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RH/CL

P.L. 2018, CHAPTER 123, *approved October 4, 2018*
Assembly, No. 2763 (*Second Reprint*)

1 AN ACT concerning temporary disability and family leave insurance
2 data reports and amending P.L.2008, c.17.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 13 of P.L.2008, c.17 (C.43:21-39.4) is amended to read
8 as follows:

9 13. a. The Commissioner of Labor and Workforce
10 Development shall issue and make available to the public, not later
11 than December 31, 2010, and each subsequent year, annual reports
12 providing data on temporary disability benefits, including separate
13 data for claims involving pregnancy and childbirth, and family
14 temporary disability benefits, including separate data for each of the
15 following categories of claims: care of newborn children; care of
16 newly adopted children; care of sick children; care of sick spouses, and
17 care of other sick family members. The reports shall include, for each
18 category of claims, the occupations of the workers receiving the
19 benefits, the regular weekly wages earned by the workers receiving the
20 benefits, the number of workers receiving the benefits, the number of
21 workers receiving the benefits that work full-time, the number of
22 workers receiving the benefits that work part-time, the number of
23 workers receiving the benefits that belong to a labor union or
24 employee organization, the number of employers employing each
25 worker in the worker's base year, the amount of benefits paid, the
26 average duration of benefits, the average weekly benefit, the county in
27 which the employer is located, whether the employer is private or a
28 governmental entity, the employer size based on whether the employer
29 employs less than ¹**[50]** ³⁰**30**¹ workers or employs ¹**[50]** ³⁰**30**¹ or more
30 workers, and, in the case of family temporary disability benefits, any
31 reported amount of sick leave, vacation or other fully paid time which
32 resulted in reduced benefit duration, and the number of workers
33 claiming intermittent benefits. The report shall provide data by:
34 gender; race, ethnicity or national origin; level of educational
35 attainment; ¹**[citizenship status;]**¹ and by any other demographic
36 factors determined to be relevant by the commissioner. The reports
37 shall also provide, for all temporary disability benefits and for all
38 family temporary disability benefits, the number of workers claiming

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:

¹Assembly ALA committee amendments adopted June 14, 2018.

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

1 both temporary disability benefits and family temporary disability
2 benefits in the same calendar year, the total costs of benefits and the
3 total cost of administration, the portion of benefits for claims during
4 unemployment, and the total revenues from: employer assessments,
5 where applicable; employee assessments; and other sources.

6 b. The commissioner may, in his discretion, conduct surveys
7 and other research regarding, and include in the annual reports
8 descriptions and evaluations of, the impact and potential future impact
9 of the provisions of P.L.2008, c.17 (C.43:21-39.1 et al.) on the State
10 disability benefits fund, and other effects of those provisions,
11 including the costs and benefits resulting from the provisions of
12 P.L.2008, c.17 (C.43:21-39.1 et al.) for:

13 (1) Employees and their families, including surveys and
14 evaluations of: what portion of the total number of employees taking
15 leave would not have taken leave, or would have taken less leave,
16 without the availability of benefits; what portion of employees return
17 to work after receiving benefits and what portion are not permitted to
18 return to work; and what portion of employees who are eligible for
19 benefits do not claim or receive them and why they do not;

20 (2) Employers, including benefits such as reduced training and
21 other costs related to reduced turnover of personnel, and increased
22 affordability of family temporary disability leave insurance through
23 the State plan, with special attention given to small businesses; and

24 (3) The public, including savings caused by any reduction in the
25 number of people receiving public assistance.

26 c. The total amount of any expenses which the commissioner
27 determines are necessary to carry out his duties pursuant to this section
28 shall be charged to the Family Temporary Disability Leave Account of
29 the State disability benefits fund, except that the amount shall in no
30 case exceed \$150,000 during any fiscal year.

31 (cf: P.L.2008, c.17, s.13)

32

33 2. This act shall take effect ²**[immediately]** one year after the
34 date of enactment².

35

36

37

38

39 _____
40 Requires additional data in annual temporary disability and
family leave insurance reports.

ASSEMBLY, No. 2763

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

SYNOPSIS

Requires additional data in annual temporary disability and family leave insurance reports.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning temporary disability and family leave insurance
2 data reports and amending P.L.2008, c.17.

