

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4927

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED JUNE 19, 2017

Sponsored by:

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District 34 (Essex and Passaic)
Assemblyman REED GUSCIORA
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District 29 (Essex)

Co-Sponsored by:

Assemblyman Holley, Assemblywoman Muoio, Assemblyman Kennedy,
Assemblywoman Tucker, Assemblyman Egan, Senators Codey and
Greenstein

SYNOPSIS

Revises law concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Appropriations Committee.

(Sponsorship Updated As Of: 6/27/2017)

1 **AN ACT** concerning family leave, temporary disability and family
2 temporary disability leave, and domestic or sexual violence
3 safety leave, amending various parts of the statutory law and
4 supplementing P.L.1948, c.100 (C.43:21-25 et al.).
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

9 1. Section 3 of P.L.1989, c.261 (C.34:11B-3) is amended to
10 read as follows:

11 3. As used in this act:

12 a. "Child" means a biological, adopted, or resource family
13 child, stepchild, legal ward, or child of a parent, including a child
14 who becomes the child of a parent pursuant to a valid written
15 agreement between the parent and a gestational carrier, who is

16 (1) under 18 years of age; or

17 (2) 18 years of age or older but incapable of self-care because of
18 a mental or physical impairment.

19 b. "Director" means the Director of the Division on Civil
20 Rights.

21 c. "Division" means the Division on Civil Rights in the
22 Department of Law and Public Safety.

23 d. "Employ" means to suffer or permit to work for
24 compensation, and includes ongoing, contractual relationships in
25 which the employer retains substantial direct or indirect control
26 over the employee's employment opportunities or terms and
27 conditions of employment.

28 e. "Employee" means a person who is employed for at least 12
29 months by an employer, with respect to whom benefits are sought
30 under this act, for not less than 1,000 base hours during the
31 immediately preceding 12-month period. Any time, up to a
32 maximum of 90 calendar days, during which a person is laid off or
33 furloughed by an employer due to that employer curtailing
34 operations because of a state of emergency declared after October
35 22, 2012, shall be regarded as time in which the person is employed
36 for the purpose of determining eligibility for leave time under this
37 act. In making the determination, the base hours per week during
38 the layoff or furlough shall be deemed to be the same as the average
39 number of hours worked per week during the rest of the 12-month
40 period.

41 f. "Employer" means a person or corporation, partnership,
42 individual proprietorship, joint venture, firm or company or other
43 similar legal entity which engages the services of an employee and
44 which:

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

Matter underlined thus is new matter.

1 (1) ~~With respect to the period of time from the effective date of~~
2 ~~this act until the 365th day following the effective date of this act,~~
3 ~~employs 100 or more employees for each working day during each~~
4 ~~of 20 or more calendar workweeks in the then current or~~
5 ~~immediately preceding calendar year~~ (deleted by amendment,
6 P.L. , c. (now pending as this bill));

7 (2) ~~With respect to the period of time from the 366th day~~
8 ~~following the effective date of this act until the 1,095th day~~
9 ~~following the effective date of this act, employs 75 or more~~
10 ~~employees for each working day during each of 20 or more calendar~~
11 ~~workweeks in the then current or immediately preceding calendar~~
12 ~~year~~ (deleted by amendment, P.L. , c. (now pending as this
13 bill)); ~~and~~

14 (3) With respect to ~~any~~ the period of time ~~after~~ from the
15 1,095th day following the effective date of ~~this act~~ P.L.1989,
16 c.261 (C.34:11B-1 et seq.) through June 30, 2018, employs 50 or
17 more employees for each working day during each of 20 or more
18 calendar workweeks in the then current or immediately preceding
19 calendar year; ~~and~~

20 (4) With respect to any period of time after June 30, 2018,
21 employs 20 or more employees for each working day during each of
22 20 or more calendar workweeks in the then current or immediately
23 preceding calendar year.

24 "Employer" includes the State, any political subdivision thereof,
25 and all public offices, agencies, boards or bodies.

26 g. "Employment benefits" means all benefits and policies
27 provided or made available to employees by an employer, and
28 includes group life insurance, health insurance, disability insurance,
29 sick leave, annual leave, pensions, or other similar benefits.

30 h. "Parent" means a person who is the biological parent,
31 adoptive parent, resource family parent, step-parent, parent-in-law
32 or legal guardian, having a "parent-child relationship" with a child
33 as defined by law, or having sole or joint legal or physical custody,
34 care, guardianship, or visitation with a child, or who became the
35 parent of the child pursuant to a valid written agreement between
36 the parent and a gestational carrier.

37 i. "Family leave" means leave from employment so that the
38 employee may provide care made necessary by reason of:

39 (1) the birth of a child of the employee, including a child born
40 pursuant to a valid written agreement between the employee and a
41 gestational carrier;

42 (2) the placement of a child with the employee in connection
43 with adoption of such child by the employee; or

44 (3) the serious health condition of a family member of the
45 employee.

- 1 j. "Family member" means a child, parent, parent-in-law,
2 sibling, grandparent, grandchild, spouse, or one partner in a civil
3 union couple.
- 4 k. "Reduced leave schedule" means leave scheduled for fewer
5 than an employee's usual number of hours worked per workweek
6 but not for fewer than an employee's usual number of hours worked
7 per workday, unless agreed to by the employee and the employer.
- 8 l. "Serious health condition" means an illness, injury,
9 impairment, or physical or mental condition which requires:
- 10 (1) inpatient care in a hospital, hospice, or residential medical
11 care facility; or
- 12 (2) continuing medical treatment or continuing supervision by a
13 health care provider.
- 14 m. "State of emergency" means a natural or man-made disaster
15 or emergency for which a state of emergency has been declared by
16 the President of the United States or the Governor, or for which a
17 state of emergency has been declared by a municipal emergency
18 management coordinator.
- 19 (cf: P.L. 2013, c.221, s.1)
- 20
- 21 2. Section 3 of P.L.2013, c.82 (C.34:11C-3) is amended to read
22 as follows:
- 23 3. a. Any employee of an employer in the State who was a
24 victim of an incident of domestic violence as defined in section 3 of
25 P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as
26 defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose
27 parent-in-law, sibling, grandparent, grandchild, child, parent,
28 spouse, domestic partner, or civil union partner was a victim shall
29 be entitled to unpaid leave of no more than 20 days in one 12-month
30 period, to be used in the 12-month period next following any
31 incident of domestic violence or any sexually violent offense as
32 provided in this section. For purposes of this section, each incident
33 of domestic violence or any sexually violent offense shall constitute
34 a separate offense for which an employee is entitled to unpaid
35 leave, provided that the employee has not exhausted the allotted 20
36 days for the 12-month period. The unpaid leave may be taken
37 intermittently in intervals of no less than one day, as needed for the
38 purpose of engaging in any of the following activities as they relate
39 to the incident of domestic violence or sexually violent offense:
- 40 (1) seeking medical attention for, or recovering from, physical
41 or psychological injuries caused by domestic or sexual violence to
42 the employee or the employee's parent-in-law, sibling, grandparent,
43 grandchild, child, parent, spouse, domestic partner, or civil union
44 partner;
- 45 (2) obtaining services from a victim services organization for
46 the employee or the employee's parent-in-law, sibling, grandparent,
47 grandchild, child, parent, spouse, domestic partner, or civil union
48 partner;

