious health condition of a family member, the
46 leave could be taken intermittently. Intermittent leave is permitted, at

1 the option of the employer, in the case of care for a newborn or newly
2 adopted child.

3 The total maximum amount of benefits permitted for a worker in a
4 one-year period for regular temporary disability and family leave
5 combined would not be increased over what is currently provided for
6 regular temporary disability alone, which is usually a maximum of 26
7 weeks.

8 In the case of leave for care of a family member with a serious
9 health condition, the bill requires a worker to provide medical
10 certification not only of the condition of the family member, but also
11 of the need for the worker to provide care.

12 The bill establishes a Task Force on Work and the Family to study
13 the costs and benefits of family disability leave to workers, their
14 families, employers, and the public. The task force is charged with
15 issuing two reports: one report, to be issued not later than June 1,
16 1998, evaluating the effects of the provisions of the bill on the State
17 disability benefits fund and making recommendations regarding any
18 needed changes in the financing of the program; and the second report,
19 to be issued not later than June 1, 2001, evaluating the costs and
20 benefits of the act for all of the concerned parties and making
21 recommendations regarding whether to continue or modify the
22 provisions of the bill after the bill's sunset date of December 31, 2001.

23 The task force is authorized to determine the total amount of any
24 expenses, not exceeding \$200,000, needed to carry out its duties,
25 which will be charged as an administrative expense of the temporary
26 disability insurance program.

27 The bill also requires that all moneys that were borrowed from the
28 State disability benefits fund pursuant to P.L.1994, c.112, and have
29 not yet been repaid be repaid on January 1, 1997.

30

31

32

33

34 Provides family disability leave.