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P.L. 2005, CHAPTER 106, *approved June 29, 2005*
Senate, No. 488 (*First Reprint*)

1 AN ACT requiring employer notice to workers of temporary disability
2 benefit rights 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:

6

7 1. Section 25 of P.L.1948, c.110 (C.43:21-49) is amended to read
8 as follows:

9 25. (a) (1) Every employer shall post, in prominent locations,
10 notices to employees in the form provided by the division of whether
11 the employer is permitted or required to participate in a temporary
12 disability benefits program pursuant to the "Temporary Disability
13 Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), and whether the
14 employer does or does not participate. ¹**[The]** For employers who
15 participate in a temporary disability benefits program, the¹ notice shall
16 also describe the temporary disability benefits available to the
17 employees ¹[of employers who participate]¹ and prominently disclose
18 that pregnancy is regarded by law as a disability and that pregnant
19 employees are regarded as disabled and entitled to temporary disability
20 benefits to the same extent as other disabled employees. Upon the
21 request of an employer, the division shall, without charge, provide the
22 employer with a copy of each applicable notice, suitable for
23 reproduction by the employer. Each employer participating in the
24 State plan or a private plan shall give a printed copy of benefit
25 instructions to any disabled employee as soon as the employer
26 becomes aware of the disability.

27 (2) In addition, in the event of the disability of any individual
28 covered under the State plan, the employer shall, on the ninth day of
29 disability, issue to the individual and to the division printed notices on
30 division forms containing the name, address and Social Security
31 number of the individual, such wage information as the division may
32 require to determine the individual's eligibility for benefits, and the
33 name, address, and division identity number of the employer¹, together
34 with a printed copy of benefit instructions of the division¹. Not later
35 than 30 days after the commencement of the period of disability for
36 which such notice is furnished, the individual shall furnish to the
37 division a notice and claim for disability benefits under the State plan
38 or for disability during unemployment. Upon the submission of such
39 notices by the employer and the individual, the division may issue
40 benefit payments for periods not exceeding 3 weeks pending the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLA committee amendments adopted March 1, 2004.

1 receipt of medical proof. When requested by the division, such notice
2 and proof shall include certification of total disability by the attending
3 physician, or a record of hospital confinement. Failure to furnish notice
4 and proof within the time or in the manner above provided shall not
5 invalidate or reduce any claim if it shall be shown to the satisfaction of
6 the division not to have been reasonably possible to furnish such notice
7 and proof and that such notice and proof was furnished as soon as
8 reasonably possible.

9 (b) A person claiming benefits under the State plan or for disability
10 during unemployment shall, when requested by the division, submit at
11 intervals, but not more often than once a week, to an examination by
12 a legally licensed physician, dentist, podiatrist, chiropractor, or public
13 health nurse designated by the division. In all cases of physical
14 examination of a claimant, the examination shall be made by a designee
15 of the division, who shall be the same sex as the claimant if so
16 requested by the claimant. All such examinations by physicians,
17 dentists, podiatrists, chiropractors or nurses designated by the division
18 shall be without cost to the claimant and shall be held at a reasonable
19 time and place. Refusal to submit to such a requested examination
20 shall disqualify the claimant from all benefits for the period of
21 disability in question, except as to benefits already paid.

22 (c) All medical records of the division, except to the extent
23 necessary for the proper administration of this act, shall be confidential
24 and shall not be published or be open to public inspection (other than
25 to public employees in the performance of their public duties) in any
26 manner revealing the identity of the claimant, or the nature or cause of
27 disability nor admissible in evidence in any action or special
28 proceeding other than one arising under this act.

29 (cf: P.L.1980, c.90, s.15)

30

31 2. This act shall take effect immediately.

32

33

34

35

36 _____
37 Requires employer notifications to workers regarding temporary
disability benefits.

SENATE, No. 488

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Senator BARBARA BUONO

District 18 (Middlesex)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires employer notifications to workers regarding temporary disability benefits.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT requiring employer notice to workers of temporary disability
2 benefit rights and amending P.L.1948, c.110.

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12 disability benefits program pursuant to the "Temporary Disability
13 Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), and whether the
14 employer does or does not participate. The notice shall also describe
15 the temporary disability benefits available to the employees of
16 employers who participate and prominently disclose that pregnancy is
17 regarded by law as a disability and that pregnant employees are
18 regarded as disabled and entitled to temporary disability benefits to the
19 same extent as other disabled employees. Upon the request of an
20 employer, the division shall, without charge, provide the employer
21 with a copy of each applicable notice, suitable for reproduction by the
22 employer. Each employer participating in the State plan or a private
23 plan shall give a printed copy of benefit instructions to any disabled
24 employee as soon as the employer becomes aware of the disability.

