



**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RH/CL

P.L. 2018, CHAPTER 122, *approved October 4, 2018*  
Assembly, No. 2762 (*Second Reprint*)

1 AN ACT concerning temporary disability leave and supplementing  
2 P.L.1948, c.110 (C.43:21-25 et al.).  
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:  
6

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 <sup>1</sup>of<sup>1</sup> the date on which the covered individual  
22 will return to work, and shall notify the plan administering the  
23 benefits if the covered individual returns to work on an earlier date.

24 The provisions of this act shall apply to <sup>1</sup>**private plans and**<sup>1</sup> the  
25 State plan <sup>1</sup>and a private plan which holds temporary disability  
26 insurance and family leave insurance for the individual<sup>1</sup>. <sup>1</sup>A private  
27 plan that offers only temporary disability benefits shall provide to  
28 its temporary disability claimants written notice of the application  
29 process for family leave benefits concurrently with issuing its  
30 written approval of temporary disability benefits.<sup>1</sup> A private plan  
31 that offers <sup>1</sup>**only** both<sup>1</sup> temporary disability benefits <sup>1</sup>**or** and<sup>1</sup>  
32 paid family leave benefits shall adopt procedures for effectuating  
33 the provisions of this act, so individuals are only required to submit  
34 one application for both temporary disability benefits and family  
35 leave benefits <sup>1</sup>**even if those benefits are not administered by the**  
36 **same plan**<sup>1</sup>.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALA committee amendments adopted June 14, 2018.

<sup>2</sup>Assembly amendments adopted in accordance with Governor's recommendations August 27, 2018.

1       b. A covered individual who is approved for temporary  
2 disability benefits for disability resulting from pregnancy shall  
3 <sup>1</sup>~~receive up~~ be entitled<sup>1</sup> to four weeks of benefits before the  
4 expected delivery date and <sup>1</sup>~~up to~~<sup>1</sup> six weeks of benefits after the  
5 actual delivery date. The covered individual shall recertify for  
6 benefits no later than two weeks following the actual delivery date,  
7 and shall not be required to recertify at any other time during the  
8 benefit periods. A covered individual shall receive a longer period  
9 of disability before the expected delivery date or after the actual  
10 delivery date, if the covered individual provides the plan  
11 administering the benefits with a certification from a health care  
12 provider that the longer period is necessary.

13

14       2. This act shall take effect <sup>2</sup>~~on the~~<sup>2</sup> <sup>1</sup>~~first day of the third~~  
15 ~~month next following~~ <sup>2</sup>~~180th day~~ one year<sup>2</sup> after the date of<sup>1</sup>  
16 enactment.

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Revises law concerning temporary disability leave.

# 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.).

3

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

6

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.

43

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.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2762**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 14, 2018

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 2762.

As amended, the bill provides that when a covered individual applies for temporary disability benefits for disability resulting from pregnancy or the birth of a child, the plan administering the covered individual's benefits must automatically process an application for that individual to its paid family leave benefits program, unless the individual affirmatively opts out of that program. The application for benefits shall be processed to allow the family leave benefits, if approved, to begin immediately following the end of the temporary disability benefits, unless the individual notifies the plan that the individual wants to postpone or opt out of the family leave. In the case of pregnancy, a worker is entitled to 4 weeks of TDI benefits before childbirth and 6 weeks after childbirth.

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

As amended, the bill applies to the State plan and a private plan which holds both temporary disability insurance and family leave insurance for the individual. The bill provides that a private plan that offers only temporary disability benefits will provide to its temporary disability claimants written notice of the application process for family leave benefits concurrently with issuing its written approval of temporary disability benefits. As amended, the bill provides that a private plan that offers both temporary disability benefits and paid family leave benefits will be required to adopt procedures so individuals only submit one application for both temporary disability benefits and family leave benefits.