3

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5 of New Jersey:

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7 1. Section 13 of P.L.2008, c.17 (C.43:21-39.4) is amended to
8 read as follows:

9 13. a. The Commissioner of Labor and Workforce Development
10 shall issue and make available to the public, not later than
11 December 31, 2010, and each subsequent year, annual reports
12 providing data on temporary disability benefits, including separate
13 data for claims involving pregnancy and childbirth, and family
14 temporary disability benefits, including separate data for each of the
15 following categories of claims: care of newborn children; care of
16 newly adopted children; care of sick children; care of sick spouses,
17 and care of other sick family members. The reports shall include,
18 for each category of claims, the occupations of the workers
19 receiving the benefits, the regular weekly wages earned by the
20 workers receiving the benefits, the number of workers receiving the
21 benefits, the number of workers receiving the benefits that work
22 full-time, the number of workers receiving the benefits that work
23 part-time, the number of workers receiving the benefits that belong
24 to a labor union or employee organization, the number of employers
25 employing each worker in the worker's base year, the amount of
26 benefits paid, the average duration of benefits, the average weekly
27 benefit, the county in which the employer is located, whether the
28 employer is private or a governmental entity, the employer size
29 based on whether the employer employs less than 50 workers or
30 employs 50 or more workers, and, in the case of family temporary
31 disability benefits, any reported amount of sick leave, vacation or
32 other fully paid time which resulted in reduced benefit duration, and
33 the number of workers claiming intermittent benefits. The report
34 shall provide data by: gender; race, ethnicity or national origin;
35 level of educational attainment; citizenship status; and by any other
36 demographic factors determined to be relevant by the
37 commissioner. The reports shall also provide, for all temporary
38 disability benefits and for all family temporary disability benefits,
39 the number of workers claiming both temporary disability benefits
40 and family temporary disability benefits in the same calendar year,
41 the total costs of benefits and the total cost of administration, the
42 portion of benefits for claims during unemployment, and the total
43 revenues from: employer assessments, where applicable; employee
44 assessments; and other sources.

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 b. The commissioner may, in his discretion, conduct surveys
2 and other research regarding, and include in the annual reports
3 descriptions and evaluations of, the impact and potential future
4 impact of the provisions of P.L.2008, c.17 (C.43:21-39.1 et al.) on
5 the State disability benefits fund, and other effects of those
6 provisions, including the costs and benefits resulting from the
7 provisions of P.L.2008, c.17 (C.43:21-39.1 et al.) for:

8 (1) Employees and their families, including surveys and
9 evaluations of: what portion of the total number of employees
10 taking leave would not have taken leave, or would have taken less
11 leave, without the availability of benefits; what portion of
12 employees return to work after receiving benefits and what portion
13 are not permitted to return to work; and what portion of employees
14 who are eligible for benefits do not claim or receive them and why
15 they do not;

16 (2) Employers, including benefits such as reduced training and
17 other costs related to reduced turnover of personnel, and increased
18 affordability of family temporary disability leave insurance through
19 the State plan, with special attention given to small businesses; and

20 (3) The public, including savings caused by any reduction in the
21 number of people receiving public assistance.

22 c. The total amount of any expenses which the commissioner
23 determines are necessary to carry out his duties pursuant to this
24 section shall be charged to the Family Temporary Disability Leave
25 Account of the State disability benefits fund, except that the amount
26 shall in no case exceed \$150,000 during any fiscal year.

27 (cf: P.L.2008, c.17, s.13)

28

29 2. This act shall take effect immediately.

30

31

STATEMENT

32

33 This bill requires the Commissioner of Labor and Workforce
34 Development to provide additional data in the annual reports of the
35 temporary disability and family leave insurance programs. Current
36 law requires the commissioner to issue and make available to the
37 public an annual report of these programs that provides data
38 regarding program usage, claimant demographics, program costs
39 and revenues.

40 This bill expands the list of data that must be provided in the
41 annual reports, to include the gross wages of workers receiving
42 benefits, labor union membership of workers receiving benefits,
43 intermittent usage of family leave benefits, the race, ethnicity or
44 national origin of workers receiving benefits, the citizenship status
45 of workers receiving benefits, the educational attainment level of
46 workers receiving benefits, the location of employers employing
47 workers that receive benefits, and whether the employer is private
48 or a governmental entity.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2763

STATE OF NEW JERSEY

DATED: JUNE 14, 2018

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 2763.

As amended, this bill requires the Commissioner of Labor and Workforce Development to provide additional data in the annual reports of the temporary disability and family leave insurance programs. Current law requires the commissioner to issue and make available to the public an annual report of these programs that provides data regarding program usage, claimant demographics, program costs and revenues.

As amended, this bill expands the list of data that must be provided in the annual reports, to include the gross wages of workers receiving benefits, labor union membership of workers receiving benefits, intermittent usage of family leave benefits, the race, ethnicity or national origin of workers receiving benefits, the educational attainment level of workers receiving benefits, the location of employers employing workers that receive benefits, and whether the employer is private or a governmental entity.

As amended, the bill changes the reporting requirement regarding the size of employers from whether or not employers employ less than 50 employees to whether or not they employ less than 30 employees.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1. remove "citizenship status" from the list of demographic factors on which the bill requires data to be reported; and
2. change the reporting requirement regarding the size of employers from whether or not employers employ less than 50 employees to whether or not they employ less than 30 employees.

The committee amendments make the bill identical to S-342(1R) of the 2018-2019 session.

