

ASSEMBLY, No. 2898

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Prohibits payment of temporary disability benefits to incarcerated individuals.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 AN ACT prohibiting the payment of temporary disability benefits to
2 incarcerated individuals and amending P.L.1948, c.110.

3

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

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

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

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

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

18 (2) (Deleted by amendment, P.L.2019, c.37);

19 (3) in the case of an individual taking family temporary
20 disability leave, there shall be no waiting period;

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

23 (2) for more than six weeks with respect to any one period of
24 family temporary disability leave commencing before July 1, 2020
25 and more than 12 weeks if the period of leave commences on or
26 after July 1, 2020, or for more than 42 days with respect to any one
27 period of family temporary disability leave commencing before July
28 1, 2020 and more than 56 days if the period of leave commences on
29 or after July 1, 2020, and is taken on an intermittent basis; and

30 (3) for more than six weeks of family temporary disability leave
31 during any 12-month period commencing before July 1, 2020 and
32 more than 12 weeks for any 12-month period commencing on or
33 after July 1, 2020, or for more than 42 days of family temporary
34 disability leave taken during any 12-month period commencing
35 before July 1, 2020 and more than 56 days if the period of leave
36 commences on or after July 1, 2020, on an intermittent basis,
37 including family temporary disability leave taken pursuant to
38 R.S.43:21-4(f)(2) while unemployed;

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

41 (d) for any period of disability of a claimant during which the
42 claimant is not under the care of a legally licensed physician,
43 dentist, optometrist, podiatrist, practicing psychologist, advanced
44 practice nurse, certified nurse midwife, or chiropractor, who, when
45 requested by the division, shall certify within the scope of the

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 practitioner's practice, the disability of the claimant, the probable
2 duration thereof, and, where applicable, the medical facts within the
3 practitioner's knowledge or for any period of family temporary
4 disability leave for a serious health condition of a family member of
5 the claimant, during which the family member is not receiving
6 inpatient care in a hospital, hospice, or residential medical care
7 facility or is not subject to continuing medical treatment or
8 continuing supervision by a health care provider, who, when
9 requested by the division, shall certify within the scope of the
10 provider's practice, the serious health condition of the family
11 member, the probable duration thereof, and, where applicable, the
12 medical facts within the provider's knowledge;

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

14 (f) for any period of disability due to willfully and intentionally
15 self-inflicted injury, or to injury sustained in the perpetration by the
16 claimant of a crime of the first, second, third, or fourth degree, or
17 for any period during which a covered individual would be
18 disqualified for unemployment compensation benefits for gross
19 misconduct under subsection (b) of R.S.43:21-5;

20 (g) for any period during which the claimant performs any work
21 for remuneration or profit, except that, in a case of a claim for
22 benefits for a period of family temporary disability on or after July
23 1, 2020 in which the covered individual has more than one
24 employer, the individual shall have the option of claiming benefits
25 for leave taken from one employer, based on wages paid by that
26 employer, on the condition that the individual does not, during the
27 period for which the benefits are paid, increase the amount of
28 employment time with any other employer;

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

32 (i) for any period during which a covered individual would be
33 disqualified for unemployment compensation benefits under
34 subsection (d) of R.S.43:21-5, unless the disability commenced
35 prior to such disqualification;

36 (j) for any period during which the claimant receives any paid
37 sick leave, vacation time or other leave at full pay from the
38 employer of the individual;

39 (k) for any period during which the claimant is incarcerated in
40 any federal, State or municipal penal institution, jail, medical
41 facility, public or private hospital, or in any other place because of a
42 criminal violation of a federal, State or other municipal law or
43 ordinance. For purposes of this subsection, "incarcerated" means
44 any time spent in the custody of law enforcement authorities
45 following conviction of a criminal offense or following the entry of
46 a guilty plea to a criminal charge by the person before a court of
47 competent jurisdiction;

1 and there shall be no other cause of disqualification or ineligibility
2 to receive disability benefits hereunder except as may be
3 specifically provided in this act.

4 (cf: P.L.2019, c.37, s.12)

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6 2. This act shall take effect 60 days after enactment.

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STATEMENT

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11 This bill amends the "Temporary Disability Benefits Law,"
12 P.L.1948, c.110 (C.43:21-25 et al.), to prohibit benefits from being
13 paid to any claimant during any period during which the claimant is
14 incarcerated in any federal, State or municipal penal institution, jail,
15 medical facility, public or private hospital, or in any other place
16 because of a criminal violation of a federal, State or other municipal
17 law or ordinance.