25 (2) In addition, in the event of the disability of any individual
26 covered under the State plan, the employer shall, on the ninth day of
27 disability, issue to the individual and to the division printed notices on
28 division forms containing the name, address and Social Security
29 number of the individual, such wage information as the division may
30 require to determine the individual's eligibility for benefits, and the
31 name, address, and division identity number of the employer[, together
32 with a printed copy of benefit instructions of the division]. Not later
33 than 30 days after the commencement of the period of disability for
34 which such notice is furnished, the individual shall furnish to the
35 division a notice and claim for disability benefits under the State plan
36 or for disability during unemployment. Upon the submission of such
37 notices by the employer and the individual, the division may issue
38 benefit payments for periods not exceeding 3 weeks pending the
39 receipt of medical proof. When requested by the division, such notice
40 and proof shall include certification of total disability by the attending
41 physician, or a record of hospital confinement. Failure to furnish notice
42 and proof within the time or in the manner above provided shall not
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1 the division not to have been reasonably possible to furnish such notice
2 and proof and that such notice and proof was furnished as soon as
3 reasonably possible.

4 (b) A person claiming benefits under the State plan or for disability
5 during unemployment shall, when requested by the division, submit at
6 intervals, but not more often than once a week, to an examination by
7 a legally licensed physician, dentist, podiatrist, chiropractor, or public
8 health nurse designated by the division. In all cases of physical
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10 of the division, who shall be the same sex as the claimant if so
11 requested by the claimant. All such examinations by physicians,
12 dentists, podiatrists, chiropractors or nurses designated by the division
13 shall be without cost to the claimant and shall be held at a reasonable
14 time and place. Refusal to submit to such a requested examination
15 shall disqualify the claimant from all benefits for the period of
16 disability in question, except as to benefits already paid.

17 (c) All medical records of the division, except to the extent
18 necessary for the proper administration of this act, shall be confidential
19 and shall not be published or be open to public inspection (other than
20 to public employees in the performance of their public duties) in any
21 manner revealing the identity of the claimant, or the nature or cause of
22 disability nor admissible in evidence in any action or special
23 proceeding other than one arising under this act.

24 (cf: P.L.1980, c.90, s.15)

25

26 2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill requires every employer to prominently post notices of
32 whether the employer is required or permitted to participate in a
33 temporary disability insurance (TDI) program pursuant to the
34 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et
35 seq.), and whether or not the employer participates. The bill also
36 requires that the notice describe the TDI benefits available to
37 employees of participating employers and disclose that pregnancy is
38 regarded by law as a disability and that pregnant employees are
39 entitled to TDI benefits to the same extent as other disabled
40 employees. Each participating employer is required to give a copy of
41 benefit instructions to any disabled employee as soon as the employer
42 is aware of the disability.

43 The Department of Labor is required to provide the applicable
44 notices to employers upon request and without charge.

45 TDI benefits are not fully utilized by pregnant workers. In 1998,
46 pregnancy accounted for 18,500 out of the 118,900 claims under the

1 State-operated TDI plan. Those 18,500 claims represented less than
2 half of the pregnant workers who were eligible. That year, 61,000
3 workers in New Jersey gave birth. Since 70% of the total workforce
4 in this State is covered by the State TDI plan, about 43,000 New
5 Jersey workers are eligible for State TDI Plan benefits during
6 pregnancy. With only 18,500 out of about 43,000 potentially eligible
7 pregnant workers actually receiving TDI benefits, it is reasonable to
8 expect comprehensive notification to increase utilization rates.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 488

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 1, 2004

The Senate Labor Committee reports favorably, and with committee amendments, Senate Bill No. 488.

This bill, as amended, requires every employer to prominently post notices of whether they are required or permitted to participate in a temporary disability insurance (TDI) program pursuant to the "Temporary Disability Benefits Law," and whether or not the employer participates. The bill also requires that participating employers include in the notice a description of the TDI benefits available to employees and disclose that pregnancy is regarded by law as a disability and that pregnant employees are entitled to TDI benefits to the same extent as other disabled employees. Each participating employer is required to give a copy of benefit instructions to any disabled employee as soon as the employer is aware of the disability.

The Department of Labor is required to provide the applicable notices to employers upon request and without charge.

This bill was amended to clarify that only employers participating in a TDI program must include a description of the benefits available and disclose that pregnancy is regarded by law as a disability.

This bill was pre-filed for introduction in the 2004 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY, No. 1517