COMMITTEE AMENDMENTS:

The committee amended the bill to: (1) clarify that, in the case of pregnancy, a worker is entitled to 4 weeks of TDI benefits before childbirth and 6 weeks after, deleting previous “up to” language; (2) provide that the provisions of this bill will apply to the State plan and a private plan which holds both temporary disability insurance and family leave insurance for the individual; (3) provide that a private plan that offers only temporary disability benefits will provide to its temporary disability claimants written notice of the application process for family leave benefits concurrently with issuing its written approval of temporary disability benefits; and (4) provide that a private plan that offers both temporary disability benefits and paid family leave benefits will be required to adopt procedures so individuals only submit one application for both temporary disability benefits and family leave benefits.

The committee also amended the bill to change the effective date of the bill to 180 days after the date of enactment.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2762**

# **STATE OF NEW JERSEY**

DATED: JUNE 18, 2018

The Assembly Budget Committee reports favorably Assembly Bill No. 2762 (1R).

This bill provides that when a covered individual applies for temporary disability benefits for disability resulting from pregnancy or the birth of a child, the plan administering the covered individual's benefits must automatically process an application for that individual to its paid family leave benefits program, unless the individual affirmatively opts out of that program. The application for benefits shall be processed to allow the family leave benefits, if approved, to begin immediately following the end of the temporary disability benefits, unless the individual notifies the plan that the individual wants to postpone or opt out of family leave benefits. In the case of pregnancy, the bill entitles a worker to 4 weeks of TDI benefits before childbirth and 6 weeks after childbirth.

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

The bill applies to the State plan and a private plan which holds both temporary disability insurance and family leave insurance for the individual. The bill provides that a private plan that offers only temporary disability benefits will provide to its temporary disability claimants written notice of the application process for family leave benefits concurrently with issuing its written approval of temporary disability benefits. The bill provides that a private plan that offers both temporary disability benefits and paid family leave benefits will be required to adopt procedures so individuals only submit one application for both temporary disability benefits and family leave benefits.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) estimates that the bill may result in a potential, likely, insignificant, one-time increase in State administrative costs tied to changes in the Department of Labor and Workforce Development's (DOLWD) administrative procedures, such as modification of forms and training of staff. The specific magnitude of any expenditure increase will depend on DOLWD operating decisions, which the OLS cannot anticipate.

The OLS notes that the bill may change the total amount of temporary disability benefits weeks paid to an individual claimant from average of 62 days or about nine weeks, to 10 weeks.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 2762

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JUNE 25, 2018

#### SUMMARY

- Synopsis:** Revises law concerning temporary disability leave.
- Type of Impact:** Potential, One-time, State Expenditure Increase.
- Agencies Affected:** Department of Labor and Workforce Development (DOLWD)

#### Office of Legislative Services Estimate

Fiscal Impact	
State Cost	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill may result in a potential, likely insignificant, one-time increase in State administrative costs tied to changes in DOLWD's administrative procedures, such as modification of forms and training of staff. The specific magnitude of any expenditure increase will depend on DOLWD operating decisions, which the OLS cannot anticipate.

#### BILL DESCRIPTION

This bill provides that when a worker applies for temporary disability insurance (TDI) benefits for disability resulting from pregnancy, childbirth and recovery from childbirth, the plan administering the benefits must automatically process an application for that worker for family leave insurance (FLI) benefits, unless the worker affirmatively opts out of taking FLI benefits. The application for benefits shall be processed to allow the FLI benefits, if approved, to begin immediately following the end of the TDI benefits.

A worker who is approved for TDI benefits is required to provide notice of the date on which the worker will return to work, and provide notice if the worker returns to work on an earlier date.

The bill provides that a worker approved for TDI benefits for disability related to pregnancy and childbirth shall receive four weeks of benefits before the expected delivery date and six weeks of benefits after the actual delivery date. The worker is required to recertify for benefits

no later than two weeks following the actual delivery date, but not required to recertify at any other time. A worker shall receive a longer period of TDI benefits before or after the delivery date if the worker provides certification from a health care provider that the longer period is necessary.

