

NJ State Disability – FACT SHEET



ER requirements

- 1) include posting at time of hire
- 2) When someone may need to go out on leave

Wage Requirements - State Plan

In order to have a valid claim for disability, you must have had at least 20 calendar weeks in covered New Jersey employment in which you earned \$145 or more (called "base weeks"), or have earned \$7,300 or more in such employment during the "Base Year" period.

The "Base Year" is the 52 weeks immediately before the week in which your disability began. Only covered wages earned during the base year period can be used in determining your claim.

Limitation of Benefits - State Plan

Each claim is reviewed to see if the claimant meets certain eligibility criteria. In addition to wage and medical requirements, there are other reasons why an individual would not be eligible to receive State Plan temporary disability benefits. Those reasons are:

- The disability does not exceed seven days in length. The first seven consecutive days of each period of disability is known as the "waiting week". The waiting week becomes payable when disability benefits have been paid for all or some part of each of the three weeks immediately following the waiting week.
- You have already received 26 weeks of benefits for this period of disability. The maximum number of weeks allowable for any one period of disability is 26.

- You became disabled more than 14 days after the last day of work for a New Jersey covered employer. This individual may be eligible for benefits through the Disability During Unemployment Program
- You are not under medical care. You must be under the care of a legally licensed physician, dentist, optometrist, podiatrist, practicing psychologist, advanced practice nurse, certified nurse midwife, or chiropractor.
- The disability resulted from the perpetration of a criminal act or was self-inflicted.
- You were discharged by your most recent employer for gross misconduct connected with the work because of a commission of an act punishable as a crime under the New Jersey Code of Criminal Justice.
- You worked and received wages after the period of disability began.
- The disability began during a labor dispute at your most recent place of employment.
- You continue to receive wages from your employer which together with your temporary disability benefits exceeds your regular weekly wages immediately prior to the onset of the disability.

For example: You earned \$500 per week before becoming disabled. Your weekly benefit rate is determined to be \$333. The employer continues to pay you \$200 per week during the disability period. The weekly benefit rate (\$333) plus \$200 salary equals \$533, which exceeds your regular weekly wage. Therefore, your weekly benefit rate would be reduced by \$33 per week.

- You are a covered government worker and have not exhausted all accumulated sick leave.

About the Program - Disability During Unemployment

If a worker becomes totally disabled and has been out of New Jersey covered employment for more than 14 days, he or she may be eligible for benefits under the Disability During Unemployment program.

Claims filed under this program are governed by both the Unemployment Compensation and Disability Benefits Laws. However, it is essential to remember that they are primarily unemployment insurance claims, established under Section 4(f) of the Unemployment Compensation Law. To be eligible for benefits, the claimant must meet all the requirements of this Law, and become totally unable to work. The claimant must also be under the care of a legally licensed physician, dentist, podiatrist, optometrist, chiropractor, psychologist, certified nurse midwife, or advanced practice nurse.

In order to have a valid Disability During Unemployment claim, the claimant must have been paid a minimum amount of wages while in a job covered by New Jersey's disability insurance program during the base period of the claim. Employment with local governments that have not elected disability coverage for their workers is not covered for disability benefits nor is out-of-state employment, even though it is covered for unemployment insurance.

Employer Requirements

Employers covered under the Family Leave Insurance provisions of the New Jersey Temporary Disability Benefits Law are required by law to post notification detailing program information and employee rights to New Jersey Family Leave Insurance benefits. The required poster notification containing all the information the law requires employers to make available to employees can be downloaded by selecting the poster notification link at the bottom of this page.

You must conspicuously display the notification poster in each of your workplaces, in a place or places accessible to all employees.

You must also provide each employee with a written copy of the notification:

- no later than April 1, 2009
- at the time of an employee's hiring
- whenever an employee notifies you that he/she is taking time off to bond with a newborn or newly adopted child or to care for a seriously ill family member
- at any time, upon the first request of an employee

The written notification may be electronically transmitted to employees.