

43:21-19

LEGISLATIVE HISTORY CHECKLIST

NJSA 43:21-19

Laws of 1938 Chapter 312

Bill No. S273

Sponsor(s) Powell

Date Introduced March 14, 1938

Committee: Assembly

Senate Miscellaneous Business

Amended during passage Yes No Assembly amendments for May 2 & May 23 enclosed

Date of passage: Assembly May 23

Senate April 25

Date of approval June 6, 1938

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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ASSEMBLY, No. 706

(P. L. 1938, Chap. 312.)

STATE OF NEW JERSEY

INTRODUCED JUNE 6, 1938

By Mr. FREUND

(Without Reference)

AN ACT to amend an act entitled "An act to provide that the term of employment within the meaning of the laws providing for the establishment and administration of unemployment compensation, providing for the levy and collection of contributions therefor, and providing penalties for violation thereof, shall not include certain classes of employments, and amending section 43:21-19 of the Revised Statutes," approved June sixth, one thousand nine hundred and thirty-eight.

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

1 1. Section one, subsection seven of this act is amended to read as
2 follows:

3 (7) The term "employment" shall not include:

4 (A) Agricultural labor;

5 (B) Domestic service in a private home;

6 (C) Service performed as an officer or member of the crew of a ves-
7 sel on the navigable waters of the United States;

8 (D) Service performed by an individual in the employ of his son,
9 daughter or spouse, and service performed by a child under the age of
10 twenty-one in the employ of his father or mother;

11 (E) Service performed in the employ of this State or of any political
12 subdivision thereof or of any instrumentality of this State or its political
13 subdivisions;

14 (F) Service performed in the employ of any other State or its
15 political subdivisions, or of the United States Government, or of an
16 instrumentality of any other State or States or their political subdivi-
17 sions or of the United States;

18 (G) Services performed in the employ of a corporation, community
19 chest, fund, or foundation, organized and operated exclusively for re-
20 ligious, charitable, scientific, literary, hospital, benevolent, philanthropic,
21 or educational purposes, or for the prevention of cruelty to children or
22 animals, no part of the net earnings of which inures to the benefit of any
23 private shareholder or individual;

24 (H) Services performed in the employ of fraternal beneficiary so-
25 cieties, orders, or associations operating under the lodge system or for
26 the exclusive benefit of the members of a fraternity itself operating
27 under the lodge system and providing for the payment of life, sick, ac-
28 cident or other benefits to the members of such society, order, or as-
29 sociation, or their dependents;

30 (I) Services performed as an officer or other employee of any build-
31 ing and loan association of this State, except where such services con-
32 stitute the principal employment of the individual; services performed
33 as an officer or other employee of any building and loan association
34 where such association is a member of the Federal Home Loan Bank
35 System; services performed as an officer or other employee of any bank
36 which is a member of the Federal Reserve System;

37 [(J) Services performed in the employ of a corporation or associa-
38 tion with respect to which no contributions are required and paid under
39 any unemployment compensation law of the Federal Government.]

40 (j) "Employment office" means a free public employment office, or
41 branch thereof operated by this State or maintained as a part of a State
42 controlled system of public employment offices.

43 (k) "Fund" means the unemployment compensation fund established by
44 this chapter, to which all contributions required and from which all benefits
45 provided under this chapter shall be paid.

46 (l) "State" includes, in
47 America, Alaska, Hawaii, and

48 (m) "Total unemploy-
49 ment compensation" means

49 (1) An individual's share
50 with respect to which
51 he performs no work
52 for which no remunera-
53 tion is received;

53 (2) As used in this
54 section only that part of remunera-
55 tion which is in excess of
56 the amount of the unemploy-

56 (3) An individual's share
57 commences only after his
58 commission may by reason of

59 (n) "Unemployment
60 compensation" means

60 compensation received
61 from which administrative

62 (o) "Wages" means
63 remuneration.

