



**S3310**

<b>INTRODUCED BILL:</b> (Includes sponsor(s) statement)	Yes	
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<b>TECHNICAL REVIEW:</b>	No	
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b>	No
	<b>SENATE:</b>	Yes    Labor Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No	
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes	06/25/2024
<b>VETO MESSAGE:</b>	No	
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	Yes	

**FOLLOWING WERE PRINTED:**

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<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

CL/MM

P.L. 2024, CHAPTER 101, *approved December 12, 2024*  
Assembly, No. 4043 (*First Reprint*)

1 AN ACT concerning worker contributions for unemployment  
2 insurance and amending R.S.43:21-7.

3

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

6

7 1. R.S.43:21-7 is amended to read as follows:

8 43:21-7. Employers other than governmental entities, whose  
9 benefit financing provisions are set forth in section 4 of P.L.1971,  
10 c.346 (C.43:21-7.3), and those nonprofit organizations liable for  
11 payment in lieu of contributions on the basis set forth in section 3 of  
12 P.L.1971, c.346 (C.43:21-7.2), shall pay to the controller for the  
13 unemployment compensation fund, contributions as set forth in  
14 subsections (a), (b) and (c) hereof, and the provisions of subsections  
15 (d) and (e) shall be applicable to all employers, consistent with the  
16 provisions of the "unemployment compensation law" and the  
17 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
18 al.).

19 (a) Payment.

20 (1) Contributions shall accrue and become payable by each  
21 employer for each calendar year in which he is subject to this chapter  
22 (R.S.43:21-1 et seq.), with respect to having individuals in his employ  
23 during that calendar year, at the rates and on the basis hereinafter set  
24 forth. Such contributions shall become due and be paid by each  
25 employer to the controller for the fund, in accordance with such  
26 regulations as may be prescribed, and shall not be deducted, in whole  
27 or in part, from the remuneration of individuals in his employ.

28 (2) In the payment of any contributions, a fractional part of a cent  
29 shall be disregarded unless it amounts to \$0.005 or more, in which  
30 case it shall be increased to \$0.01.

31 (b) Rate of contributions. Each employer shall pay the following  
32 contributions:

33 (1) For the calendar year 1947, and each calendar year thereafter, 2  
34 7/10% of wages paid by him during each such calendar year, except as  
35 otherwise prescribed by subsection (c) of this section.

36 (2) The "wages" of any individual, with respect to any one  
37 employer, as the term is used in this subsection (b) and in subsections  
38 (c), (d) and (e) of this section 7, shall include the first \$4,800.00 paid  
39 during calendar year 1975, for services performed either within or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALA committee amendments adopted March 11, 2024.

1 without this State; provided that no contribution shall be required by  
2 this State with respect to services performed in another state if such  
3 other state imposes contribution liability with respect thereto. If an  
4 employer (hereinafter referred to as a successor employer) during any  
5 calendar year acquires substantially all the property used in a trade or  
6 business of another employer (hereinafter referred to as a predecessor),  
7 or used in a separate unit of a trade or business of a predecessor, and  
8 immediately after the acquisition employs in his trade or business an  
9 individual who immediately prior to the acquisition was employed in  
10 the trade or business of such predecessors, then, for the purpose of  
11 determining whether the successor employer has paid wages with  
12 respect to employment equal to the first \$4,800.00 paid during  
13 calendar year 1975, any wages paid to such individual by such  
14 predecessor during such calendar year and prior to such acquisition  
15 shall be considered as having been paid by such successor employer.

16 (3) For calendar years beginning on and after January 1, 1976, the  
17 "wages" of any individual, as defined in the preceding paragraph (2) of  
18 this subsection (b), shall be established and promulgated by the  
19 Commissioner of Labor and Workforce Development on or before  
20 September 1 of the preceding year and, except as provided in  
21 paragraph (4) of this subsection (b), shall be, 28 times the Statewide  
22 average weekly remuneration paid to workers by employers, as  
23 determined under R.S.43:21-3(c), raised to the next higher multiple of  
24 \$100.00 if not already a multiple thereof, provided that if the amount  
25 of wages so determined for a calendar year is less than the amount  
26 similarly determined for the preceding year, the greater amount will be  
27 used; provided, further, that if the amount of such wages so  
28 determined does not equal or exceed the amount of wages as defined  
29 in subsection (b) of section 3306 of the Internal Revenue Code of 1986  
30 (26 U.S.C. s.3306(b)), the wages as determined in this paragraph in  
31 any calendar year shall be raised to equal the amount established under  
32 the "Federal Unemployment Tax Act," chapter 23 of the Internal  
33 Revenue Code of 1986 (26 U.S.C. s.3301 et seq.), for that calendar  
34 year.

