

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3085

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED JUNE 15, 2017

Sponsored by:

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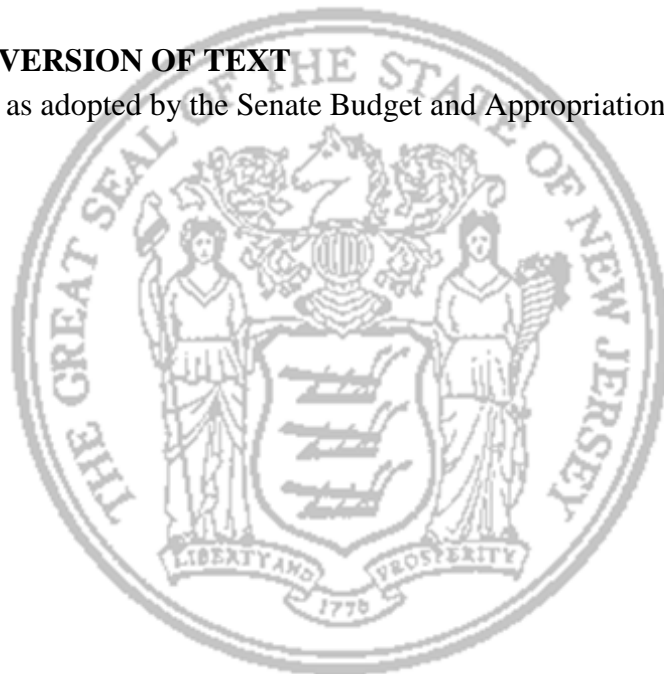
Senators Codey and Greenstein

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 Senate Budget and 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.

46 j. "Family member" means a child, parent, parent-in-law,
47 sibling, grandparent, grandchild, spouse, or one partner in a civil
48 union couple.

1 k. "Reduced leave schedule" means leave scheduled for fewer
2 than an employee's usual number of hours worked per workweek
3 but not for fewer than an employee's usual number of hours worked
4 per workday, unless agreed to by the employee and the employer.

5 l. "Serious health condition" means an illness, injury,
6 impairment, or physical or mental condition which requires:

7 (1) inpatient care in a hospital, hospice, or residential medical
8 care facility; or

9 (2) continuing medical treatment or continuing supervision by a
10 health care provider.

11 m. "State of emergency" means a natural or man-made disaster
12 or emergency for which a state of emergency has been declared by
13 the President of the United States or the Governor, or for which a
14 state of emergency has been declared by a municipal emergency
15 management coordinator.

16 (cf: P.L. 2013, c.221, s.1)

17

18 2. Section 3 of P.L.2013, c.82 (C.34:11C-3) is amended to read
19 as follows:

20 3. a. Any employee of an employer in the State who was a
21 victim of an incident of domestic violence as defined in section 3 of
22 P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as
23 defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose
24 parent-in-law, sibling, grandparent, grandchild, child, parent,
25 spouse, domestic partner, or civil union partner was a victim shall
26 be entitled to unpaid leave of no more than 20 days in one 12-month
27 period, to be used in the 12-month period next following any
28 incident of domestic violence or any sexually violent offense as
29 provided in this section. For purposes of this section, each incident
30 of domestic violence or any sexually violent offense shall constitute
31 a separate offense for which an employee is entitled to unpaid
32 leave, provided that the employee has not exhausted the allotted 20
33 days for the 12-month period. The unpaid leave may be taken
34 intermittently in intervals of no less than one day, as needed for the
35 purpose of engaging in any of the following activities as they relate
36 to the incident of domestic violence or sexually violent offense:

37 (1) seeking medical attention for, or recovering from, physical
38 or psychological injuries caused by domestic or sexual violence to
39 the employee or the employee's parent-in-law, sibling, grandparent,
40 grandchild, child, parent, spouse, domestic partner, or civil union
41 partner;

42 (2) obtaining services from a victim services organization for
43 the employee or the employee's parent-in-law, sibling, grandparent,
44 grandchild, child, parent, spouse, domestic partner, or civil union
45 partner;

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

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

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

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

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

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

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

44 c. Nothing contained in this act shall be construed to prohibit
45 an employer from requiring that a period of leave provided pursuant
46 to this section be supported by the employee with documentation of
47 the domestic violence or sexually violent offense which is the basis
48 for the leave. If the employer requires the documentation, the
49 employee shall be regarded as having provided sufficient