64 (p) "Remuneration"
65 means all compensation for
66 services, including commu-

67 (q) "Week" means
68 a period of seven consecutive
69 calendar days ending at

70 (r) "Calendar quarter"
71 means a period of three
72 consecutive months ending on March

73 thirty-first, or the equivalent
74 thereof which occurs prior to
75 the date prescribed.

46 (l) "State" includes, in addition to the States of the United States of
47 America, Alaska, Hawaii, and the District of Columbia.

48 (m) "Total unemployment period."

49 (1) An individual shall be deemed "totally unemployed" in any week
50 with respect to which no remuneration is payable to him and during
51 which he performs no services (other than odd jobs or subsidiary work
52 for which no remuneration as used in this section is payable to him).

53 (2) As used in this subsection, the term "remuneration" shall include
54 only that part of remuneration for odd jobs or subsidiary work, or both,
55 which is in excess of three dollars (\$3.00) in any one week.

56 (3) An individual's week of unemployment shall be deemed to com-
57 mence only after his registration at an employment office, except as the
58 commission may by regulation otherwise prescribe.

59 (n) "Unemployment compensation administration fund" means the un-
60 employment compensation administration fund established by this chapter,
61 from which administrative expenses under this chapter shall be paid.

62 (o) "Wages" means remuneration payable by employers for employ-
63 ment.

64 (p) "Remuneration" means all compensation payable for personal
65 services, including commissions and bonuses and the cash value of all com-
66 pensation payable in any medium other than cash.

67 (q) "Week" means such period or periods of seven consecutive
68 calendar days ending at midnight, as the commission may by regulation pre-
69 scribe.

70 (r) "Calendar quarter" means the period of three consecutive calendar
71 months ending on March thirty-first; June thirtieth, September thirtieth, or
72 December thirty-first, excluding, however, any calendar quarter or portion
73 thereof which occurs prior to January first, one thousand nine hundred and
74 thirty-seven, or the equivalent thereof as the commission may by regulation
75 prescribe.

76 (s) "Weekly benefit amount." An individual's "weekly benefit
77 amount" means the amount of benefits he would be entitled to receive for
78 one week of total unemployment and an individual's weekly benefit amount
79 as determined for the first week of his benefit year shall constitute his weekly
80 benefit amount throughout such benefit year.

1 2. This act shall take effect immediately.

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2 Jersey:

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193 prescribe.

194 (s) "Weekly benefit amount." An individual's "weekly benefit
195 amount" means the amount of benefits he would be entitled to receive for
196 one week of total unemployment and an individual's weekly benefit amount
197 as determined for the first week of his benefit year shall constitute his weekly
198 benefit amount throughout such benefit year.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this act is to exclude services performed in the employ of fraternal beneficiary societies from the provisions of chapter 21 of subtitle 9 of Title 43 of the Revised Statutes, known as the Unemployment Compensation Law.

S. 273 (1938)

[OFFICIAL COPY REPRINT]
ASSEMBLY AMENDMENTS TO
SENATE, No. 273

STATE OF NEW JERSEY

ADOPTED MAY 2, 1938

On page six, after line one hundred fifty-eight, add the following:

“(I) Services performed as an officer or other employee of any building and loan association of this State, except where such services constitute the principal employment of the individual; services performed as an officer or other employee of any building and loan association where such association is a member of the Federal Home Loan Bank System; services performed as an officer or other employee of any bank which is a member of the Federal Reserve System.

[OFFICIAL COPY REPRINT]
ASSEMBLY AMENDMENT TO
ASSEMBLY AMENDMENT TO
SENATE, No. 273

STATE OF NEW JERSEY

ADOPTED MAY 23, 1938

On page six, after paragraph (I) add a paragraph to be known as paragraph (J) which shall read as follows:

“(J) Service performed in the employ of a corporation or association with respect to which no contributions are required and paid under any unemployment compensation law of the Federal Government.”