35 (4) For calendar years beginning on and after January 1, 2020, the  
36 "wages" of any individual, as defined in the preceding paragraph (2) of  
37 this subsection (b) for purposes of contributions of workers to the State  
38 disability benefits fund, including the "Family Temporary Disability  
39 Leave Account" pursuant to subsection (d) of this section, shall be  
40 established and promulgated by the Commissioner of Labor and  
41 Workforce Development on or before September 1 of the preceding  
42 year and shall be 107 times the Statewide average weekly  
43 remuneration paid to workers by employers, as determined under  
44 R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not  
45 already a multiple thereof, provided that if the amount of wages so  
46 determined for a calendar year is less than the amount similarly  
47 determined for the preceding year, the greater amount will be used.

48 (c) Future rates based on benefit experience.

1 (1) A separate account for each employer shall be maintained and  
2 this shall be credited with all the contributions which he has paid on  
3 his own behalf on or before January 31 of any calendar year with  
4 respect to employment occurring in the preceding calendar year;  
5 provided, however, that if January 31 of any calendar year falls on a  
6 Saturday or Sunday, an employer's account shall be credited as of  
7 January 31 of such calendar year with all the contributions which he  
8 has paid on or before the next succeeding day which is not a Saturday  
9 or Sunday. But nothing in this chapter (R.S.43:21-1 et seq.) shall be  
10 construed to grant any employer or individuals in his service prior  
11 claims or rights to the amounts paid by him into the fund either on his  
12 own behalf or on behalf of such individuals. Benefits paid with respect  
13 to benefit years commencing on and after January 1, 1953, to any  
14 individual on or before December 31 of any calendar year with respect  
15 to unemployment in such calendar year and in preceding calendar  
16 years shall be charged against the account or accounts of the employer  
17 or employers in whose employment such individual established base  
18 weeks constituting the basis of such benefits, except that, with respect  
19 to benefit years commencing after January 4, 1998, an employer's  
20 account shall not be charged for benefits paid to a claimant if the  
21 claimant's employment by that employer was ended in any way which,  
22 pursuant to subsection (a), (b), (c), (f), (g) or (h) of R.S.43:21-5, would  
23 have disqualified the claimant for benefits if the claimant had applied  
24 for benefits at the time when that employment ended. Benefits paid  
25 under a given benefit determination shall be charged against the  
26 account of the employer to whom such determination relates. When  
27 each benefit payment is made, notification shall be promptly provided  
28 to each employer included in the unemployment insurance monetary  
29 calculation of benefits. Such notification shall identify the employer  
30 against whose account the amount of such payment is being charged,  
31 shall show at least the name and social security account number of the  
32 claimant and shall specify the period of unemployment to which said  
33 benefit payment applies.

34 An annual summary statement of unemployment benefits charged  
35 to the employer's account shall be provided.

36 (2) Regulations may be prescribed for the establishment,  
37 maintenance, and dissolution of joint accounts by two or more  
38 employers, and shall, in accordance with such regulations and upon  
39 application by two or more employers to establish such an account, or  
40 to merge their several individual accounts in a joint account, maintain  
41 such joint account as if it constituted a single employer's account.

42 (3) No employer's rate shall be lower than 5.4% unless assignment  
43 of such lower rate is consistent with the conditions applicable to  
44 additional credit allowance for such year under section 3303(a)(1) of  
45 the Internal Revenue Code of 1986 (26 U.S.C. s.3303(a)(1)), any other  
46 provision of this section to the contrary notwithstanding.

47 (4) Employer Reserve Ratio. (A) Each employer's rate shall be 2  
48 8/10%, except as otherwise provided in the following provisions. No

1 employer's rate for the 12 months commencing July 1 of any calendar  
2 year shall be other than 2 8/10%, unless as of the preceding January 31  
3 such employer shall have paid contributions with respect to wages paid  
4 in each of the three calendar years immediately preceding such year, in  
5 which case such employer's rate for the 12 months commencing July 1  
6 of any calendar year shall be determined on the basis of his record up  
7 to the beginning of such calendar year. If, at the beginning of such  
8 calendar year, the total of all his contributions, paid on his own behalf,  
9 for all past years exceeds the total benefits charged to his account for  
10 all such years, his contribution rate shall be:

11 (1) 2 5/10%, if such excess equals or exceeds 4%, but less than  
12 5%, of his average annual payroll (as defined in paragraph (2),  
13 subsection (a) of R.S.43:21-19);