***EXECUTIVE BRANCH***

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill may result in a potential, likely insignificant, one-time increase in State administrative costs tied to changes in DOLWD's administrative procedures, such as modification of forms and training of staff. The specific magnitude of any expenditure increase will depend on DOLWD operating decisions, which the OLS cannot anticipate.

The OLS notes that the bill will not change the total amount of temporary disability insurance and family leave insurance benefits paid or the amount of benefits disbursed to an individual claimant. In allowing claimants to submit one application for both, temporary disability benefits and family leave benefits, the bill merely changes the way in which the DOLWD processes benefit claims.

*Section: Commerce, Labor and Industry*

*Analyst: Juan C. Rodriguez  
Associate Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**ASSEMBLY, No. 2762**

## **STATE OF NEW JERSEY 218th LEGISLATURE**

DATED: SEPTEMBER 28, 2018

### **SUMMARY**

- Synopsis:** Revises law concerning temporary disability leave.
- Type of Impact:** Potential, One-time, State Expenditure Increase.
- Agencies Affected:** Department of Labor and Workforce Development (DOLWD)

#### **Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	
<b>State Cost</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill may result in a potential, likely insignificant, one-time increase in State administrative costs tied to changes in Department of Labor and Workforce Development (DOLWD) administrative procedures, such as modification of forms and training of staff. The specific magnitude of any expenditure increase will depend on DOLWD operating decisions, which the OLS cannot anticipate.

### **BILL DESCRIPTION**

This bill provides that when a worker applies for temporary disability insurance (TDI) benefits for disability resulting from pregnancy, childbirth and recovery from childbirth, the plan administering the benefits must automatically process an application for that worker for family leave insurance (FLI) benefits, unless the worker affirmatively opts out of taking FLI benefits. The application for benefits shall be processed to allow the FLI benefits, if approved, to begin immediately following the end of the TDI benefits.

A worker who is approved for TDI benefits is required to provide notice of the date on which the worker will return to work, and provide notice if the worker returns to work on an earlier date.

The bill provides that a worker approved for TDI benefits for disability related to pregnancy and childbirth would receive four weeks of benefits before the expected delivery date and six weeks of benefits after the actual delivery date. The worker is required to recertify for benefits no later than two weeks following the actual delivery date, but not required to recertify at any other time. A worker would receive a longer period of TDI benefits before or after the delivery date if the worker provides certification from a health care provider that the longer period is necessary.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill may result in a potential, likely insignificant, one-time increase in State administrative costs tied to changes in DOLWD's administrative procedures, such as modification of forms and training of staff. The specific magnitude of any expenditure increase will depend on DOLWD operating decisions, which the OLS cannot anticipate.

The OLS notes that the bill will not change the total amount of temporary disability insurance and family leave insurance benefits paid or the amount of benefits disbursed to an individual claimant. In allowing claimants to submit one application for both, temporary disability benefits and family leave benefits, the bill merely changes the way in which the DOLWD processes benefit claims.

*Section:*            *Commerce, Labor and Industry*  
*Analyst:*          *Juan C. Rodriguez*  
                         *Associate Fiscal Analyst*  
*Approved:*        *Frank W. Haines III*  
                         *Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**SENATE, No. 1317**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**  
**Senator M. TERESA RUIZ**  
**District 29 (Essex)**

**SYNOPSIS**

Revises law concerning temporary disability leave.

**CURRENT VERSION OF TEXT**

As introduced.





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

3

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

6

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.

43

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.

# SENATE LABOR COMMITTEE

## STATEMENT TO

### **SENATE, No. 1317**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 11, 2018

The Senate Labor Committee reports favorably, and with committee amendments, Senate Bill No. 1317.

As amended by the committee, this bill provides that when a worker applies for temporary disability insurance (TDI) benefits for disability resulting from pregnancy, childbirth and recovery from childbirth, the plan administering the benefits must automatically process an application for that worker for family leave insurance (FLI) benefits, unless the worker affirmatively opts out of taking FLI benefits. The application for benefits shall be processed to allow the FLI benefits, if approved, to begin immediately following the end of the TDI benefits.