1 (3) obtaining psychological or other counseling for the
2 employee or the employee's parent-in-law, sibling, grandparent,
3 grandchild, child, parent, spouse, domestic partner, or civil union
4 partner;

5 (4) participating in safety planning, temporarily or permanently
6 relocating, or taking other actions to increase the safety of the
7 employee or the employee's parent-in-law, sibling, grandparent,
8 grandchild, child, parent, spouse, domestic partner, or civil union
9 partner from future domestic or sexual violence or to ensure
10 economic security;

11 (5) seeking legal assistance or remedies to ensure the health and
12 safety of the employee or the employee's parent-in-law, sibling,
13 grandparent, grandchild, child, parent, spouse, domestic partner, or
14 civil union partner, including preparing for, or participating in, any
15 civil or criminal legal proceeding related to or derived from
16 domestic or sexual violence; or

17 (6) attending, participating in, or preparing for a criminal or
18 civil court proceeding relating to an incident of domestic or sexual
19 violence of which the employee or the employee's parent-in-law,
20 sibling, grandparent, grandchild, child, parent, spouse, domestic
21 partner, or civil union partner, was a victim.

22 An eligible employee may elect, or an employer may require the
23 employee, to use any of the accrued paid vacation leave, personal
24 leave, or medical or sick leave of the employee during any part of
25 the 20-day period of unpaid leave provided under this subsection.
26 In such case, any paid leave provided by the employer, and accrued
27 pursuant to established policies of the employer, shall run
28 concurrently with the unpaid leave provided under this subsection
29 and, accordingly, the employee shall receive pay pursuant to the
30 employer's applicable paid leave policy during the period of
31 otherwise unpaid leave. If an employee requests leave for a reason
32 covered by both this subsection and the "Family Leave Act,"
33 P.L.1989, c.261 (C.34:11B-1 et seq.) or the federal "Family and
34 Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et
35 seq.), the leave shall count simultaneously against the employee's
36 entitlement under each respective law.

37 Leave granted under this section shall not conflict with any
38 rights pursuant to the "Family Leave Act," P.L.1989, c.261
39 (C.34:11B-1 et seq.), the "Temporary Disability Benefits Law,"
40 P.L.1948, c.110 (C.43:21-25 et **[seq.]** al.), or the federal "Family
41 and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et
42 seq.).

43 b. Prior to taking the leave provided for in this section, an
44 employee shall, if the necessity for the leave is foreseeable, provide
45 the employer with written notice of the need for the leave. The
46 notice shall be provided to the employer as far in advance as is
47 reasonable and practical under the circumstances.

1 c. Nothing contained in this act shall be construed to prohibit
2 an employer from requiring that a period of leave provided pursuant
3 to this section be supported by the employee with documentation of
4 the domestic violence or sexually violent offense which is the basis
5 for the leave. If the employer requires the documentation, the
6 employee shall be regarded as having provided sufficient
7 documentation if the employee provides one or more of the
8 following:

9 (1) a domestic violence restraining order or other documentation
10 of equitable relief issued by a court of competent jurisdiction;

11 (2) a letter or other written documentation from the county or
12 municipal prosecutor documenting the domestic violence or
13 sexually violent offense;

14 (3) documentation of the conviction of a person for the domestic
15 violence or sexually violent offense;

16 (4) medical documentation of the domestic violence or sexually
17 violent offense;

18 (5) certification from a certified Domestic Violence Specialist or
19 the director of a designated domestic violence agency or Rape
20 Crisis Center, that the employee or employee's parent-in-law,
21 sibling, grandparent, grandchild, child, parent, spouse, domestic
22 partner, or civil union partner is a victim of domestic violence or a
23 sexually violent offense; or

24 (6) other documentation or certification of the domestic violence
25 or sexually violent offense provided by a social worker, member of
26 the clergy, shelter worker, or other professional who has assisted
27 the employee or employee's parent-in-law, sibling, grandparent,
28 grandchild, child, parent, spouse, domestic partner, or civil union
29 partner in dealing with the domestic violence or sexually violent
30 offenses.

31 For the purposes of this subsection:

32 "Certified Domestic Violence Specialist" means a person who
33 has fulfilled the requirements of certification as a Domestic
34 Violence Specialist established by the New Jersey Association of
35 Domestic Violence Professionals; and "designated domestic
36 violence agency" means a county-wide organization with a primary
37 purpose to provide services to victims of domestic violence, and
38 which provides services that conform to the core domestic violence
39 services profile as defined by the Division of Child Protection and
40 Permanency in the Department of Children and Families and is
41 under contract with the division for the express purpose of
42 providing the services.

43 "Rape Crisis Center" means an office, institution, or center
44 offering assistance to victims of sexual offenses through crisis
45 intervention, medical and legal information, and follow-up
46 counseling.

47 d. An employer shall display conspicuous notice of its
48 employees' rights and obligations pursuant to the provisions of this

1 act, in such form and in such manner as the Commissioner of Labor
2 and Workforce Development shall prescribe, and use other
3 appropriate means to keep its employees so informed.

4 e. No provision of this act shall be construed as requiring or
5 permitting an employer to reduce employment benefits provided by
6 the employer or required by a collective bargaining agreement
7 which are in excess of those required by this act. Nor shall any
8 provision of this act be construed to prohibit the negotiation and
9 provision through collective bargaining agreements of leave
10 policies or benefit programs which provide benefits in excess of
11 those required by this act. This provision shall apply irrespective of
12 the date that a collective bargaining agreement takes effect.