1 documentation if the employee provides one or more of the
2 following:

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

5 (2) a letter or other written documentation from the county or
6 municipal prosecutor documenting the domestic violence or
7 sexually violent offense;

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

10 (4) medical documentation of the domestic violence or sexually
11 violent offense;

12 (5) certification from a certified Domestic Violence Specialist or
13 the director of a designated domestic violence agency or Rape
14 Crisis Center, that the employee or employee's parent-in-law,
15 sibling, grandparent, grandchild, child, parent, spouse, domestic
16 partner, or civil union partner is a victim of domestic violence or a
17 sexually violent offense; or

18 (6) other documentation or certification of the domestic violence
19 or sexually violent offense provided by a social worker, member of
20 the clergy, shelter worker, or other professional who has assisted
21 the employee or employee's parent-in-law, sibling, grandparent,
22 grandchild, child, parent, spouse, domestic partner, or civil union
23 partner in dealing with the domestic violence or sexually violent
24 offenses.

25 For the purposes of this subsection:

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

37 "Rape Crisis Center" means an office, institution, or center
38 offering assistance to victims of sexual offenses through crisis
39 intervention, medical and legal information, and follow-up
40 counseling.

41 d. An employer shall display conspicuous notice of its
42 employees' rights and obligations pursuant to the provisions of this
43 act, in such form and in such manner as the Commissioner of Labor
44 and Workforce Development shall prescribe, and use other
45 appropriate means to keep its employees so informed.

46 e. No provision of this act shall be construed as requiring or
47 permitting an employer to reduce employment benefits provided by
48 the employer or required by a collective bargaining agreement
49 which are in excess of those required by this act. Nor shall any

1 provision of this act be construed to prohibit the negotiation and
2 provision through collective bargaining agreements of leave
3 policies or benefit programs which provide benefits in excess of
4 those required by this act. This provision shall apply irrespective of
5 the date that a collective bargaining agreement takes effect.

6 Nothing contained in this act shall be construed as permitting an
7 employer to:

8 (1) rescind or reduce any employment benefit accrued prior to
9 the date on which the leave taken pursuant to this act commenced;
10 or

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

15 f. All information provided to an employer pursuant to
16 subsection c. of this section, and any information regarding a leave
17 taken pursuant to this section and any failure of an employee to
18 return to work, shall be retained in the strictest confidentiality,
19 unless the disclosure is voluntarily authorized in writing by the
20 employee or is required by a federal or State law, rule, or
21 regulation.

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

23

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

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

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

44 "Covered employer" means, after June 30, 2009, with respect to
45 whether the employer is an employer whose employees are eligible
46 for benefits during periods of family temporary disability leave
47 pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December
48 31, 2008, whether employees of the employer are required to make
49 contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual

1 or type of organization, including any partnership, association,
2 trust, estate, joint-stock company, insurance company or domestic
3 or foreign corporation, or the receiver, trustee in bankruptcy, trustee
4 or successor thereof, or the legal representative of a deceased
5 person, who is an employer subject to the "unemployment
6 compensation law" (R.S.43:21-1 et seq.), including any
7 governmental entity or instrumentality which is an employer under
8 R.S.43:21-19(h)(5), notwithstanding that the governmental entity or
9 instrumentality has not elected to be a covered employer pursuant to
10 paragraph (2) of this subsection (a).

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

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

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

47 (2) "Covered individual" means, with respect to whether an
48 individual is eligible for benefits during the individual's period of
49 family temporary disability leave pursuant to P.L.1948, c.110

1 (C.43:21-25 et al.), any individual who is in employment, as
2 defined in the "unemployment compensation law" (R.S.43:21-1 et
3 seq.), for which the individual is entitled to remuneration from a
4 covered employer, or who has been out of that employment for less
5 than two weeks.

6 (c) "Division" or "commission" means the Division of
7 Temporary Disability Insurance of the Department of Labor and
8 Workforce Development, and any transaction or exercise of
9 authority by the director of the division shall be deemed to be
10 performed by the division.