A worker who is approved for TDI benefits is required to provide notice of the date on which the worker will return to work, and provide notice if the worker returns to work on an earlier date.

The bill provides that a worker approved for TDI benefits for disability related to pregnancy and childbirth shall receive four weeks of benefits before the expected delivery date and six weeks of benefits after the actual delivery date. The worker is required to recertify for benefits no later than two weeks following the actual delivery date, but not required to recertify at any other time. A worker shall receive a longer period of TDI benefits before or after the delivery date if the worker provides certification from a health care provider that the longer period is necessary.

#### Committee Amendments:

The amendments adopted by the committee clarify that a worker is entitled to four weeks of benefits before the expected delivery date and six weeks after the actual delivery date, removing the previous language that the durations of the benefits are “up to” those amounts of time.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## SENATE, No. 1317

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 18, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1317 (1R), with committee amendments.

As amended, this bill provides that when a covered individual applies for temporary disability benefits for disability resulting from pregnancy or the birth of a child, the plan administering the covered individual's benefits must automatically process an application for that individual to its paid family leave benefits program, unless the individual affirmatively opts out of that program. The application for benefits shall be processed to allow the family leave benefits, if approved, to begin immediately following the end of the temporary disability benefits, unless the individual notifies the plan that the individual wants to postpone or opt out of family leave benefits. In the case of pregnancy, the bill entitles a worker to 4 weeks of TDI benefits before childbirth and 6 weeks after childbirth.

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

As amended, the bill applies to the State plan and a private plan which holds both temporary disability insurance and family leave insurance for the individual. The bill provides that a private plan that offers only temporary disability benefits will provide to its temporary disability claimants written notice of the application process for family leave benefits concurrently with issuing its written approval of temporary disability benefits. As amended, the bill provides that a private plan that offers both temporary disability benefits and paid family leave benefits will be required to adopt procedures so

individuals only submit one application for both temporary disability benefits and family leave benefits.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) provide that the provisions of this bill will apply to the State plan and a private plan which holds both temporary disability insurance and family leave insurance for the individual;

(2) provide that a private plan that offers only temporary disability benefits will provide to its temporary disability claimants written notice of the application process for family leave benefits concurrently with issuing its written approval of temporary disability benefits; and

(3) provide that a private plan that offers both temporary disability benefits and paid family leave benefits will be required to adopt procedures so individuals only submit one application for both temporary disability benefits and family leave benefits; and

(4) change the effective date of the bill to 180 days after the date of enactment.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill may result in a potential, likely insignificant, one-time increase in State administrative costs tied to changes in DOLWD's administrative procedures, such as modification of forms and training of staff. The specific magnitude of any expenditure increase will depend on DOLWD operating decisions, which the OLS cannot anticipate.

The OLS notes that the bill may change the total amount of temporary disability benefits weeks paid to an individual claimant from an average of 62 days or about nine weeks, to 10 weeks.

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 1317

## STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JUNE 25, 2018

### SUMMARY

- Synopsis:** Revises law concerning temporary disability leave.
- Type of Impact:** Potential, One-time, State Expenditure Increase.
- Agencies Affected:** Department of Labor and Workforce Development (DOLWD)

#### Office of Legislative Services Estimate

Fiscal Impact	
State Cost	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill may result in a potential, likely insignificant, one-time increase in State administrative costs tied to changes in DOLWD's administrative procedures, such as modification of forms and training of staff. The specific magnitude of any expenditure increase will depend on DOLWD operating decisions, which the OLS cannot anticipate.

### BILL DESCRIPTION

This bill provides that when a worker applies for temporary disability insurance (TDI) benefits for disability resulting from pregnancy, childbirth and recovery from childbirth, the plan administering the benefits must automatically process an application for that worker for family leave insurance (FLI) benefits, unless the worker affirmatively opts out of taking FLI benefits. The application for benefits shall be processed to allow the FLI benefits, if approved, to begin immediately following the end of the TDI benefits.