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman FREDERICK SCALERA

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

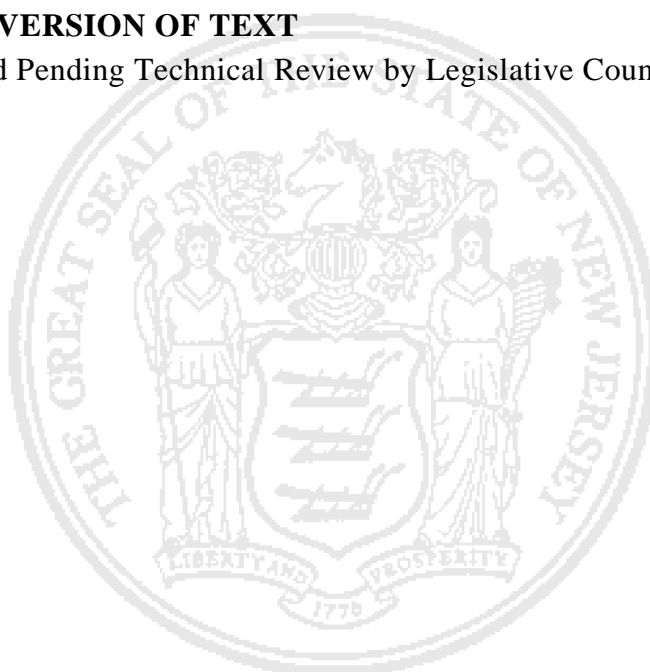
Assemblymen Conners and Gusciora

SYNOPSIS

Requires employer notifications to workers regarding temporary disability benefits.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1517 CONAWAY, SCALERA

2

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2 benefit rights and amending P.L.1948, c.110.

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14 employer does or does not participate. The notice shall also describe
15 the temporary disability benefits available to the employees of
16 employers who participate and prominently disclose that pregnancy is
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19 same extent as other disabled employees. Upon the request of an
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21 with a copy of each applicable notice, suitable for reproduction by the
22 employer. Each employer participating in the State plan or a private
23 plan shall give a printed copy of benefit instructions to any disabled
24 employee as soon as the employer becomes aware of the disability.

25 (2) In addition, in the event of the disability of any individual
26 covered under the State plan, the employer shall, on the ninth day of
27 disability, issue to the individual and to the division printed notices on
28 division forms containing the name, address and Social Security
29 number of the individual, such wage information as the division may
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2 furnish such notice and proof and that such notice and proof was
3 furnished as soon as reasonably possible.

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5 during unemployment shall, when requested by the division, submit at
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8 health nurse designated by the division. In all cases of physical
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10 of the division, who shall be the same sex as the claimant if so
11 requested by the claimant. All such examinations by physicians,
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13 shall be without cost to the claimant and shall be held at a reasonable
14 time and place. Refusal to submit to such a requested examination
15 shall disqualify the claimant from all benefits for the period of
16 disability in question, except as to benefits already paid.

17 (c) All medical records of the division, except to the extent
18 necessary for the proper administration of this act, shall be confidential
19 and shall not be published or be open to public inspection (other than
20 to public employees in the performance of their public duties) in any
21 manner revealing the identity of the claimant, or the nature or cause of
22 disability nor admissible in evidence in any action or special
23 proceeding other than one arising under this act.

24 (cf: P.L.1980, c.90, s.15)

25

26 2. This act shall take effect immediately.

27

28

29

STATEMENT

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31 This bill requires every employer to prominently post notices of
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43 The Department of Labor is required to provide the applicable
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45 TDI benefits are not fully utilized by pregnant workers. In 1998,
46 pregnancy accounted for 18,500 out of the 118,900 claims under the

1 State-operated TDI plan. Those 18,500 claims represented less than
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4 in this State is covered by the State TDI plan, about 43,000 New
5 Jersey workers are eligible for State TDI Plan benefits during
6 pregnancy. With only 18,500 out of about 43,000 potentially eligible
7 pregnant workers actually receiving TDI benefits, it is reasonable to
8 expect comprehensive notification to increase utilization rates.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1517

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 4, 2004

The Assembly Labor Committee reports favorably, and with committee amendments, Assembly Bill No.1517.

As amended by the committee, the bill requires every employer to prominently post notices of whether the employer is required or permitted to participate in a temporary disability insurance (TDI) program pursuant to the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), and whether or not the employer participates. The bill also requires that, in the case of employers participating in the TDI program, the notice posted by the employer also describe available TDI benefits and prominently disclose that pregnancy is regarded by law as a disability and that pregnant employees are regarded as disabled and entitled to TDI benefits to the same extent as other disabled employees. Each participating employer is required to give a copy of benefit instructions to any disabled employee as soon as the employer is aware of the disability.

The Department of Labor is required to provide the applicable notices to employers upon request and without charge.

TDI benefits are not fully utilized by pregnant workers. In 1998, pregnancy accounted for 18,500 out of the 118,900 claims under the State-operated TDI plan. Those 18,500 claims represented less than half of the pregnant workers who were eligible. That year, 61,000 workers in New Jersey gave birth. Since 70% of the total workforce in this State is covered by the State TDI plan, about 43,000 New Jersey workers are eligible for State TDI Plan benefits during pregnancy. With only 18,500 out of about 43,000 potentially eligible pregnant workers actually receiving TDI benefits, it is likely that comprehensive notification will increase utilization rates.

The committee amendments provide for two different types of notice, one for employers who do participate, which describes TDI benefits and that pregnancy is a covered disability eligible for TDI benefits, and another for employers who do not participate, which does not describe TDI benefits or their availability for pregnant workers. Unamended, the bill required all notices, even those for non-participating employers, to describe TDI benefits. As amended, this bill is identical to Senate Bill No. 488(1R).

This bill was pre-filed for introduction in the 2004-2005 session

pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.