13 Nothing contained in this act shall be construed as permitting an
14 employer to:

15 (1) rescind or reduce any employment benefit accrued prior to
16 the date on which the leave taken pursuant to this act commenced;
17 or

18 (2) rescind or reduce any employment benefit, unless the
19 rescission or reduction of the benefit is based on changes that would
20 have occurred if an employee continued to work without taking the
21 leave provided pursuant to this section.

22 f. All information provided to an employer pursuant to
23 subsection c. of this section, and any information regarding a leave
24 taken pursuant to this section and any failure of an employee to
25 return to work, shall be retained in the strictest confidentiality,
26 unless the disclosure is voluntarily authorized in writing by the
27 employee or is required by a federal or State law, rule, or
28 regulation.

29 (cf: P.L.2013, c.82, s.3)

30

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

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

35 (a) (1) "Covered employer" means, with respect to whether an
36 employer is required to provide benefits during an employee's own
37 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any
38 individual or type of organization, including any partnership,
39 association, trust, estate, joint-stock company, insurance company
40 or corporation, whether domestic or foreign, or the receiver, trustee
41 in bankruptcy, trustee or successor thereof, or the legal
42 representative of a deceased person, who is an employer subject to
43 the "unemployment compensation law" (R.S.43:21-1 et seq.),
44 except the State, its political subdivisions, and any instrumentality
45 of the State unless such governmental entity elects to become a
46 covered employer pursuant to paragraph (2) of this subsection (a);
47 provided, however, that commencing with the effective date of this
48 act, the State of New Jersey, including Rutgers, The State

1 University and the New Jersey Institute of Technology, shall be
2 deemed a covered employer, as defined herein.

3 "Covered employer" means, after June 30, 2009, with respect to
4 whether the employer is an employer whose employees are eligible
5 for benefits during periods of family temporary disability leave
6 pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December
7 31, 2008, whether employees of the employer are required to make
8 contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual
9 or type of organization, including any partnership, association,
10 trust, estate, joint-stock company, insurance company or domestic
11 or foreign corporation, or the receiver, trustee in bankruptcy, trustee
12 or successor thereof, or the legal representative of a deceased
13 person, who is an employer subject to the "unemployment
14 compensation law" (R.S.43:21-1 et seq.), including any
15 governmental entity or instrumentality which is an employer under
16 R.S.43:21-19(h)(5), notwithstanding that the governmental entity or
17 instrumentality has not elected to be a covered employer pursuant to
18 paragraph (2) of this subsection (a).

19 (2) Any governmental entity or instrumentality which is an
20 employer under R.S.43:21-19(h)(5) may, with respect to the
21 provision of benefits during an employee's own disability pursuant
22 to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a "covered
23 employer" under this subsection beginning with the date on which
24 its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of
25 any year thereafter by filing written notice of such election with the
26 division within at least 30 days of the effective date. Such election
27 shall remain in effect for at least two full calendar years and may be
28 terminated as of January 1 of any year thereafter by filing with the
29 division a written notice of termination at least 30 days prior to the
30 termination date.

31 (b) (1) "Covered individual" means, with respect to whether an
32 individual is eligible for benefits during an individual's own
33 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any
34 person who is in employment, as defined in the "unemployment
35 compensation law" (R.S.43:21-1 et seq.), for which the individual is
36 entitled to remuneration from a covered employer, or who has been
37 out of such employment for less than two weeks, except that a
38 "covered individual" who is employed by the State of New Jersey,
39 including Rutgers, The State University or the New Jersey Institute
40 of Technology, or by any governmental entity or instrumentality
41 which elects to become a "covered employer" pursuant to this
42 amendatory act, shall not be eligible to receive any benefits under
43 the "Temporary Disability Benefits Law" until such individual has
44 exhausted all sick leave accumulated as an employee in the
45 classified service of the State or accumulated under terms and
46 conditions similar to classified employees or accumulated under the
47 terms and conditions pursuant to the laws of this State or as the

1 result of a negotiated contract with any governmental entity or
2 instrumentality which elects to become a "covered employer."

3 "Covered individual" shall not mean, with respect to whether an
4 individual is eligible for benefits during an individual's own
5 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any
6 member of the Division of State Police in the Department of Law
7 and Public Safety.

8 (2) "Covered individual" means, with respect to whether an
9 individual is eligible for benefits during the individual's period of
10 family temporary disability leave pursuant to P.L.1948, c.110
11 (C.43:21-25 et al.), any individual who is in employment, as
12 defined in the "unemployment compensation law" (R.S.43:21-1 et
13 seq.), for which the individual is entitled to remuneration from a
14 covered employer, or who has been out of that employment for less
15 than two weeks.

16 (c) "Division" or "commission" means the Division of
17 Temporary Disability Insurance of the Department of Labor and
18 Workforce Development, and any transaction or exercise of
19 authority by the director of the division shall be deemed to be
20 performed by the division.

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

23 (e) "Disability" shall mean such disability as is compensable
24 under section 5 of P.L.1948, c.110 (C.43:21-29).

25 (f) "Disability benefits" shall mean any cash payments which
26 are payable to a covered individual for all or part of a period of
27 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.).

28 (g) "Period of disability" with respect to any covered individual
29 shall mean:

30 (1) The entire period of time during which the covered
31 individual is continuously and totally unable to perform the duties
32 of the covered individual's employment because of the covered
33 individual's own disability, except that two periods of disability due
34 to the same or related cause or condition and separated by a period
35 of not more than 14 days shall be considered as one continuous
36 period of disability; provided the individual has earned wages
37 during such 14-day period with the employer who was the
38 individual's last employer immediately preceding the first period of
39 disability; and

40 (2) On or after July 1, 2009, the entire period of family
41 temporary disability leave taken from employment by the covered
42 individual.

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

47 (i) (1) (Deleted by amendment, P.L.2001, c.17).

48 (2) (Deleted by amendment, P.L.2001, c.17).

1 (3) (Deleted by amendment, P.L.2013, c.221).