A worker who is approved for TDI benefits is required to provide notice of the date on which the worker will return to work, and provide notice if the worker returns to work on an earlier date.

The bill provides that a worker approved for TDI benefits for disability related to pregnancy and childbirth shall receive four weeks of benefits before the expected delivery date and six weeks of benefits after the actual delivery date. The worker is required to recertify for benefits

no later than two weeks following the actual delivery date, but not required to recertify at any other time. A worker shall receive a longer period of TDI benefits before or after the delivery date if the worker provides certification from a health care provider that the longer period is necessary.

***EXECUTIVE BRANCH***

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill may result in a potential, likely insignificant, one-time increase in State administrative costs tied to changes in DOLWD's administrative procedures, such as modification of forms and training of staff. The specific magnitude of any expenditure increase will depend on DOLWD operating decisions, which the OLS cannot anticipate.

The OLS notes that the bill will not change the total amount of temporary disability insurance and family leave insurance benefits paid or the amount of benefits disbursed to an individual claimant. In allowing claimants to submit one application for both, temporary disability benefits and family leave benefits, the bill merely changes the way in which the DOLWD processes benefit claims.

*Section: Commerce, Labor and Industry*

*Analyst: Juan C. Rodriguez  
Associate Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**ASSEMBLY BILL NO. 2762**  
**(First Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2762 (First Reprint) with my recommendations for reconsideration.

Assembly Bill No. 2762 (First Reprint), Assembly Bill No. 2763 (First Reprint), Assembly Bill No. 4118, and Senate Bill No. 844 all address various aspects of our temporary disability and family leave insurance systems. Assembly Bill No. 2762 provides for a more seamless transition between temporary disability insurance ("TDI") and family leave insurance ("FLI") benefits for pregnant individuals by requiring plans to automatically process an application for FLI after the worker applies for TDI benefits for pregnancy and childbirth-related disability.

I unequivocally support the expansion of these benefits for workers in the State, and will continue to work with the Legislature on future legislation addressing shortfalls in coverage, underutilization by vulnerable populations, and inequities in benefit administration. I have identified, however, significant issues with the infrastructure supporting these programs. As a result, I am concerned that these bills require changes that will render the Department of Labor and Workforce Development ("DOLWD") unable to administer the benefits contemplated by the bills, and will disrupt the timely delivery of all benefits managed by the system. I have recommended an extension of the effective dates of the bills to allow additional time for the Department to implement these measures.

In the interim, I have directed the DOLWD to work with the Office of Information Technology on coordinating a strategy for



implementation and locating opportunities for much-needed modernization of the Department's computer systems.

Accordingly, I herewith return Assembly Bill No. 2762 (First Reprint) and recommend that it be amended as follows:

Page 3, Section 2, Lines 7 - 8: Delete "on the 180<sup>th</sup> day" and insert "one year"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor



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## Newark, N.J.

# Governor Murphy Takes Action on Legislation

08/27/2018

**TRENTON** – Today, Governor Phil Murphy announced that he has conditionally vetoed the following bills:

**A-764/S-365 (Caputo, Tucker, Quijano, Vainieri Huttle, Sumter, McKnight, Conaway, Houghtaling/Rice, Ruiz, Bucco)** – "Alyssa's Law"; requires public school buildings to be equipped with panic alarm linked to local law enforcement.

[Copy of Statement on A764](#)

**A-1053/S-1429 (Houghtaling, Taliaferro, Andrzejczak/Van Drew)** – Revises and expands laws on trespass and vandalism on agricultural and horticultural lands.

[Copy of Statement on A1053](#)

**A-2762/S-1317 (Greenwald, Mukherji, Conaway/Ruiz, Singleton)** – Revises law concerning temporary disability leave.

[Copy of Statement on A2762](#)

**A-2763/S-342 (Greenwald, Downey/Cruz-Perez)** – Requires additional data in annual temporary disability and family leave insurance reports.