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

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

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

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

20 (1) The entire period of time during which the covered
21 individual is continuously and totally unable to perform the duties
22 of the covered individual's employment because of the covered
23 individual's own disability, except that two periods of disability due
24 to the same or related cause or condition and separated by a period
25 of not more than 14 days shall be considered as one continuous
26 period of disability; provided the individual has earned wages
27 during such 14-day period with the employer who was the
28 individual's last employer immediately preceding the first period of
29 disability; and

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

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

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

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

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

40 (4) "Base week" with respect to periods of disability
41 commencing on or after January 1, 2001, means any calendar week
42 of a covered individual's base year during which the covered
43 individual earned in employment from a covered employer
44 remuneration not less than an amount 20 times the minimum wage
45 in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on
46 October 1 of the calendar year preceding the calendar year in which
47 the benefit year commences, which amount shall be adjusted to the
48 next higher multiple of \$1.00 if not already a multiple thereof,
49 except that if in any calendar week an individual subject to this

1 paragraph is in employment with more than one employer, the
2 covered individual may in that calendar week establish a base week
3 with respect to each of the employers from whom the covered
4 individual earns remuneration equal to not less than the amount
5 defined in this paragraph during that week.

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

16 (j) (1) "Average weekly wage" means the amount derived by
17 dividing a covered individual's total wages earned from the
18 individual's most recent covered employer during the base weeks in
19 the eight calendar weeks immediately preceding the calendar week
20 in which a period of disability commenced, by the number of such
21 base weeks.

22 (2) If the computation in paragraph (1) of this subsection (j)
23 yields a result which is less than the individual's average weekly
24 earnings in employment with all covered employers during the base
25 weeks in such eight calendar weeks, then the average weekly wage
26 shall be computed on the basis of earnings from all covered
27 employers during the base weeks in the eight calendar weeks
28 immediately preceding the week in which the period of disability
29 commenced.

30 (3) For periods of disability commencing on or after July 1,
31 2009, if the computations in paragraphs (1) and (2) of this
32 subsection (j) both yield a result which is less than the individual's
33 average weekly earnings in employment with all covered employers
34 during the base weeks in the 26 calendar weeks immediately
35 preceding the week in which the period of disability commenced,
36 then the average weekly wage shall, upon a written request to the
37 department by the individual on a form provided by the department,
38 be computed by the department on the basis of earnings from all
39 covered employers of the individual during the base weeks in those
40 26 calendar weeks, and, in the case of a claim for benefits from a
41 private plan, that computation of the average weekly wage shall be
42 provided by the department to the individual and the individual's
43 employer.

44 When determining the "average weekly wage" with respect to a
45 period of family temporary disability leave for an individual who
46 has a period of family temporary disability immediately after the
47 individual has a period of disability for the individual's own
48 disability, the period of disability is deemed to have commenced at

1 the beginning of the period of disability for the individual's own
2 disability, not the period of family temporary disability.

3 (k) "Child" means a biological, adopted, or foster child,
4 stepchild or legal ward of a covered individual, child of a domestic
5 partner of the covered individual, or child of a civil union partner of
6 the covered individual, parent, including a child who becomes the
7 child of a parent pursuant to a valid written agreement between the
8 parent and a gestational carrier, who is less than 19 years of age or
9 is 19 years of age or older but incapable of self-care because of
10 mental or physical impairment.

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

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

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

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

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

25 (2) be with a child during the first 12 months after the child's
26 birth, if the individual, or the domestic partner or civil union partner
27 of the individual, is a biological parent of the child, or is a parent of
28 the child pursuant to a valid gestational carrier agreement, or the
29 first 12 months after the placement of the child for adoption with
30 the individual; or

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

36 "Family temporary disability leave" does not include any period
37 of time in which a covered individual is paid benefits pursuant to
38 P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable
39 to perform the duties of the individual's employment due to the
40 individual's own disability.

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

44 (q) "Parent of a covered individual" means a biological parent,
45 foster parent, adoptive parent, or stepparent of the covered
46 individual or a person who was a legal guardian of the covered
47 individual when the covered individual was a child, or who became
48 the parent of the child pursuant to a valid written agreement
49 between the parent and a gestational carrier.

1 (r) "Placement for adoption" means the time when a covered
2 individual adopts a child or becomes responsible for a child pending
3 adoption by the covered individual.

4 (s) "Serious health condition" means an illness, injury,
5 impairment or physical or mental condition which requires:
6 inpatient care in a hospital, hospice, or residential medical care
7 facility; or continuing medical treatment or continuing supervision
8 by a health care provider.