2 (4) "Base week" with respect to periods of disability
3 commencing on or after January 1, 2001, means any calendar week
4 of a covered individual's base year during which the covered
5 individual earned in employment from a covered employer
6 remuneration not less than an amount 20 times the minimum wage
7 in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on
8 October 1 of the calendar year preceding the calendar year in which
9 the benefit year commences, which amount shall be adjusted to the
10 next higher multiple of \$1.00 if not already a multiple thereof,
11 except that if in any calendar week an individual subject to this
12 paragraph is in employment with more than one employer, the
13 covered individual may in that calendar week establish a base week
14 with respect to each of the employers from whom the covered
15 individual earns remuneration equal to not less than the amount
16 defined in this paragraph during that week.

17 (5) In the case of an individual who is laid off or furloughed by
18 an employer curtailing operations because of a state of emergency
19 declared after October 22, 2012, any week in which the individual
20 is separated from employment due to that layoff or furlough, up to a
21 maximum of 13 weeks, shall be regarded as a week which is a "base
22 week" for the purpose of determining whether the individual
23 becomes eligible for benefits pursuant to subsection (d) or (e) of
24 section 17 of P.L.1948, c.110 (C.43:21-41), but shall not be
25 regarded as a base week when calculating the "average weekly
26 wage" pursuant to subsection (j) of this section.

27 (j) (1) "Average weekly wage" means the amount derived by
28 dividing a covered individual's total wages earned from the
29 individual's most recent covered employer during the base weeks in
30 the eight calendar weeks immediately preceding the calendar week
31 in which a period of disability commenced, by the number of such
32 base weeks.

33 (2) If the computation in paragraph (1) of this subsection (j)
34 yields a result which is less than the individual's average weekly
35 earnings in employment with all covered employers during the base
36 weeks in such eight calendar weeks, then the average weekly wage
37 shall be computed on the basis of earnings from all covered
38 employers during the base weeks in the eight calendar weeks
39 immediately preceding the week in which the period of disability
40 commenced.

41 (3) For periods of disability commencing on or after July 1,
42 2009, if the computations in paragraphs (1) and (2) of this
43 subsection (j) both yield a result which is less than the individual's
44 average weekly earnings in employment with all covered employers
45 during the base weeks in the 26 calendar weeks immediately
46 preceding the week in which the period of disability commenced,
47 then the average weekly wage shall, upon a written request to the
48 department by the individual on a form provided by the department,

1 be computed by the department on the basis of earnings from all
2 covered employers of the individual during the base weeks in those
3 26 calendar weeks, and, in the case of a claim for benefits from a
4 private plan, that computation of the average weekly wage shall be
5 provided by the department to the individual and the individual's
6 employer.

7 When determining the "average weekly wage" with respect to a
8 period of family temporary disability leave for an individual who
9 has a period of family temporary disability immediately after the
10 individual has a period of disability for the individual's own
11 disability, the period of disability is deemed to have commenced at
12 the beginning of the period of disability for the individual's own
13 disability, not the period of family temporary disability.

14 (k) "Child" means a biological, adopted, or foster child,
15 stepchild or legal ward of a covered individual, child of a domestic
16 partner of the covered individual, or child of a civil union partner of
17 the covered individual, parent, including a child who becomes the
18 child of a parent pursuant to a valid written agreement between the
19 parent and a gestational carrier, who is less than 19 years of age or
20 is 19 years of age or older but incapable of self-care because of
21 mental or physical impairment.

22 (l) "Domestic partner" means a domestic partner as defined in
23 section 3 of P.L.2003, c.246 (C.26:8A-3).

24 (m) "Civil union" means a civil union as defined in section 2 of
25 P.L.2006, c.103 (C.37:1-29).

26 (n) "Family member" means a sibling, grandparent, grandchild,
27 child, spouse, domestic partner, civil union partner, parent-in-law,
28 or parent of a covered individual.

29 (o) "Family temporary disability leave" means leave taken by a
30 covered individual from work with an employer to:

31 (1) participate in the providing of care, as defined in the "Family
32 Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations
33 adopted pursuant to that act, for a family member of the individual
34 made necessary by a serious health condition of the family member;

35 **[or]**

36 (2) be with a child during the first 12 months after the child's
37 birth, if the individual, or the domestic partner or civil union partner
38 of the individual, is a biological parent of the child, or is a parent of
39 the child pursuant to a valid gestational carrier agreement, or the
40 first 12 months after the placement of the child for adoption with
41 the individual; or

42 (3) engage in activities for which unpaid leave may be taken
43 pursuant to section 3 of the "New Jersey Security and Financial
44 Empowerment Act," P.L.2013, c.82 (C.34:11C-3) to assist a family
45 member of the individual who has been a victim of an incident of
46 domestic violence a sexually violent offense.

47 "Family temporary disability leave" does not include any period
48 of time in which a covered individual is paid benefits pursuant to

1 P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable
2 to perform the duties of the individual's employment due to the
3 individual's own disability.

4 (p) "Health care provider" means a health care provider as
5 defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et
6 seq.), and any regulations adopted pursuant to that act.

7 (q) "Parent of a covered individual" means a biological parent,
8 foster parent, adoptive parent, or stepparent of the covered
9 individual or a person who was a legal guardian of the covered
10 individual when the covered individual was a child, or who became
11 the parent of the child pursuant to a valid written agreement
12 between the parent and a gestational carrier.

13 (r) "Placement for adoption" means the time when a covered
14 individual adopts a child or becomes responsible for a child pending
15 adoption by the covered individual.

16 (s) "Serious health condition" means an illness, injury,
17 impairment or physical or mental condition which requires:
18 inpatient care in a hospital, hospice, or residential medical care
19 facility; or continuing medical treatment or continuing supervision
20 by a health care provider.

21 (t) "12-month period" means, with respect to an individual who
22 establishes a valid claim for disability benefits during a period of
23 family temporary disability leave, the 365 consecutive days that
24 begin with the first day that the individual first establishes the
25 claim.

26 (u) "State of emergency" means a natural or man-made disaster
27 or emergency for which a state of emergency has been declared by
28 the President of the United States or the Governor, or for which a
29 state of emergency has been declared by a municipal emergency
30 management coordinator.