14 (2) 2 2/10%, if such excess equals or exceeds 5%, but is less than  
15 6%, of his average annual payroll;

16 (3) 1 9/10%, if such excess equals or exceeds 6%, but is less than  
17 7%, of his average annual payroll;

18 (4) 1 6/10%, if such excess equals or exceeds 7%, but is less than  
19 8%, of his average annual payroll;

20 (5) 1 3/10%, if such excess equals or exceeds 8%, but is less than  
21 9%, of his average annual payroll;

22 (6) 1%, if such excess equals or exceeds 9%, but is less than 10%,  
23 of his average annual payroll;

24 (7) 7/10 of 1%, if such excess equals or exceeds 10%, but is less  
25 than 11%, of his average annual payroll;

26 (8) 4/10 of 1%, if such excess equals or exceeds 11% of his  
27 average annual payroll.

28 (B) If the total of an employer's contributions, paid on his own  
29 behalf, for all past periods for the purposes of this paragraph (4), is  
30 less than the total benefits charged against his account during the same  
31 period, his rate shall be:

32 (1) 4%, if such excess is less than 10% of his average annual  
33 payroll;

34 (2) 4 3/10%, if such excess equals or exceeds 10%, but is less than  
35 20%, of his average annual payroll;

36 (3) 4 6/10%, if such excess equals or exceeds 20% of his average  
37 annual payroll.

38 (C) Specially assigned rates.

39 (i) If no contributions were paid on wages for employment in any  
40 calendar year used in determining the average annual payroll of an  
41 employer eligible for an assigned rate under this paragraph (4), the  
42 employer's rate shall be specially assigned as follows:

43 if the reserve balance in its account is positive, its assigned rate  
44 shall be the highest rate in effect for positive balance accounts for that  
45 period, or 5.4%, whichever is higher, and

46 if the reserve balance in its account is negative, its assigned rate  
47 shall be the highest rate in effect for deficit accounts for that period.

1 (ii) If, following the purchase of a corporation with little or no  
2 activity, known as a corporate shell, the resulting employing unit  
3 operates a new or different business activity, the employing unit shall  
4 be assigned a new employer rate.

5 (iii) Entities operating under common ownership, management or  
6 control, when the operation of the entities is not identifiable,  
7 distinguishable and severable, shall be considered a single employer  
8 for the purposes of this chapter (R.S.43:21-1 et seq.).

9 (D) The contribution rates prescribed by subparagraphs (A) and (B)  
10 of this paragraph (4) shall be increased or decreased in accordance  
11 with the provisions of paragraph (5) of this subsection (c) for  
12 experience rating periods through June 30, 1986.

13 (5) (A) Unemployment Trust Fund Reserve Ratio. If on March 31  
14 of any calendar year the balance in the unemployment trust fund  
15 equals or exceeds 4% but is less than 7% of the total taxable wages  
16 reported to the controller as of that date in respect to employment  
17 during the preceding calendar year, the contribution rate, effective July  
18 1 following, of each employer eligible for a contribution rate  
19 calculation based upon benefit experience, shall be increased by 3/10  
20 of 1% over the contribution rate otherwise established under the  
21 provisions of paragraph (3) or (4) of this subsection. If on March 31  
22 of any calendar year the balance of the unemployment trust fund  
23 exceeds 2 1/2% but is less than 4% of the total taxable wages reported  
24 to the controller as of that date in respect to employment during the  
25 preceding calendar year, the contribution rate, effective July 1  
26 following, of each employer eligible for a contribution rate calculation  
27 based upon benefit experience, shall be increased by 6/10 of 1% over  
28 the contribution rate otherwise established under the provisions of  
29 paragraph (3) or (4) of this subsection.

30 If on March 31 of any calendar year the balance of the  
31 unemployment trust fund is less than 2 1/2% of the total taxable wages  
32 reported to the controller as of that date in respect to employment  
33 during the preceding calendar year, the contribution rate, effective July  
34 1 following, of each employer: (1) eligible for a contribution rate  
35 calculation based upon benefit experience, shall be increased by (i)  
36 6/10 of 1% over the contribution rate otherwise established under the  
37 provisions of paragraph (3), (4)(A) or (4)(B) of this subsection, and (ii)  
38 an additional amount equal to 20% of the total rate established herein,  
39 provided, however, that the final contribution rate for each employer  
40 shall be computed to the nearest multiple of 1/10% if not already a  
41 multiple thereof; (2) not eligible for a contribution rate calculation  
42 based upon benefit experience, shall be increased by 6/10 of 1% over  
43 the contribution rate otherwise established under the provisions of  
44 paragraph (4) of this subsection. For the period commencing July 1,  
45 1984 and ending June 30, 1986, the contribution rate for each  
46 employer liable to pay contributions under R.S.43:21-7 shall be  
47 increased by a factor of 10% computed to the nearest multiple of  
48 1/10% if not already a multiple thereof.