[Copy of Statement on A2763](#)

**A-3676/S-2307 (Mazzeo, Armato, Giblin/Sweeney, Van Drew, C.A. Brown)** – Creates Garden State Growth Zone at Atlantic City International Airport and surrounding area; adjusts full-time employee designation requirements.

[Copy of Statement on A3676](#)

**A-3683/S-2416 (Murphy, McKnight, Jones/Madden, Vitale)** – Authorizes parking privileges for certain healthcare workers who render care at patients' home residences.

[Copy of Statement on A3683](#)

**A-3703/S-2549 (DeAngelo/Cryan, Sweeney)** – Revises ownership standards and exemptions under HVACR license law.

[Copy of Statement on A3703](#)

**A-3754/S-2510 (McKnight, Speight, Barclay/Madden, Pennacchio)** – Exempts persons providing hair braiding services from licensure requirement, requires registration of hair braiding establishments.

[Copy of Statement on A3754](#)

**A-3808/S-2418 (Greenwald, Bramnick, Murphy/Singleton, Oroho)** – Provides for prompt payment of public contracts for purchase of goods and services.

[Copy of Statement on A3808](#)

**A-4118/S-1838 (Swain, Tully, Murphy/Ruiz, Diegnan)** – Permits individuals to submit TDI and family temporary disability leave claims to DOLWD prior to commencement of leave under certain circumstances and requires timely payment of benefits for such claims.

[Copy of Statement on A4118](#)

**ACS for A-4181/S-2722 (Jones, Murphy/Cruz-Perez)** – Requires establishment of common enrollment system in renaissance school district; expands definition of urban campus area; clarifies that employees of renaissance school projects are in State-administered retirement systems.

[Copy of Statement on A4181](#)

**A-4230/S-2752 (Burzichelli, Mukherji, Houghtaling, Downey/Gopal, Sarlo)** – Changes use of certain revenue derived from sports wagering at racetracks.

[Copy of Statement on A4230](#)

**A-4261/S-2794 (Burzichelli, Moriarty, Conaway/Sweeney, Singleton)** – Provides for collection of sales tax from certain remote sellers.

[Copy of Statement on A4261](#)

**A-4262/S-2795 (Pintor Marin/Sweeney)** – Decouples certain provisions of corporation business tax from Internal Revenue Code; alters dividends received deduction; revises tax base of surtax on corporation business income; repeals tax on certain dividends.

[Copy of Statement on A4262](#)

**S-250/A-3190 (Van Drew, Gopal/Land, Andrzejczak, Armato)** – Provides tax credit eligibility for qualified businesses at certain airports under Grow New Jersey Assistance Program.

[Copy of Statement on S250](#)

**S-844/A-1980 (Turner, Cruz-Perez/Sumter, Mukherji, Pintor Marin, Wimberly)** – Establishes a partial return to work TDI program.

[Copy of Statement on S844](#)

**S-866/A-3294 (Sweeney, Vitale/Vainieri Huttel, Mukherji)** – Extends eligibility for certain individuals for emergency assistance.

[Copy of Statement on S866](#)

**S-2293/A-3902 (Sweeney, Oroho, Gordon, A.R. Bucco/Benson, Burzichelli, Lampitt)** – "Securing Our Children's Future Bond Act"; authorizes issuance of \$1,000,000,000 in general obligation bonds to finance certain school, school district, and county college capital projects; appropriates \$5,000.

[Copy of Statement on S2293](#)

**S-2758/A-4212 (Vitale, Ruiz/Coughlin)** – Increases financial resources provided through Medicaid program for certain hospitals; Establishes County Option Hospital Fee Pilot Program.

[Copy of Statement on S2758](#)

Governor Murphy announced that he has absolute vetoed the following bills:

**A-3267/S-2600 (Vainieri Huttle, Pinkin, McKeon/Ruiz, Smith, Weinberg)** – Establishes fee on single-use carryout bags used in certain stores and dedicates fee revenue to "Healthy Schools and Community Lead Abatement Fund."