31 (cf: P.L. 2013, c.221, s.3)

32

33 4. Section 14 of P.L.1948, c.110 (C.43:21-38) is amended to
34 read as follows:

35 14. With respect to any period of disability for an individual's
36 own disability commencing on or after January 1, 1953, disability
37 benefits, not in excess of an individual's maximum benefits, shall be
38 payable with respect to disability which commences while a person
39 is a covered individual under the Temporary Disability Benefits
40 Law, and shall be payable with respect to the eighth consecutive
41 day of such disability and each day thereafter that such period of
42 disability continues; and if benefits shall be payable for three
43 consecutive weeks with respect to any period of disability
44 commencing on or after January 1, 1968, then benefits shall also be
45 payable with respect to the first seven days thereof. With respect to
46 any period of family temporary disability leave commencing on or
47 after July 1, 2009 and while an individual is a covered individual,
48 family temporary disability benefits, not in excess of the

1 individual's maximum benefits, shall be payable with respect to the
2 first day of leave taken after the first one-week period following the
3 commencement of the period of family temporary disability leave
4 and each subsequent day of leave during that period of family
5 temporary disability leave; and if benefits become payable on any
6 day after the first three weeks in which leave is taken, then benefits
7 shall also be payable with respect to any leave taken during the first
8 one-week period in which leave is taken. The maximum total
9 benefits payable to any eligible individual for any period of
10 disability of the individual commencing on or after January 1, 1968,
11 shall be either 26 times his weekly benefit amount or 1/3 of his total
12 wages in his base year, whichever is the lesser; provided that such
13 maximum amount shall be computed in the next lower multiple of
14 \$1.00 if not already a multiple thereof. The maximum total benefits
15 payable to any eligible individual for any period of family
16 temporary disability leave commencing on or after July 1, 2009 and
17 before July 1, 2018, shall be six times the individual's weekly
18 benefit amount or 1/3 of his total wages in his base year, whichever
19 is the lesser; provided that the maximum amount shall be computed
20 in the next lower multiple of \$1.00, if not already a multiple
21 thereof. The maximum total benefits payable to any eligible
22 individual for any period of family temporary disability leave
23 commencing on or after July 1, 2018, shall be twelve times the
24 individual's weekly benefit amount or 1/3 of the individual's total
25 wages in the individual's base year, whichever is the lesser;
26 provided that the maximum amount shall be computed in the next
27 lower multiple of \$1.00, if not already a multiple thereof.

28 (cf: P.L.2008, c.17, s.5)

29

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

32 15. Limitation of benefits. Notwithstanding any other provision
33 of the "Temporary Disability Benefits Law," P.L.1948, c.110
34 (C.43:21-25 et al.), no benefits shall be payable under the State plan
35 to any individual:

36 (a) for the first seven consecutive days of each period of
37 disability; except that:

38 (1) if benefits shall be payable for three consecutive weeks with
39 respect to any period of disability, then benefits shall also be
40 payable with respect to the first seven days thereof;

41 (2) in the case of intermittent leave in a single period of family
42 temporary disability leave taken to provide care for a family
43 member of the individual with a serious health condition, benefits
44 shall be payable with respect to the first day of leave taken after the
45 first one-week period following the commencement of the period of
46 family temporary disability leave and each subsequent day of leave
47 during that period of family temporary disability leave; and if
48 benefits become payable on any day after the first three weeks in

1 which leave is taken, then benefits shall also be payable with
2 respect to any leave taken during the first one-week period in which
3 leave is taken; and

4 (3) in the case of an individual taking family temporary
5 disability leave immediately after the individual has a period of
6 disability for the individual's own disability, there shall be no
7 waiting period between the period of the individual's own disability
8 and the period of family temporary disability;

9 (b) (1) for more than 26 weeks with respect to any one period of
10 disability of the individual;

11 (2) for more than six weeks with respect to any one period of
12 family temporary disability leave commencing before July 1, 2018
13 and more than 12 weeks if the period of leave commences on or
14 after July 1, 2018, or more than 42 days with respect to any one
15 period of family temporary disability leave commencing before July
16 1, 2018 and more than 84 days if the period of leave commences on
17 or after July 1, 2018, in the case of leave taken on an intermittent
18 basis to provide care for a family member of the individual with a
19 serious health condition; and

20 (3) for more than six weeks of family temporary disability leave
21 during any 12-month period commencing before July 1, 2018 and
22 more than 12 weeks for any 12-month period commencing on or
23 after July 1, 2018, or for more than 42 days of family temporary
24 disability leave taken during any 12-month period commencing
25 before July 1, 2018 and more than 84 days if the period of leave
26 commences on or after July 1, 2018, on an intermittent basis to
27 provide care for a family member of the individual with a serious
28 health condition, including family temporary disability leave taken
29 pursuant to R.S.43:21-4(f)(2) while unemployed;

30 (c) for any period of disability which did not commence while
31 the claimant was a covered individual;

32 (d) for any period of disability of a claimant during which the
33 claimant is not under the care of a legally licensed physician,
34 dentist, optometrist, podiatrist, practicing psychologist, advanced
35 practice nurse, certified nurse midwife, or chiropractor, who, when
36 requested by the division, shall certify within the scope of the
37 practitioner's practice, the disability of the claimant, the probable
38 duration thereof, and, where applicable, the medical facts within the
39 practitioner's knowledge or for any period of family temporary
40 disability leave for a serious health condition of a family member of
41 the claimant, during which the family member is not receiving
42 inpatient care in a hospital, hospice, or residential medical care
43 facility or is not subject to continuing medical treatment or
44 continuing supervision by a health care provider, who, when
45 requested by the division, shall certify within the scope of the
46 provider's practice, the serious health condition of the family
47 member, the probable duration thereof, and, where applicable, the
48 medical facts within the provider's knowledge;

- 1 (e) (Deleted by amendment, P.L.1980, c.90.)
- 2 (f) for any period of disability due to willfully and intentionally
- 3 self-inflicted injury, or to injury sustained in the perpetration by the
- 4 claimant of a crime of the first, second, third, or fourth degree, or
- 5 for any period during which a covered individual would be
- 6 disqualified for unemployment compensation benefits for gross
- 7 misconduct under subsection (b) of R.S.43:21-5;
- 8 (g) for any period during which the claimant performs any work
- 9 for remuneration or profit;
- 10 (h) in a weekly amount which together with any remuneration
- 11 the claimant continues to receive from the employer would exceed
- 12 regular weekly wages immediately prior to disability;
- 13 (i) for any period during which a covered individual would be
- 14 disqualified for unemployment compensation benefits under
- 15 subsection (d) of R.S.43:21-5, unless the disability commenced
- 16 prior to such disqualification;
- 17 and there shall be no other cause of disqualification or ineligibility
- 18 to receive disability benefits hereunder except as may be
- 19 specifically provided in this act.
- 20 (cf: P.L.2009, c.114, s.1)

21

22 6. Section 12 of P.L.2008, c.17 (C.43:21-39.3) is amended to

23 read as follows:

24 12. a. (1) All of the disability benefits paid to a covered

25 individual during a period of family temporary disability leave with

26 respect to any one birth or adoption shall be for a single continuous

27 period of time **】, except that the employer of the covered individual**

28 **may permit the covered individual to receive the disability benefits】**

29 or during non-consecutive weeks **【in a manner mutually agreed to**

30 **by the employer and the covered individual and】** or days on an

31 intermittent basis pursuant to paragraph (2) of this subsection,

32 which shall be disclosed to the division by the employer.