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

14 (u) "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.3)

20

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

23 14. With respect to any period of disability for an individual's
24 own disability commencing on or after January 1, 1953, disability
25 benefits, not in excess of an individual's maximum benefits, shall be
26 payable with respect to disability which commences while a person
27 is a covered individual under the Temporary Disability Benefits
28 Law, and shall be payable with respect to the eighth consecutive
29 day of such disability and each day thereafter that such period of
30 disability continues; and if benefits shall be payable for three
31 consecutive weeks with respect to any period of disability
32 commencing on or after January 1, 1968, then benefits shall also be
33 payable with respect to the first seven days thereof. With respect to
34 any period of family temporary disability leave commencing on or
35 after July 1, 2009 and while an individual is a covered individual,
36 family temporary disability benefits, not in excess of the
37 individual's maximum benefits, shall be payable with respect to the
38 first day of leave taken after the first one-week period following the
39 commencement of the period of family temporary disability leave
40 and each subsequent day of leave during that period of family
41 temporary disability leave; and if benefits become payable on any
42 day after the first three weeks in which leave is taken, then benefits
43 shall also be payable with respect to any leave taken during the first
44 one-week period in which leave is taken. The maximum total
45 benefits payable to any eligible individual for any period of
46 disability of the individual commencing on or after January 1, 1968,
47 shall be either 26 times his weekly benefit amount or 1/3 of his total
48 wages in his base year, whichever is the lesser; provided that such
49 maximum amount shall be computed in the next lower multiple of

1 \$1.00 if not already a multiple thereof. The maximum total benefits
2 payable to any eligible individual for any period of family
3 temporary disability leave commencing on or after July 1, 2009 and
4 before July 1, 2018, shall be six times the individual's weekly
5 benefit amount or 1/3 of his total wages in his base year, whichever
6 is the lesser; provided that the maximum amount shall be computed
7 in the next lower multiple of \$1.00, if not already a multiple
8 thereof. The maximum total benefits payable to any eligible
9 individual for any period of family temporary disability leave
10 commencing on or after July 1, 2018, shall be twelve times the
11 individual's weekly benefit amount or 1/3 of the individual's total
12 wages in the individual's base year, whichever is the lesser;
13 provided that the maximum amount shall be computed in the next
14 lower multiple of \$1.00, if not already a multiple thereof.
15 (cf: P.L.2008, c.17, s.5)

16

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

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

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

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

28 (2) in the case of intermittent leave in a single period of family
29 temporary disability leave taken to provide care for a family
30 member of the individual with a serious health condition, benefits
31 shall be payable with respect to the first day of leave taken after the
32 first one-week period following the commencement of the period of
33 family temporary disability leave and each subsequent day of leave
34 during that period of family temporary disability leave; and if
35 benefits become payable on any day after the first three weeks in
36 which leave is taken, then benefits shall also be payable with
37 respect to any leave taken during the first one-week period in which
38 leave is taken; and

39 (3) in the case of an individual taking family temporary
40 disability leave immediately after the individual has a period of
41 disability for the individual's own disability, there shall be no
42 waiting period between the period of the individual's own disability
43 and the period of family temporary disability;

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

46 (2) for more than six weeks with respect to any one period of
47 family temporary disability leave commencing before July 1, 2018
48 and more than 12 weeks if the period of leave commences on or
49 after July 1, 2018, or more than 42 days with respect to any one