[Copy of Statement on A3267](#)

**S-878/A-3084 (Madden, Sweeney, Singleton/Greenwald, Moriarty, Jones)** – Restricts authority to terminate reciprocal personal income tax agreements with other states.

[Copy of Statement on S878](#)

**S-2662/A-4113 (Sweeney, Bateman/Burzichelli)** – Limits liability for persons who deliver heating oil to unregulated tanks for discharges from that tank under certain circumstances.

[Copy of Statement on S2662](#)

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## Governor Phil Murphy

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**GOVERNOR'S STATEMENT UPON SIGNING  
ASSEMBLY BILL NO. 2762  
(Second Reprint)**

Today I am pleased to sign Assembly Bill No. 2762 (Second Reprint), which will provide for a more seamless transition between temporary disability insurance ("TDI") and family leave insurance ("FLI") benefits for pregnant individuals by requiring plans to automatically process a TDI application after the worker applies for TDI benefits for pregnancy and childbirth-related disability.

I commend the Legislature for working to address the difficult challenges facing these workers in our State. I further appreciate the Legislature's willingness to afford the Department of Labor and Workforce Development additional time to execute this important initiative. In light of its significance, I am committed to ensuring that this measure is implemented as expeditiously as possible.

Date: October 4, 2018

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor



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## Newark, N.J.

# Governor Murphy Takes Action on Legislation

10/4/2018

**TRENTON** – Today, Governor Phil Murphy signed the following bills into law:

**A1053 w/GR (Houghtaling, Taliaferro, Andrzejczak/Van Drew)** – Revises and expands laws on trespass and vandalism on agricultural and horticultural lands.

**A2762 w/GR (Greenwald, Mukherji, Conaway/Ruiz, Singleton)** – Revises law concerning temporary disability leave.

[Copy of Statement on A2762 w/GR](#)

**A2763 w/GR (Greenwald, Downey, Pintor Marin/Cruz-Perez)** – Requires additional data in annual temporary disability and family leave insurance reports.

[Copy of Statement on A2763 w/GR](#)

**A3683 w/GR (Murphy, McKnight, Jones/Madden, Vitale)** – Authorizes parking privileges for certain healthcare workers who render care at patients' home residences.

**A3703 w/GR (DeAngelo/Cryan, Sweeney)** – Revises ownership standards and exemptions under HVACR license law.

**A3754 w/GR (McKnight, Speight, Barclay/Madden)** – Exempts persons providing hair braiding services from licensure requirement, requires registration of hair braiding establishments.

**A3808 w/GR (Greenwald, Bramnick, Murphy/Singleton, Oroho)** – Provides for prompt payment of public contracts for purchase of goods and services.

**A4118 w/GR (Swain, Tully, Murphy/Ruiz, Diegnan)** – Permits individuals to submit TDI and family temporary disability leave claims to DOLWD prior to commencement of leave under certain circumstances and requires timely payment of benefits for such claims.

[Copy of Statement on A4118 w/GR](#)

**A4181 w/GR (Jones, Murphy/Cruz-Perez)** – Clarifies that employees of renaissance school projects are in State administered retirement systems.

[Copy of Statement on A4181 w/GR](#)

**A4230 w/GR (Burzichelli, Mukherji, Houghtaling, Downey/Gopal, Sarlo)** – Changes use of certain revenue derived from sports wagering at racetracks.

**A4495 (Pintor Marin/Sarlo, Singleton)** – Amends provisions regarding tax base and operative dates relative to CBT and combined reporting; provides CBT deduction in amount of certain foreign-related income; clarifies tax treatment of certain tax credits awarded by EDA.

[Copy of Statement on A4495](#)

**A4496 (Burzichelli, Moriarty/Singleton)** – Provides for collection of sales tax by marketplace facilitators and certain remote sellers, and clarifies collection of taxes related to hotel and transient accommodation occupancies.

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