33 (2) In the case of intermittent benefits for family temporary

34 disability leave with respect to a birth or adoption, the covered

35 individual shall provide the employer with prior notice of the leave

36 not less than 15 days before the first day on which benefits are paid

37 for the intermittent leave, unless an emergency or other unforeseen

38 circumstance precludes prior notice; and the covered individual

39 makes a reasonable effort to schedule the leave so as not to unduly

40 disrupt the operations of the employer and, if possible, provide the

41 employer, prior to the commencement of intermittent leave, with a

42 regular schedule of the days or days of the week on which the

43 intermittent leave will be taken.

44 b. **【The】** In the case of single continuous benefits for family

45 temporary disability leave with respect to birth or adoption, the

46 covered individual shall provide the employer with prior notice of

47 the **【period of family temporary disability】** leave **【with respect to**

1 birth or adoption] not less than 30 days before the leave
2 commences, unless it commences while the individual is receiving
3 unemployment benefits, in which case the covered individual shall
4 notify the division. The amount of benefits shall be reduced by two
5 weeks worth of benefits if the individual does not provide notice to
6 an employer as required by this subsection b., unless the time of the
7 leave is unforeseeable or the time of the leave changes for
8 unforeseeable reasons.

9 c. Family temporary disability leave taken because of the birth
10 or placement for adoption of a child may be taken at any time
11 within a year after the date of the birth or placement for adoption.

12 (cf: P.L.2008, c.17, s.12)

13

14 7. Section 13 of P.L.2008, c.17 (C.43:21-39.4) is amended to
15 read as follows:

16 13. a. The Commissioner of Labor and Workforce Development
17 shall issue and make available to the public, not later than
18 December 31, 2010, and each subsequent year, annual reports
19 providing data on temporary disability benefits, including separate
20 data for claims involving pregnancy and childbirth, and family
21 temporary disability benefits, including separate data for each of the
22 following categories of claims: care of newborn children; care of
23 newly adopted children; care of sick children; care of sick spouses,
24 and care of other sick family members. The reports shall include,
25 for each category of claims, the number of workers receiving the
26 benefits, the amount of benefits paid, the average duration of
27 benefits, the average weekly benefit, and, in the case of family
28 temporary disability benefits, any reported amount of sick leave,
29 vacation or other fully paid time which resulted in reduced benefit
30 duration. The report shall provide data by gender and by any other
31 demographic factors determined to be relevant by the
32 commissioner. The reports shall also provide, for all temporary
33 disability benefits and for all family temporary disability benefits,
34 the total costs of benefits and the total cost of administration, the
35 portion of benefits for claims during unemployment, and the total
36 revenues from: employer assessments, where applicable; employee
37 assessments; and other sources. For each of the reports issued not
38 later than December 31 of 2018 and each subsequent year, the
39 report shall also provide: the number of claims for bonding, and
40 care for family members, broken down by relationship;
41 demographic information: income, age, gender, ethnicity,
42 occupation, full or part-time employment status; what portion of the
43 leave is taken on an intermittent basis; the percentage of bonding
44 leave applicants who report providing their employer with 30 or
45 more days of notice of leave-taking; the percentage of employers
46 who reduced an employee's maximum entitlement by up to two
47 weeks, if the employee is required to use paid time off; for all
48 claims, the percentage of employers who reported that the employee

1 will have additional paid time off with the source being the
2 difference between their regular weekly wages and the maximum
3 benefit provided under P.L.2008, c.17 (C.43:21-39.1 et al.).

4 b. The commissioner may, in his discretion, conduct surveys
5 and other research regarding, and include in the annual reports
6 descriptions and evaluations of, the impact and potential future
7 impact of the provisions of P.L.2008, c.17 (C.43:21-39.1 et al.) on
8 the State disability benefits fund, and other effects of those
9 provisions, including the costs and benefits resulting from the
10 provisions of P.L.2008, c.17 (C.43:21-39.1 et al.) for:

11 (1) Employees and their families, including surveys and
12 evaluations of: what portion of the total number of employees
13 taking leave would not have taken leave, or would have taken less
14 leave, without the availability of benefits; what portion of
15 employees return to work after receiving benefits and what portion
16 are not permitted to return to work; and what portion of employees
17 who are eligible for benefits do not claim or receive them and why
18 they do not;

19 (2) Employers, including benefits such as reduced training and
20 other costs related to reduced turnover of personnel, and increased
21 affordability of family temporary disability leave insurance through
22 the State plan, with special attention given to small businesses; and

23 (3) The public, including savings caused by any reduction in the
24 number of people receiving public assistance.

25 c. The total amount of any expenses which the commissioner
26 determines are necessary to carry out his duties pursuant to this
27 section shall be charged to the Family Temporary Disability Leave
28 Account of the State disability benefits fund, except that the amount
29 shall in no case exceed \$150,000 during any fiscal year.

30 (cf: P.L.2008, c.17, s.13).