- 1 period of family temporary disability leave commencing before July
2 1, 2018 and more than 84 days if the period of leave commences on
3 or after July 1, 2018, in the case of leave taken on an intermittent
4 basis to provide care for a family member of the individual with a
5 serious health condition; and
- 6 (3) for more than six weeks of family temporary disability leave
7 during any 12-month period commencing before July 1, 2018 and
8 more than 12 weeks for any 12-month period commencing on or
9 after July 1, 2018, or for more than 42 days of family temporary
10 disability leave taken during any 12-month period commencing
11 before July 1, 2018 and more than 84 days if the period of leave
12 commences on or after July 1, 2018, on an intermittent basis to
13 provide care for a family member of the individual with a serious
14 health condition, including family temporary disability leave taken
15 pursuant to R.S.43:21-4(f)(2) while unemployed;
- 16 (c) for any period of disability which did not commence while
17 the claimant was a covered individual;
- 18 (d) for any period of disability of a claimant during which the
19 claimant is not under the care of a legally licensed physician,
20 dentist, optometrist, podiatrist, practicing psychologist, advanced
21 practice nurse, certified nurse midwife, or chiropractor, who, when
22 requested by the division, shall certify within the scope of the
23 practitioner's practice, the disability of the claimant, the probable
24 duration thereof, and, where applicable, the medical facts within the
25 practitioner's knowledge or for any period of family temporary
26 disability leave for a serious health condition of a family member of
27 the claimant, during which the family member is not receiving
28 inpatient care in a hospital, hospice, or residential medical care
29 facility or is not subject to continuing medical treatment or
30 continuing supervision by a health care provider, who, when
31 requested by the division, shall certify within the scope of the
32 provider's practice, the serious health condition of the family
33 member, the probable duration thereof, and, where applicable, the
34 medical facts within the provider's knowledge;
- 35 (e) (Deleted by amendment, P.L.1980, c.90.)
- 36 (f) for any period of disability due to willfully and intentionally
37 self-inflicted injury, or to injury sustained in the perpetration by the
38 claimant of a crime of the first, second, third, or fourth degree, or
39 for any period during which a covered individual would be
40 disqualified for unemployment compensation benefits for gross
41 misconduct under subsection (b) of R.S.43:21-5;
- 42 (g) for any period during which the claimant performs any work
43 for remuneration or profit;
- 44 (h) in a weekly amount which together with any remuneration
45 the claimant continues to receive from the employer would exceed
46 regular weekly wages immediately prior to disability;
- 47 (i) for any period during which a covered individual would be
48 disqualified for unemployment compensation benefits under

1 subsection (d) of R.S.43:21-5, unless the disability commenced
2 prior to such disqualification;
3 and there shall be no other cause of disqualification or ineligibility
4 to receive disability benefits hereunder except as may be
5 specifically provided in this act.
6 (cf: P.L.2009, c.114, s.1)

7
8 6. Section 12 of P.L.2008, c.17 (C.43:21-39.3) is amended to
9 read as follows:

10 12. a. (1) All of the disability benefits paid to a covered
11 individual during a period of family temporary disability leave with
12 respect to any one birth or adoption shall be for a single continuous
13 period of time **】, except that the employer of the covered individual**
14 **may permit the covered individual to receive the disability benefits】**
15 **or during non-consecutive weeks 【in a manner mutually agreed to**
16 **by the employer and the covered individual and】 or days on an**
17 **intermittent basis pursuant to paragraph (2) of this subsection,**
18 **which shall be disclosed to the division by the employer.**

19 **(2) In the case of intermittent benefits for family temporary**
20 **disability leave with respect to a birth or adoption, the covered**
21 **individual shall provide the employer with prior notice of the leave**
22 **not less than 15 days before the first day on which benefits are paid**
23 **for the intermittent leave, unless an emergency or other unforeseen**
24 **circumstance precludes prior notice; and the covered individual**
25 **makes a reasonable effort to schedule the leave so as not to unduly**
26 **disrupt the operations of the employer and, if possible, provide the**
27 **employer, prior to the commencement of intermittent leave, with a**
28 **regular schedule of the days or days of the week on which the**
29 **intermittent leave will be taken.**

30 b. **【The】 In the case of single continuous benefits for family**
31 **temporary disability leave with respect to birth or adoption, the**
32 **covered individual shall provide the employer with prior notice of**
33 **the **【period of family temporary disability】** leave **【with respect to****
34 **birth or adoption**】** not less than 30 days before the leave**
35 **commences, unless it commences while the individual is receiving**
36 **unemployment benefits, in which case the covered individual shall**
37 **notify the division. The amount of benefits shall be reduced by two**
38 **weeks worth of benefits if the individual does not provide notice to**
39 **an employer as required by this subsection b., unless the time of the**
40 **leave is unforeseeable or the time of the leave changes for**
41 **unforeseeable reasons.**

42 c. Family temporary disability leave taken because of the birth
43 or placement for adoption of a child may be taken at any time
44 within a year after the date of the birth or placement for adoption.
45 (cf: P.L.2008, c.17, s.12)

46
47 7. Section 13 of P.L.2008, c.17 (C.43:21-39.4) is amended to
48 read as follows:

1 13. a. The Commissioner of Labor and Workforce Development
2 shall issue and make available to the public, not later than
3 December 31, 2010, and each subsequent year, annual reports
4 providing data on temporary disability benefits, including separate
5 data for claims involving pregnancy and childbirth, and family
6 temporary disability benefits, including separate data for each of the
7 following categories of claims: care of newborn children; care of
8 newly adopted children; care of sick children; care of sick spouses,
9 and care of other sick family members. The reports shall include,
10 for each category of claims, the number of workers receiving the
11 benefits, the amount of benefits paid, the average duration of
12 benefits, the average weekly benefit, and, in the case of family
13 temporary disability benefits, any reported amount of sick leave,
14 vacation or other fully paid time which resulted in reduced benefit
15 duration. The report shall provide data by gender and by any other
16 demographic factors determined to be relevant by the
17 commissioner. The reports shall also provide, for all temporary
18 disability benefits and for all family temporary disability benefits,
19 the total costs of benefits and the total cost of administration, the
20 portion of benefits for claims during unemployment, and the total
21 revenues from: employer assessments, where applicable; employee
22 assessments; and other sources. For each of the reports issued not
23 later than December 31 of 2018 and each subsequent year, the
24 report shall also provide: the number of claims for bonding, and
25 care for family members, broken down by relationship;
26 demographic information: income, age, gender, ethnicity,
27 occupation, full or part-time employment status; what portion of the
28 leave is taken on an intermittent basis; the percentage of bonding
29 leave applicants who report providing their employer with 30 or
30 more days of notice of leave-taking; the percentage of employers
31 who reduced an employee's maximum entitlement by up to two
32 weeks, if the employee is required to use paid time off; for all
33 claims, the percentage of employers who reported that the employee
34 will have additional paid time off with the source being the
35 difference between their regular weekly wages and the maximum
36 benefit provided under P.L.2008, c.17 (C.43:21-39.1 et al.).

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

44 (1) Employees and their families, including surveys and
45 evaluations of: what portion of the total number of employees
46 taking leave would not have taken leave, or would have taken less
47 leave, without the availability of benefits; what portion of
48 employees return to work after receiving benefits and what portion
49 are not permitted to return to work; and what portion of employees

1 who are eligible for benefits do not claim or receive them and why
2 they do not;

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

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

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

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

15

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

18 16. **【**With respect to periods of disability commencing on or
19 after July 1, 1961, an individual's weekly benefit amount shall be
20 determined and computed by the division on the same basis as the
21 weekly benefit rate is determined and computed pursuant to
22 subsection (c) of R.S. 43:21-3, except that for **】** For periods of
23 disability commencing on or after October 1, 1984, an individual's
24 weekly benefit rate shall be two-thirds of his average weekly wage,
25 subject to a maximum of 53% of the Statewide average weekly
26 remuneration paid to workers by employers, as determined under
27 subsection (c) of R.S. 43:21-3, except that, for periods of family
28 temporary disability leave commencing on or after July 1, 2018, an
29 individual's weekly benefit rate shall be 90% of the individual's
30 average weekly wage, subject to a maximum of 78% of the
31 Statewide average weekly remuneration paid to workers by
32 employers; provided, however, that such individual's benefit rate
33 shall be computed to the next lower multiple of \$1.00 if not already
34 a multiple thereof. The amount of benefits for each day of
35 disability for which benefits are payable shall be one-seventh of the
36 corresponding weekly benefit amount; provided that the total
37 benefits for a fractional part of a week shall be computed to the next
38 lower multiple of \$1.00 if not already a multiple thereof.

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

40

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

43 31. Penalties. (a) Whoever makes a false statement or
44 representation knowing it to be false or knowingly fails to disclose
45 a material fact, and each such false statement or representation or
46 failure to disclose a material fact shall constitute a separate offense,
47 to obtain or increase any disability benefit under the State plan or
48 an approved private plan, or for a disability during unemployment,
49 including any benefit during a period of family temporary disability

1 leave, either for himself or for any other person, shall be liable for a
2 fine of \$250 to be paid to the division. Upon refusal to pay such
3 fine, the same shall be recovered in a civil action by the division in
4 the name of the State of New Jersey. If in any case liability for the
5 payment of a fine as aforesaid shall be determined, any person who
6 shall have received any benefits hereunder by reason of the making
7 of such false statements or representations or failure to disclose a
8 material fact, shall not be entitled to any benefits under this act for
9 any disability occurring prior to the time he shall have discharged
10 his liability hereunder to pay such fine.

