

R.S. 43:21-4

LEGISLATIVE FACT SHEET

ON

N.J.R.S. 43:21-4 (UCC - Trust program)
(1966 Amendment)

LAWS OF 1966

CHAPTER 124

~~SENATE~~

ASSEMBLY 662

INTRODUCED April 25, 1966

BY Paliocastro [and 5 others]

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO

ASSEMBLY, No. 662

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1966

By Assemblymen POLICASTRO, DODD, BIANCARDI, OWENS, LEMBO
and CRYAN

Referred to Committee on Labor and Industrial Relations

AN ACT concerning unemployment compensation, and amending section 43:21-4
of the Revised Statutes.

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

1 1. Section 43:21-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 43:21-4. An unemployed individual shall be eligible to receive benefits
4 with respect to any week only if it appears that:

5 (a) He has registered for work at, and thereafter continued to report
6 at, an employment office in accordance with such regulations as the division
7 may prescribe, except that the division may, by regulation, waive or alter
8 either or both of the requirements of this subsection as to individuals
9 attached to regular jobs, and as to such other types of cases or situations
10 with respect to which the division finds that compliance with such require-
11 ments would be oppressive, or would be inconsistent with the purpose of
12 this act; provided, that no such regulation shall conflict with subsection (a)
13 of section 43:21-3 of the Revised Statutes.

14 (b) He has made a claim for benefits in accordance with the provisions
15 of subsection (a) of section 43:21-6 of the Revised Statutes.

16 (c) He is able to work, is available for work, and has demonstrated

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

17 that he is actively seeking work, except as hereinafter provided in this sub-
18 section or in subsection (f) of this section:

19 (1) No woman shall be deemed to be able or available for work
20 during the 4 weeks immediately before the expected birth of her child
21 or the 4 weeks immediately following the birth of her child, in either of
22 which cases the division may require the production of a doctor's cer-
23 tificate to establish such dates;

24 (2) The director may, in his discretion, modify the requirement of
25 actively seeking work if, in his judgment, such modification of this re-
26 quirement is warranted by economic conditions[;].

27 *No [but no] individual, who is otherwise eligible, shall be deemed ineligible,*
28 *or unavailable for work, because he is on vacation, without pay, during said*
29 *week, if said vacation is not the result of his own action as distinguished*
30 *from any collective action of a collective bargaining agent or other action*
31 *beyond his individual control; nor subject to such limitations and conditions*
32 *as the division may prescribe, shall any individual be deemed ineligible by*
33 *reason of unavailability for work, failure to accept work, or refusal to accept*
34 *work, when the unavailability, failure or refusal is because he is attending*
35 *a training program, with the approval of the division, to enhance his employ-*
36 *ment opportunities.*

37 (d) He has been totally or partially unemployed for a waiting period
38 of 1 week in the benefit year which includes that week. When benefits be-
39 come payable with respect to the third consecutive week next following the
40 waiting period, he shall be eligible to receive benefits as appropriate with
41 respect to the waiting period. No week shall be counted as a week of unem-
42 ployment for the purposes of this subsection:

43 (1) if benefits have been paid, or are payable with respect thereto;
44 provided, that the requirements of this paragraph shall be waived with
45 respect to any benefits paid or payable for a waiting period as provided
46 in this subsection;

47 (2) if it has constituted a waiting period week under Temporary
48 Disability Benefits Law;

49 (3) unless the individual fulfills the requirements of subsections
50 (a) and (c) of this section;

51 (4) if it has constituted a week with respect to which it is found that
52 his unemployment was due to a stoppage of work which exists because of
53 a labor dispute, in accordance with the provisions of subsection (d) of
54 section 43:21-5 of the Revised Statutes.

55 (e) With respect to a base year as defined in subsection (c) of section
56 43:21-19 of the Revised Statutes he has established at least 17 base weeks
57 as defined in subsection (t) (1) of section 43:21-19 of the Revised Statutes.

58 (f) (1) He has suffered any accident or sickness not compensable under
59 the Workmen's Compensation Law (Title 34 of the Revised Statutes) and
60 resulting in his total disability to perform any work for remuneration, and
61 would be eligible to receive benefits under this chapter (R. S. 43:21-1 et
62 seq.) (without regard to the maximum amount of benefits payable during any
63 benefit year) except for his inability to work and has furnished notice and
64 proof of claim to the division, in accordance with its rules and regulations,
65 and payment is not precluded by the provisions of section 43:21-3(d) of the
66 Revised Statutes; provided, however, that no benefits shall be payable under
67 this subsection to any individual:

68 (A) for any period during which such individual is not under the
69 care of a legally licensed physician, dentist or chiropodist;

70 (B) for any period of disability due to pregnancy or resulting
71 child-birth, miscarriage, or abortion, except for disability existing dur-
72 ing the 4 weeks immediately before the expected birth of child, and the
73 4 weeks following the termination of the pregnancy;

74 (C) for any period of disability due to willfully or intentionally
75 self-inflicted injury, or to injuries sustained in the perpetration by the
76 individual of a high misdemeanor;

77 (D) for any week with respect to which or a part of which he has
78 received or is seeking benefits under any unemployment compensation
79 or disability benefit law of any other State or of the United States;

80 provided, that if the appropriate agency of such other State or of the
81 United States finally determines that he is not entitled to such benefits,
82 this disqualification shall not apply;

83 (E) for the 2 weeks immediately following detachment from any
84 maritime services performed under shipping articles;

85 (F) for any week with respect to which or part of which he has
86 received or is seeking disability benefits under the Temporary Disability
87 Benefits Law;

88 (G) for any period of disability commencing while such individual
89 is a "covered individual" as defined in subsection 3(b) of the Tempo-
90 rary Disability Benefits Law (chapter 110, P. L. 1948).

91 (2) Benefit payments under this subsection shall be charged to and paid
92 from the State Disability Benefits Fund established by the Temporary Dis-
93 ability Benefits Law, and shall not be charged to any employer account in com-
94 puting any employer's experience rate for contributions payable under this
95 chapter.

96 (g) Notwithstanding any other provision of this chapter, the director
97 may, to the extent that he deems efficient and economical provide for con-
98 solidated administration by one or more representatives or deputies of claims
99 made pursuant to subsection (f) of this section with those made pursuant to
100 Article III (State plan) of the Temporary Disability Benefits Law.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit persons to collect unemployment bene-
fits, if otherwise eligible, while attending training programs to enhance their
employment opportunities.