

ASSEMBLY, No. 2762

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Murphy

SYNOPSIS

Revises law concerning temporary disability leave.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2018)

1 AN ACT concerning temporary disability leave and supplementing
2 P.L.1948, c.110 (C.43:21-25 et al.).

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

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7 1. a. Notwithstanding any provision of law to the contrary,
8 when a covered individual applies for temporary disability benefits
9 for disability resulting from pregnancy or the birth of a child, the
10 plan administering the covered individual's benefits shall
11 automatically process an application for that individual for the paid
12 family leave benefits program, unless the individual affirmatively
13 opts out of that program, such that the individual shall be required
14 to submit only one application for both programs. The application
15 for benefits shall be processed to allow the paid family leave
16 benefits, if approved, to begin immediately following the end of the
17 temporary disability benefits, unless the individual notifies the plan
18 that the individual wants to postpone or opt out of the paid family
19 leave benefits. A covered individual who is approved for benefits
20 under this section shall notify the plan administering the covered
21 individual's benefits the date on which the covered individual will
22 return to work, and shall notify the plan administering the benefits
23 if the covered individual returns to work on an earlier date.

24 The provisions of this act shall apply to private plans and the
25 State plan. A private plan that offers only temporary disability
26 benefits or paid family leave benefits shall adopt procedures for
27 effectuating the provisions of this act, so individuals are only
28 required to submit one application for both temporary disability
29 benefits and family leave benefits even if those benefits are not
30 administered by the same plan.

31 b. A covered individual who is approved for temporary
32 disability benefits for disability resulting from pregnancy shall
33 receive up to four weeks of benefits before the expected delivery
34 date and up to six weeks of benefits after the actual delivery date.
35 The covered individual shall recertify for benefits no later than two
36 weeks following the actual delivery date, and shall not be required
37 to recertify at any other time during the benefit periods. A covered
38 individual shall receive a longer period of disability before the
39 expected delivery date or after the actual delivery date, if the
40 covered individual provides the plan administering the benefits with
41 a certification from a health care provider that the longer period is
42 necessary.

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

STATEMENT

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3 The bill provides that when a covered individual applies for
4 temporary disability benefits for disability resulting from pregnancy
5 or the birth of a child, the plan administering the covered
6 individual's benefits must automatically process an application for
7 that individual to its paid family leave benefits program, unless the
8 individual affirmatively opts out of that program. The application
9 for benefits shall be processed to allow the family leave benefits, if
10 approved, to begin immediately following the end of the temporary
11 disability benefits, unless the individual notifies the plan that the
12 individual wants to postpone or opt out of the family leave.

13 A covered individual who is approved for temporary disability
14 benefits pursuant to the provisions of the bill must notify the plan
15 administering the covered individual's benefits the date on which
16 the covered individual will return to work, and must notify the plan
17 administering the benefits if the covered individual returns to work
18 on an earlier date. A covered individual will receive a longer
19 period of disability before the expected delivery date or after the
20 actual delivery date, if the covered individual provides the plan
21 administering the benefits with a certification from a health care
22 provider that the longer period is necessary.