11 (b) Any employer or any officer or agent of any employer or
12 any other person who makes a false statement or representation
13 knowing it to be false or knowingly fails to disclose a material fact,
14 to prevent or reduce the benefits to any person entitled thereto, or to
15 avoid becoming or remaining subject hereto or to avoid or reduce
16 any contribution or other payment required from an employer under
17 this act, or who willfully fails or refuses to make any such
18 contributions or other payment or to furnish any reports required
19 hereunder or to produce or permit the inspection or copying of
20 records as required hereunder, or who fails to provide any
21 notification or disclosure to the division or the employee required
22 by subsection (a) of section 25 of P.L.1948, c.110 (C.43:21-49) or
23 subsections f. or g. of section 10 of P.L.2008, c.17 (C.43:21-39.1) at
24 the time and in the manner required by those sections, including
25 disclosure of the information the division requires for the
26 processing of a claim, shall be liable for a fine of \$250 to be paid to
27 the division, and, if a failure of an employer to provide the
28 notification or disclosure to the division or the employee results in a
29 delay in the payment of benefits, the employer shall also be liable
30 for an added amount, to be paid to the claimant, equal to the
31 benefits due from the time that the employer was required to
32 provide the notification or disclosure until the time that the benefit
33 payments commenced. Upon refusal to pay such fine or added
34 payments to a claimant, the same shall be recovered in a civil action
35 by the division in the name of the State of New Jersey.

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

42 (d) Any person, employing unit, employer or entity violating
43 any of the provisions of the above subsections with intent to
44 defraud the division shall in addition to the penalties hereinbefore
45 described, be liable for each offense upon conviction before the
46 Superior Court or any municipal court for a fine not to exceed
47 \$1,000 or by imprisonment for a term not to exceed ninety days, or
48 both, at the discretion of the court. The fine upon conviction shall
49 be payable to the State disability benefits fund of the division. Any

1 penalties imposed by this subsection shall be in addition to those
2 otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

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

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

8

9 10. (New section) a. An employer shall not discharge, harass,
10 threaten, or otherwise discriminate or retaliate against an employee
11 with respect to the compensation, terms, conditions, or privileges of
12 employment on the basis that the employee requested or took any
13 temporary disability benefits pursuant to P.L.1948, c.110 (C.43:21-
14 25 et al.), or family temporary disability leave benefits pursuant to
15 P.L.2008, c.17 (C.43:21-39.1 et al.), provided that, pursuant to
16 section 2 of P.L.1948, c.110 (C.43:21-26), nothing in this section or
17 any other section of P.L.1948, c.110 (C.43:21-25 et al.) or
18 P.L.2008, c.17 (C.43:21-39.1 et al.) shall be construed as
19 increasing, reducing or otherwise modifying any entitlement
20 provided to a worker by the provisions of the "Family Leave Act,"
21 P.L.1989, c.261 (C.34:11B-1 et seq.) to be restored to employment
22 by the employer after a period of family temporary disability leave.

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

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

31 (2) an injunction to restrain the continued violation of any of the
32 provisions of this section;

33 (3) reinstatement of the employee to the same position or to a
34 position equivalent to that which the employee held prior to
35 unlawful discharge or retaliatory action;

36 (4) reinstatement of full fringe benefits and seniority rights;

37 (5) compensation for any lost wages, benefits and other
38 remuneration; and

39 (6) payment of reasonable costs and attorney's fees.

40

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

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

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

- 1 (b) not less than 65 percent of the original benefit
- 2 determinations shall be completed within 14 days after the receipt
- 3 of the benefit claims by the division;
- 4 (c) not less than 75 percent of the original benefit
- 5 determinations shall be completed within 21 days after the receipt
- 6 of the benefit claims by the division; and
- 7 (d) not less than 85 percent of the original benefit
- 8 determinations shall be completed within 28 days after the receipt
- 9 of the benefit claims by the division; and
- 10 (2) for family temporary disability benefits, in each calendar
- 11 year:
 - 12 (a) not less than 50 percent of the original benefit
 - 13 determinations shall be completed within seven days after the
 - 14 receipt of the benefit claims by the division;
 - 15 (b) not less than 75 percent of the original benefit
 - 16 determinations shall be completed within 14 days after the receipt
 - 17 of the benefit claims by the division;
 - 18 (c) not less than 85 percent of the original benefit
 - 19 determinations shall be completed within 21 days after the receipt
 - 20 of the benefit claims by the division; and
 - 21 (d) not less than 95 percent of the original benefit
 - 22 determinations shall be completed within 28 days after the receipt
 - 23 of the benefit claims by the division.
- 24 b. 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 division efforts in the preceding calendar year to attain
- 28 the disability insurance goals set pursuant to this section for
- 29 temporary disability benefits, and a report regarding those efforts
- 30 for family temporary disability benefits. Each report shall include:
 - 31 (1) the total number of claims and the number and percentage of
 - 32 original determinations completed within each number of days
 - 33 specified in the goals set pursuant to this section, and the number
 - 34 and percentage of original determinations completed within the
 - 35 following number of days after the receipt of the benefit claims: 35
 - 36 days, 42 days, 49 days and 56 days, and the number and percentage
 - 37 of original determinations completed more than 56 days after the
 - 38 receipt of the claims and the average number of days to make the
 - 39 determinations for the claims that took more than 56 days;
 - 40 (2) the number and percentage of claims received with
 - 41 insufficient information, what portion of those claims were because
 - 42 of failure of claimants to provide sufficient information, what
 - 43 portion of those claims were because of failures of medical
 - 44 providers of claimants to provide sufficient information, and what
 - 45 portion of those claims were because of failures of employers to
 - 46 provide sufficient information;
 - 47 (3) the number and percentage of claims for which
 - 48 determinations were delayed because of a failure of the employer to
 - 49 make the notifications or disclosures to employees and the division