31
32 8. Section 16 of P.L.1948, c.110 (C.43:21-40) is amended to
33 read as follows:

34 16. **【**With respect to periods of disability commencing on or
35 after July 1, 1961, an individual's weekly benefit amount shall be
36 determined and computed by the division on the same basis as the
37 weekly benefit rate is determined and computed pursuant to
38 subsection (c) of R.S. 43:21-3, except that for**】** For periods of
39 disability commencing on or after October 1, 1984, an individual's
40 weekly benefit rate shall be two-thirds of his average weekly wage,
41 subject to a maximum of 53% of the Statewide average weekly
42 remuneration paid to workers by employers, as determined under
43 subsection (c) of R.S. 43:21-3, except that, for periods of family
44 temporary disability leave commencing on or after July 1, 2018, an
45 individual's weekly benefit rate shall be 90% of the individual's
46 average weekly wage, subject to a maximum of 78% of the
47 Statewide average weekly remuneration paid to workers by
48 employers; provided, however, that such individual's benefit rate

1 shall be computed to the next lower multiple of \$1.00 if not already
2 a multiple thereof. The amount of benefits for each day of
3 disability for which benefits are payable shall be one-seventh of the
4 corresponding weekly benefit amount; provided that the total
5 benefits for a fractional part of a week shall be computed to the next
6 lower multiple of \$1.00 if not already a multiple thereof.

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

8

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

11 31. Penalties. (a) Whoever makes a false statement or
12 representation knowing it to be false or knowingly fails to disclose
13 a material fact, and each such false statement or representation or
14 failure to disclose a material fact shall constitute a separate offense,
15 to obtain or increase any disability benefit under the State plan or
16 an approved private plan, or for a disability during unemployment,
17 including any benefit during a period of family temporary disability
18 leave, either for himself or for any other person, shall be liable for a
19 fine of \$250 to be paid to the division. Upon refusal to pay such
20 fine, the same shall be recovered in a civil action by the division in
21 the name of the State of New Jersey. If in any case liability for the
22 payment of a fine as aforesaid shall be determined, any person who
23 shall have received any benefits hereunder by reason of the making
24 of such false statements or representations or failure to disclose a
25 material fact, shall not be entitled to any benefits under this act for
26 any disability occurring prior to the time he shall have discharged
27 his liability hereunder to pay such fine.

28 (b) Any employer or any officer or agent of any employer or
29 any other person who makes a false statement or representation
30 knowing it to be false or knowingly fails to disclose a material fact,
31 to prevent or reduce the benefits to any person entitled thereto, or to
32 avoid becoming or remaining subject hereto or to avoid or reduce
33 any contribution or other payment required from an employer under
34 this act, or who willfully fails or refuses to make any such
35 contributions or other payment or to furnish any reports required
36 hereunder or to produce or permit the inspection or copying of
37 records as required hereunder, or who fails to provide any
38 notification or disclosure to the division or the employee required
39 by subsection (a) of section 25 of P.L.1948, c.110 (C.43:21-49) or
40 subsections f. or g. of section 10 of P.L.2008, c.17 (C.43:21-39.1) at
41 the time and in the manner required by those sections, including
42 disclosure of the information the division requires for the
43 processing of a claim, shall be liable for a fine of \$250 to be paid to
44 the division, and, if a failure of an employer to provide the
45 notification or disclosure to the division or the employee results in a
46 delay in the payment of benefits, the employer shall also be liable
47 for an added amount, to be paid to the claimant, equal to the
48 benefits due from the time that the employer was required to

1 provide the notification or disclosure until the time that the benefit
2 payments commenced. Upon refusal to pay such fine or added
3 payments to a claimant, the same shall be recovered in a civil action
4 by the division in the name of the State of New Jersey.

5 (c) Any person who shall willfully violate any provision hereof
6 or any rule or regulation made hereunder, for which a fine is neither
7 prescribed herein nor provided by any other applicable statute, shall
8 be liable to a fine of \$500 to be paid to the division. Upon the
9 refusal to pay such fine, the same shall be recovered in a civil
10 action by the division in the name of the State of New Jersey.

11 (d) Any person, employing unit, employer or entity violating
12 any of the provisions of the above subsections with intent to
13 defraud the division shall in addition to the penalties hereinbefore
14 described, be liable for each offense upon conviction before the
15 Superior Court or any municipal court for a fine not to exceed
16 \$1,000 or by imprisonment for a term not to exceed ninety days, or
17 both, at the discretion of the court. The fine upon conviction shall
18 be payable to the State disability benefits fund of the division. Any
19 penalties imposed by this subsection shall be in addition to those
20 otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

21 (e) Any sum collected as a fine or penalty pursuant to this
22 section shall be deposited in the administration account of the State
23 disability benefits fund and applied toward enforcement and other
24 administrative costs of the division.

25 (cf: P.L.2008, c.17, s.8)

26

27 10. (New section) a. An employer shall not discharge, harass,
28 threaten, or otherwise discriminate or retaliate against an employee
29 with respect to the compensation, terms, conditions, or privileges of
30 employment on the basis that the employee requested or took any
31 temporary disability benefits pursuant to P.L.1948, c.110 (C.43:21-
32 25 et al.), or family temporary disability leave benefits pursuant to
33 P.L.2008, c.17 (C.43:21-39.1 et al.), provided that, pursuant to
34 section 2 of P.L.1948, c.110 (C.43:21-26), nothing in this section or
35 any other section of P.L.1948, c.110 (C.43:21-25 et al.) or
36 P.L.2008, c.17 (C.43:21-39.1 et al.) shall be construed as
37 increasing, reducing or otherwise modifying any entitlement
38 provided to a worker by the provisions of the "Family Leave Act,"
39 P.L.1989, c.261 (C.34:11B-1 et seq.) to be restored to employment
40 by the employer after a period of family temporary disability leave.

41 b. Upon a violation of subsection a. of this section, an
42 employee or former employee may institute a civil action in the
43 Superior Court for relief. All remedies available in common law
44 tort actions shall be available to a prevailing plaintiff. The court
45 may also order any or all of the following relief:

46 (1) an assessment of a civil fine of not less than \$1,000 and not
47 more than \$2,000 for the first violation of any of the provisions of
48 this section and not more than \$5,000 for each subsequent violation;

- 1 (2) an injunction to restrain the continued violation of any of the
- 2 provisions of this section;
- 3 (3) reinstatement of the employee to the same position or to a
- 4 position equivalent to that which the employee held prior to
- 5 unlawful discharge or retaliatory action;
- 6 (4) reinstatement of full fringe benefits and seniority rights;
- 7 (5) compensation for any lost wages, benefits and other
- 8 remuneration; and
- 9 (6) payment of reasonable costs and attorney's fees.

