

CHAPTER 122

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

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

C.43:21-39.5 Temporary disability benefits, paid family leave benefits program; applications.

1. a. Notwithstanding any provision of law to the contrary, 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 shall automatically process an application for that individual for the paid family leave benefits program, unless the individual affirmatively opts out of that program, such that the individual shall be required to submit only one application for both programs. The application for benefits shall be processed to allow the paid 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 paid family leave benefits. A covered individual who is approved for benefits under this section shall notify the plan administering the covered individual's benefits of the date on which the covered individual will return to work, and shall notify the plan administering the benefits if the covered individual returns to work on an earlier date.

The provisions of this act shall apply to the State plan and a private plan which holds temporary disability insurance and family leave insurance for the individual. A private plan that offers only temporary disability benefits shall 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. A private plan that offers both temporary disability benefits and paid family leave benefits shall adopt procedures for effectuating the provisions of this act, so individuals are only required to submit one application for both temporary disability benefits and family leave benefits.

b. A covered individual who is approved for temporary disability benefits for disability resulting from pregnancy shall be entitled to four weeks of benefits before the expected delivery date and six weeks of benefits after the actual delivery date. The covered individual shall recertify for benefits no later than two weeks following the actual delivery date, and shall not be required to recertify at any other time during the benefit periods. A covered individual shall 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.

2. This act shall take effect one year after the date of enactment.

Approved October 4, 2018.