SENATE, No. 4145

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)

SYNOPSIS

Increases maximum weekly benefit rate for temporary disability and family leave.

CURRENT VERSION OF TEXT

As introduced.

AN ACT increasing maximum weekly benefit rate for temporary disability benefits and family temporary disability benefits and amending P.L.1948, c.110.

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

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

16. a. For periods of disability commencing on or after October 1, 1984, an individual's weekly benefit rate shall be two-thirds of his average weekly wage, subject to a maximum of 53% of the Statewide average weekly remuneration paid to workers by employers, as determined under subsection (c) of R.S.43:21-3, except as provided in subsection b. of this section.

b. (1) For periods of disability commencing on or after July 1, 2020 and before July 1, 2022, and for periods of family temporary disability leave commencing on or after July 1, 2020 and before July 1, 2022, an individual's weekly benefit rate shall be 85% of the individual's average weekly wage, subject to a maximum of 70% of the Statewide average weekly remuneration paid to workers by employers.

(2) For periods of disability commencing on or after July 1, 2022, and for periods of family temporary disability leave commencing on or after July 1, 2022, an individual's weekly benefit rate shall be 85% of the individual's average weekly wage, subject to a maximum of 85% of the Statewide average weekly remuneration paid to workers by employers.

c. Each individual's benefit rate shall be computed to the next lower multiple of $1.00 if not already a multiple thereof. The amount of benefits for each day of disability for which benefits are payable shall be one-seventh of the corresponding weekly benefit amount; provided that the total benefits for a fractional part of a week shall be computed to the next lower multiple of $1.00 if not already a multiple thereof.

d. For any week beginning on or after the effective date of P.L.2019, c.126, with respect to a period of disability of an individual who is otherwise eligible for benefits but only able to return to work on a reduced basis while recovering from the disability, the individual, if permitted by the employer to return to work on the reduced basis, shall be paid an amount of benefits with respect to that week such that the sum of the wages and those benefits paid to the individual, rounded to the next lower multiple of $1.00, will equal the weekly benefit amount the individual would have been paid if

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.

totally unable to perform the duties of employment due to disability, provided that:

(1) The individual must have been totally unable to perform the duties of employment due to disability and receiving full benefits for at least seven consecutive days prior to claiming partial benefits under this subsection;

(2) The maximum duration of partial benefits paid pursuant to this subsection is eight weeks, unless the division, after a review of medical documentation from a qualified healthcare provider, approves in writing an extension beyond eight weeks, but in no case shall the duration be extended to more than 12 weeks; and

(3) If the individual is able to return to work on a reduced basis but the employer is unable or otherwise chooses not to permit the individual to do so, the individual will continue to be eligible for benefits until the individual is fully recovered from the disability and able to perform the duties of employment, but nothing in this subsection shall be construed as increasing the total number of weeks of disability benefits for which the individual is eligible.

For the purposes of this section, "qualified healthcare provider" means a legally licensed physician, dentist, podiatrist, chiropractor, certified nurse midwife, advanced practice nurse or public health nurse designated by the division.

(cf: P.L.2019, c.126, s.2)

2. This act shall take effect immediately.

STATEMENT

This bill increases maximum weekly benefit rate for temporary disability and family leave from 70% to 85% of the Statewide average weekly wage.