10

11 11. (New section) a. The division shall implement disability
12 insurance goals for the timely determination and payment of
13 temporary disability benefits and family temporary disability
14 benefits under the State plan, as follows:

15 (1) for temporary disability benefits, in each calendar year:

16 (a) not less than 25 percent of the original benefit
17 determinations shall be completed within seven days after the
18 receipt of the benefit claims by the division;

19 (b) not less than 65 percent of the original benefit
20 determinations shall be completed within 14 days after the receipt
21 of the benefit claims by the division;

22 (c) not less than 75 percent of the original benefit
23 determinations shall be completed within 21 days after the receipt
24 of the benefit claims by the division; and

25 (d) not less than 85 percent of the original benefit
26 determinations shall be completed within 28 days after the receipt
27 of the benefit claims by the division; and

28 (2) for family temporary disability benefits, in each calendar
29 year:

30 (a) not less than 50 percent of the original benefit
31 determinations shall be completed within seven days after the
32 receipt of the benefit claims by the division;

33 (b) not less than 75 percent of the original benefit
34 determinations shall be completed within 14 days after the receipt
35 of the benefit claims by the division;

36 (c) not less than 85 percent of the original benefit
37 determinations shall be completed within 21 days after the receipt
38 of the benefit claims by the division; and

39 (d) not less than 95 percent of the original benefit
40 determinations shall be completed within 28 days after the receipt
41 of the benefit claims by the division.

42 b. The commissioner shall, not later than September 30 of 2018
43 and each subsequent year, issue, provide to the Legislature, and
44 make available to the public on the department's webpage, a report
45 regarding division efforts in the preceding calendar year to attain
46 the disability insurance goals set pursuant to this section for
47 temporary disability benefits, and a report regarding those efforts
48 for family temporary disability benefits. Each report shall include:

- 1 (1) the total number of claims and the number and percentage of
2 original determinations completed within each number of days
3 specified in the goals set pursuant to this section, and the number
4 and percentage of original determinations completed within the
5 following number of days after the receipt of the benefit claims: 35
6 days, 42 days, 49 days and 56 days, and the number and percentage
7 of original determinations completed more than 56 days after the
8 receipt of the claims and the average number of days to make the
9 determinations for the claims that took more than 56 days;
- 10 (2) the number and percentage of claims received with
11 insufficient information, what portion of those claims were because
12 of failure of claimants to provide sufficient information, what
13 portion of those claims were because of failures of medical
14 providers of claimants to provide sufficient information, and what
15 portion of those claims were because of failures of employers to
16 provide sufficient information;
- 17 (3) the number and percentage of claims for which
18 determinations were delayed because of a failure of the employer to
19 make the notifications or disclosures to employees and the division
20 within the amount of time required by subsection (a) of section 25
21 of P.L.1948, c.110 (C.43:21-49) or subsections f. or g. of section 10
22 of P.L.2008, c.17 (C.43:21-39.1), the number of complaints
23 received related to employer noncompliance with those
24 requirements, and the number of employers which have been,
25 because of the failures, required, pursuant to section 31 of
26 P.L.1948, c.110 (C.43:21-55), to pay fines or penalties to the
27 division or added amounts to claimants, the total amount of
28 payments to the division, and the total amount of payments to
29 claimants;
- 30 (4) the number of personnel in the division and the budgeted
31 cost of salaries and benefits for those personnel; the number of
32 personnel who are processing family temporary disability benefit
33 claims, the number processing other temporary disability claims,
34 and the budgeted cost of salaries and benefits for those personnel;
35 what percentage of total division administrative costs is comprised
36 of those categories of personnel costs; and a comparison of total
37 division administrative costs to the maximum amount permitted to
38 be expended for those division administrative costs pursuant to
39 section 22 of P.L.1948, c.110 (C.43:21-46); and
- 40 (5) if any of the disability insurance goals set pursuant to this
41 section were not attained during the year, the report shall provide an
42 evaluation of the causes of the deficiencies and a plan to correct
43 them and that plan shall include:
- 44 (a) any increase in personnel needed to process claims;
- 45 (b) any measures needed to enforce notification and reporting
46 requirements;
- 47 (c) any measures needed to inform employees of their
48 responsibilities to facilitate the timely provision of benefits; and

1 (d) any improvements needed in data processing and other
2 administrative services and equipment.

3 The plan shall specify any added costs entailed in implementing
4 the plan, which shall be regarded as costs of administration of
5 family temporary disability benefits, and shall specify the amount
6 of any resulting increase in the estimate made pursuant to
7 R.S.43:21-7(d)(1)(G)(i) and (ii) of the amount needed to provide
8 100 percent of the cost of administration of family temporary
9 disability benefits.

10 The commissioner shall use that increased estimate in setting the
11 rate of contributions pursuant to those subsections, except that the
12 increase may not result in the total amount credited to those
13 administrative costs exceeding the maximum amount permitted
14 pursuant to subsection (a) of section 22 of P.L.1948, c.110
15 (C.43:21-46).

16 c. (1) The division shall disseminate information about the
17 rights and responsibilities of employers and employees regarding
18 temporary disability benefits and family temporary disability
19 benefits by means of programs of educational outreach in
20 communities and workplaces. The division may enter into contracts
21 with community-based organizations to disseminate information to
22 workers regarding temporary disability benefits and family
23 temporary disability benefits.

24 (2) The commissioner shall, not later than September 30 of 2018
25 and each subsequent year, issue, provide to the Legislature, and
26 make available to the public on the department's webpage, a report
27 regarding efforts made during the preceding calendar year by the
28 division and by community-based organizations to disseminate
29 information about the rights and responsibilities of employers and
30 employees regarding temporary disability and family temporary
31 disability benefits. Each report shall include, for that preceding
32 calendar year:

33 (a) an accounting of all funds and expenditures made by the
34 division and each community-based organization entering into
35 contracts with the division pursuant to this subsection, and
36 estimates of the number of employers and the number of workers to
37 which the information was disseminated;

38 (b) an estimate of the number of workers who were eligible for
39 temporary disability and family temporary disability benefits and
40 what percentage of those workers received those benefits, including
41 an assessment of whatever progress was made to increase that
42 percentage; and

43 (c) a plan to increase the percentage of workers who are aware
44 of the benefits which specifies the amounts to be allocated to the
45 division and community-based organizations for the purposes of
46 this subsection during the subsequent calendar year.

1 12. This act shall take effect on the first day of the third month
2 next following enactment.