ASSEMBLY, No. 2035

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblywoman ELIANA PINTOR MARIN
District 29 (Essex)

Co-Sponsored by:
Assemblyman Johnson

SYNOPSIS

Allows for sharing of family leave benefits between covered individuals under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 12/16/2020)

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

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

1. a. Notwithstanding the provisions of P.L.1948, c.110 (C.43:21-25 et al.) to the contrary, in the case of covered individuals who are in a marriage, domestic partnership, or civil union and who are taking or eligible to take family temporary disability leave to be with a child following that child's birth or adoption, benefits may be provided for a maximum of 12 weeks, to be divided between the two individuals at their discretion. All of the disability benefits paid to each spouse, partner, or civil union member during a period of family temporary disability leave with respect to any one birth or adoption shall be for a single continuous period of time for each spouse, except that an employer may permit a covered individual to receive the disability benefits during non-consecutive weeks as provided in section 12 of P.L.2008, c.17 (C.43:21-39.3).

b. The maximum total benefits payable to covered individuals who are in a marriage, domestic partnership, or civil union for any period of family temporary disability leave commencing on or after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), shall be six times the weekly benefit amount of the higher paid individual in that individual's base year for the first six weeks of family temporary disability leave, and six times the weekly benefit amount of the lesser paid individual in that individual's base year for the second six weeks of family temporary disability leave, regardless of which individual takes the leave first or the duration of the leave. The maximum amount shall be computed in the next lower multiple of $1.00, if not already a multiple thereof.

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

STATEMENT

This bill provides that, in the case of covered individuals who are in a marriage, domestic partnership, or civil union and who are taking or eligible to take family temporary disability leave to be with a child following that child's birth or adoption, benefits may be provided for a maximum of 12 weeks, to be divided between the two individuals at their discretion. All of the disability benefits paid to each spouse, partner, or civil union member during a period of family temporary disability leave with respect to any one birth or adoption shall be for a single continuous period of time for each

spouse, except that an employer may permit a covered individual to receive the disability benefits during non-consecutive weeks.

Under the bill, the maximum total benefits payable to covered individuals who are in a marriage, domestic partnership, or civil union for any period of family temporary disability leave shall be six times the weekly benefit amount of the higher paid individual in that individual's base year for the first six weeks of family temporary disability leave and six times the weekly benefit amount of the lesser paid individual in that individual's base year for the second six weeks of family temporary disability leave, regardless of which individual takes the leave first or the duration of the leave. The maximum amount shall be computed in the next lower multiple of $1.00, if not already a multiple thereof.