SENATE, No. 342

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Requires additional data in annual temporary disability and family leave insurance reports.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S342 CRUZ-PEREZ2

1 AN ACT concerning temporary disability and family leave insurance
2 data reports and amending P.L.2008, c.17.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 13 of P.L.2008, c.17 (C.43:21-39.4) is amended to
8 read as follows:

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19 receiving the benefits, the regular weekly wages earned by the
20 workers receiving the benefits, the number of workers receiving the
21 benefits, the number of workers receiving the benefits that work
22 full-time, the number of workers receiving the benefits that work
23 part-time, the number of workers receiving the benefits that belong
24 to a labor union or employee organization, the number of employers
25 employing each worker in the worker's base year, the amount of
26 benefits paid, the average duration of benefits, the average weekly
27 benefit, the county in which the employer is located, whether the
28 employer is private or a governmental entity, the employer size
29 based on whether the employer employs less than 50 workers or
30 employs 50 or more workers, and, in the case of family temporary
31 disability benefits, any reported amount of sick leave, vacation or
32 other fully paid time which resulted in reduced benefit duration, and
33 the number of workers claiming intermittent benefits. The report
34 shall provide data by: gender; race, ethnicity or national origin;
35 level of educational attainment; citizenship status; and by any other
36 demographic factors determined to be relevant by the
37 commissioner. The reports shall also provide, for all temporary
38 disability benefits and for all family temporary disability benefits,
39 the number of workers claiming both temporary disability benefits
40 and family temporary disability benefits in the same calendar year,
41 the total costs of benefits and the total cost of administration, the
42 portion of benefits for claims during unemployment, and the total
43 revenues from: employer assessments, where applicable; employee
44 assessments; and other sources.

45 b. The commissioner may, in his discretion, conduct surveys
46 and other research regarding, and include in the annual reports

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 descriptions and evaluations of, the impact and potential future
2 impact of the provisions of P.L.2008, c.17 (C.43:21-39.1 et al.) on
3 the State disability benefits fund, and other effects of those
4 provisions, including the costs and benefits resulting from the
5 provisions of P.L.2008, c.17 (C.43:21-39.1 et al.) for:

6 (1) Employees and their families, including surveys and
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19 number of people receiving public assistance.

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21 determines are necessary to carry out his duties pursuant to this
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23 Account of the State disability benefits fund, except that the amount
24 shall in no case exceed \$150,000 during any fiscal year.

25 (cf: P.L.2008, c.17, s.13)

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill requires the Commissioner of Labor and Workforce
33 Development to provide additional data in the annual reports of the
34 temporary disability and family leave insurance programs. Current
35 law requires the commissioner to issue and make available to the
36 public an annual report of these programs that provides data
37 regarding program usage, claimant demographics, program costs
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40 annual reports, to include the gross wages of workers receiving
41 benefits, labor union membership of workers receiving benefits,
42 intermittent usage of family leave benefits, the race, ethnicity or
43 national origin of workers receiving benefits, the citizenship status
44 of workers receiving benefits, the educational attainment level of
45 workers receiving benefits, the location of employers employing
46 workers that receive benefits, and whether the employer is private
47 or a governmental entity.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 342

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 2018

The Senate Labor Committee reports favorably, and with committee amendments, Senate Bill No. 342.

This bill, as amended, requires the Commissioner of Labor and Workforce Development to provide additional data in the annual reports of the temporary disability and family leave insurance programs. Current law requires the commissioner to issue and make available to the public an annual report of these programs that provides data regarding program usage, claimant demographics, program costs and revenues.

This bill expands the list of data that must be provided in the annual reports, to include the gross wages, labor union membership, educational attainment level, race, ethnicity, and national origin of workers receiving benefits, intermittent usage of benefits, the location of employers employing workers that receive benefits, whether or not employers employ less than 30 employees, and whether the employer is private or a governmental entity.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments:

1. remove “citizenship status” from the list of demographic factors on which the bill requires data to be reported; and
2. change the reporting requirement regarding the size of employers from whether or not employers employ less than 50 employees to whether or not they employ less than 30 employees.

ASSEMBLY BILL NO. 2763
(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. 2763 (First Reprint) with my recommendations for reconsideration.

Assembly Bill No. 2763 (First Reprint), Assembly Bill No. 2762 (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. 2763 expands the categories of data that the Commissioner of Labor and Workforce Development must provide in annual reports of the temporary disability and family leave insurance programs. This expansion will supply critical information regarding usage of these important programs across populations.

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 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. 2763
(First Reprint) and recommend that it be amended as follows:

Page 3, Section 2, Line 26: Delete "immediately" and
insert "one year after the
date of enactment"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

**GOVERNOR'S STATEMENT UPON SIGNING
ASSEMBLY BILL NO. 2763
(Second Reprint)**

Today I have signed Assembly Bill No. 2763 (Second Reprint), which will expand the categories of data that the Commissioner of Labor and Workforce Development must provide in annual reports concerning the temporary disability and family leave insurance programs. This expansion will supply critical information regarding usage of these important programs.

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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