1 within the amount of time required by subsection (a) of section 25
2 of P.L.1948, c.110 (C.43:21-49) or subsections f. or g. of section 10
3 of P.L.2008, c.17 (C.43:21-39.1), the number of complaints
4 received related to employer noncompliance with those
5 requirements, and the number of employers which have been,
6 because of the failures, required, pursuant to section 31 of
7 P.L.1948, c.110 (C.43:21-55), to pay fines or penalties to the
8 division or added amounts to claimants, the total amount of
9 payments to the division, and the total amount of payments to
10 claimants;

11 (4) the number of personnel in the division and the budgeted
12 cost of salaries and benefits for those personnel; the number of
13 personnel who are processing family temporary disability benefit
14 claims, the number processing other temporary disability claims,
15 and the budgeted cost of salaries and benefits for those personnel;
16 what percentage of total division administrative costs is comprised
17 of those categories of personnel costs; and a comparison of total
18 division administrative costs to the maximum amount permitted to
19 be expended for those division administrative costs pursuant to
20 section 22 of P.L.1948, c.110 (C.43:21-46); and

21 (5) if any of the disability insurance goals set pursuant to this
22 section were not attained during the year, the report shall provide an
23 evaluation of the causes of the deficiencies and a plan to correct
24 them and that plan shall include:

25 (a) any increase in personnel needed to process claims;

26 (b) any measures needed to enforce notification and reporting
27 requirements;

28 (c) any measures needed to inform employees of their
29 responsibilities to facilitate the timely provision of benefits; and

30 (d) any improvements needed in data processing and other
31 administrative services and equipment.

32 The plan shall specify any added costs entailed in implementing
33 the plan, which shall be regarded as costs of administration of
34 family temporary disability benefits, and shall specify the amount
35 of any resulting increase in the estimate made pursuant to
36 R.S.43:21-7(d)(1)(G)(i) and (ii) of the amount needed to provide
37 100 percent of the cost of administration of family temporary
38 disability benefits.

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

45 c. (1) The division shall disseminate information about the
46 rights and responsibilities of employers and employees regarding
47 temporary disability benefits and family temporary disability
48 benefits by means of programs of educational outreach in
49 communities and workplaces. The division may enter into contracts

1 with community-based organizations to disseminate information to
2 workers regarding temporary disability benefits and family
3 temporary disability benefits.

4 (2) The commissioner shall, not later than September 30 of 2018
5 and each subsequent year, issue, provide to the Legislature, and
6 make available to the public on the department's webpage, a report
7 regarding efforts made during the preceding calendar year by the
8 division and by community-based organizations to disseminate
9 information about the rights and responsibilities of employers and
10 employees regarding temporary disability and family temporary
11 disability benefits. Each report shall include, for that preceding
12 calendar year:

13 (a) an accounting of all funds and expenditures made by the
14 division and each community-based organization entering into
15 contracts with the division pursuant to this subsection, and
16 estimates of the number of employers and the number of workers to
17 which the information was disseminated;

18 (b) an estimate of the number of workers who were eligible for
19 temporary disability and family temporary disability benefits and
20 what percentage of those workers received those benefits, including
21 an assessment of whatever progress was made to increase that
22 percentage; and

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

27

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