

SENATE, No. 947

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1996

By Senator SINAGRA

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)

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

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

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

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

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

1 "Covered individual" shall not mean any member of the Division of
2 State Police in the Department of Law and Public Safety.

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

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

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

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

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

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

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

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

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

44 (4) "Base week" with respect to periods of family disability leave
45 commencing on or after January 1, 1997, means any calendar week
46 during which an individual earned in employment from a covered

1 employer remuneration equal to not less than 20% of the Statewide
2 average weekly remuneration as determined under subsection (c) of
3 R.S.43:21-3, which shall be adjusted to the next higher multiple of
4 \$1.00 if not already a multiple thereof.

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

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

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

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

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

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

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

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

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

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

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

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

3 8. Establishment of private plans.

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

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

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

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

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

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

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

1 provided in section nine.

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

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

12

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

15 9. Election by employees: deduction of contributions.

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

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

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

36

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

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

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

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

14

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

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

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

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

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

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

11 (e) Anything in this act to the contrary notwithstanding, a covered
12 employer who, under an approved private plan, is providing benefits
13 at least equal to those required by the State plan, may modify the
14 benefits under the private plan so as to provide benefits not less than
15 the benefits required by the State plan; provided, that individuals
16 covered under such plan shall not be required to contribute to such
17 plan at a rate exceeding 3/4 of 1% of the amount of "wages"
18 established for any calendar year under the provisions of
19 R.S.43:21-7(b) prior to January 1, 1975, and 1/2 of 1% for calendar
20 years beginning on or after January 1, 1975. Notification of such
21 proposed modification shall be given by the employer to the division
22 and to the individuals covered under such plan, on or before May 1,
23 1975.

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

25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 rate shall be two-thirds of his average weekly wage, subject to a
2 maximum of 53% of the Statewide average weekly remuneration paid
3 to workers by employers, as determined under subsection (c) of
4 R.S.43:21-3; provided, however, that such individual's benefit rate
5 shall be computed to the next lower multiple of \$1.00 if not already a
6 multiple thereof. The amount of benefits for each day of disability or
7 family disability leave for which benefits are payable shall be
8 one-seventh of the corresponding weekly benefit amount; provided
9 that the total benefits for a fractional part of a week shall be computed
10 to the next lower multiple of \$1.00 if not already a multiple thereof.
11 (cf: P.L.1984, c.104, s.3)

12

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

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

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

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

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

40 (d) With respect to periods of disability commencing on or after
41 October 1, 1984, no individual shall be entitled to benefits under this
42 act unless he has established at least 20 base weeks within the 52
43 calendar weeks preceding the week in which his period of disability
44 commenced, or, in the alternative, the individual has earned twelve
45 times the Statewide average weekly remuneration paid to workers, as
46 determined under subsection (c) of R.S.43:21-3, raised to the next

1 higher multiple of \$100.00, if not already a multiple thereof, or more
2 within the 52 calendar weeks preceding the week in which his period
3 of disability commenced, nor shall the individual be entitled to benefits
4 unless he shall duly file notice and proof of claim, and submit to such
5 reasonable examinations as are required by this act and the rules and
6 regulations of the division.

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

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

22

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

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

41 (b) The State Treasurer is hereby authorized and directed to
42 requisition and withdraw within 90 days of this enactment, an
43 additional sum of \$50,000,000.00 from the amount of worker
44 contributions heretofore accumulated in the State unemployment
45 compensation fund and deposited in and credited to the account of this
46 State in the unemployment trust fund of the United States of America,

1 established and maintained pursuant to section 904 of the Social
2 Security Act, as amended (42 U.S.C. {1104), and to deposit such sums
3 in the State disability benefits fund, established under the "Temporary
4 Disability Benefits Law." The State Treasurer is further authorized and
5 empowered to make such requisitions or withdrawals in accordance
6 with such regulations relating thereto as may be prescribed by the
7 United States Secretary of the Treasury. If the balance in the State
8 disability benefits fund as of December 31 of any calendar year,
9 increased by the contributions credited thereto on or before, or as of
10 January 31 immediately thereafter is in excess of \$75,000,000.00, the
11 excess shall be withdrawn from the State disability benefits fund and
12 deposited to the account of this State in the unemployment trust fund
13 until the entire \$50,000,000.00 requisitioned and withdrawn under this
14 subsection (b) has been returned and deposited to the account of this
15 State in the unemployment trust fund pursuant to the provisions of this
16 subsection (b) and subsection (c) hereof. Such repayment to the
17 unemployment trust fund shall be considered in determining
18 contribution rates by employers to the State disability benefits fund
19 under R.S.43:21-7(c). No portion of the amount requisitioned or
20 withdrawn from the Federal Treasury shall be expended for the
21 purpose of administering the "Temporary Disability Benefits Law."

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

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

43 (e) The State Treasurer is hereby authorized and directed to
44 requisition and withdraw on or after July 1, 1992 an amount not
45 greater than \$25,000,000 from revenues received pursuant to
46 paragraph (1) of subsection (e) of R.S.43:21-7, at the discretion of the

1 Commissioner of Labor, from the State disability benefits fund
2 established pursuant to section 22 of P.L.1948, c.110 (C.43:21-46)
3 and to deposit that amount in the New Jersey Workforce Development
4 Partnership Fund created pursuant to section 9 of P.L.1992, c.43
5 (C.34:15D-9).

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

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

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

1 (e) of R.S.43:21-7, the amount transferred from the State disability
2 benefits fund to the unemployment compensation fund pursuant to
3 subsection (f) of this section and reimbursed to the General Fund
4 pursuant to subsection (g) of this section less repayments or other
5 reductions, plus accrued interest shall be included therein.]

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

7

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

10 24. Assessment of costs of administration.

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

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

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

1 employees during the preceding calendar year with respect to which
2 contributions were payable to the State disability benefits fund. The
3 prorated amounts shall be assessed against the respective employers,
4 and such amounts shall be collectible by the division in the same
5 manner as provided for the collection of employer contributions in
6 R.S.43:21-14. The amounts of such assessments shall be credited to
7 the administration account.

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

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

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

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

1 possible.

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

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

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

23

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

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

46 (b) Any employer or any officer or agent of any employer or any

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

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

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

30 (cf: P.L.1991, c.91, s.422)

31

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

1 third of the total wages in the individual's base year, whichever is less,
2 provided that the maximum amount shall be computed in the next
3 lower multiple of \$1.00 if not already a multiple thereof.

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

7 a. The total time within which the leave is taken does not exceed
8 12-months.

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

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

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

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

19

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

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

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

28 (2) The probable duration of the condition;

29 (3) The medical facts within the provider's knowledge regarding
30 the condition;

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

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

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

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

1 opinion of a third health care provider designated or approved jointly
2 by the employer and the covered individual concerning the serious
3 health condition. The opinion of the third health care provider shall be
4 considered to be final and shall be binding on the employer and the
5 covered individual.

6

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

13

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

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

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

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

45 a. Employees and their families;

46 b. Employers, including benefits such as reduced training and other

1 costs related to reduced turnover of personnel, and increased
2 affordability of family disability leave insurance through the State plan,
3 with special attention given to small businesses; and

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

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

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

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

29

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

32

33

34

STATEMENT

35

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

47 In the case of a serious health condition of a family member, the
48 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.