1 (B) If on March 31 of any calendar year the balance in the  
2 unemployment trust fund equals or exceeds 10% but is less than 12  
3 1/2% of the total taxable wages reported to the controller as of that  
4 date in respect to employment during the preceding calendar year, the  
5 contribution rate, effective July 1 following, of each employer eligible  
6 for a contribution rate calculation based upon benefit experience, shall  
7 be reduced by 3/10 of 1% under the contribution rate otherwise  
8 established under the provisions of paragraphs (3) and (4) of this  
9 subsection; provided that in no event shall the contribution rate of any  
10 employer be reduced to less than 4/10 of 1%. If on March 31 of any  
11 calendar year the balance in the unemployment trust fund equals or  
12 exceeds 12 1/2% of the total taxable wages reported to the controller  
13 as of that date in respect to employment during the preceding calendar  
14 year, the contribution rate, effective July 1 following, of each  
15 employer eligible for a contribution rate calculation based upon benefit  
16 experience, shall be reduced by 6/10 of 1% if his account for all past  
17 periods reflects an excess of contributions paid over total benefits  
18 charged of 3% or more of his average annual payroll, otherwise by  
19 3/10 of 1% under the contribution rate otherwise established under the  
20 provisions of paragraphs (3) and (4) of this subsection; provided that  
21 in no event shall the contribution rate of any employer be reduced to  
22 less than 4/10 of 1%.

23 (C) The "balance" in the unemployment trust fund, as the term is  
24 used in subparagraphs (A) and (B) above, shall not include moneys  
25 credited to the State's account under section 903 of the Social Security  
26 Act, as amended (42 U.S.C. s.1103), during any period in which such  
27 moneys are appropriated for the payment of expenses incurred in the  
28 administration of the "unemployment compensation law."

29 (D) Prior to July 1 of each calendar year the controller shall  
30 determine the Unemployment Trust Fund Reserve Ratio, which shall  
31 be calculated by dividing the balance of the unemployment trust fund  
32 as of the prior March 31 by total taxable wages reported to the  
33 controller by all employers as of March 31 with respect to their  
34 employment during the last calendar year.

35 (E) (i) (Deleted by amendment, P.L.1997, c.263).

36 (ii) (Deleted by amendment, P.L.2001, c.152).

37 (iii) (Deleted by amendment, P.L.2003, c.107).

38 (iv) (Deleted by amendment, P.L.2004, c.45).

39 (v) (Deleted by amendment, P.L.2008, c.17).

40 (vi) (Deleted by amendment, P.L.2013, c.75).

41 (vii) With respect to experience rating years beginning on or after  
42 July 1, 2011, the new employer rate or the unemployment experience  
43 rate of an employer under this section shall be the rate which appears  
44 in the column headed by the Unemployment Trust Fund Reserve Ratio  
45 as of the applicable calculation date and on the line with the Employer  
46 Reserve Ratio, as defined in paragraph (4) of this subsection  
47 (R.S.43:21-7 (c)(4)), as set forth in the following table:

**A4043 [1R]**

1	EXPERIENCE RATING TAX TABLE						
2		Fund Reserve Ratio <sup>1</sup>					
3		3.50%	3.00%	2.5%	2.0%	1.99%	
4	Employer		and	to	to	to	and
5	Reserve	Over	3.49%	2.99%	2.49%	Under	
6	Ratio <sup>2</sup>		A	B	C	D	E
7	Positive Reserve Ratio:						
8	17% and over		0.3	0.4	0.5	0.6	1.2
9	16.00% to 16.99%		0.4	0.5	0.6	0.6	1.2
10	15.00% to 15.99%		0.4	0.6	0.7	0.7	1.2
11	14.00% to 14.99%		0.5	0.6	0.7	0.8	1.2
12	13.00% to 13.99%		0.6	0.7	0.8	0.9	1.2
13	12.00% to 12.99%		0.6	0.8	0.9	1.0	1.2
14	11.00% to 11.99%		0.7	0.8	1.0	1.1	1.2
15	10.00% to 10.99%		0.9	1.1	1.3	1.5	1.6
16	9.00% to 9.99%		1.0	1.3	1.6	1.7	1.9
17	8.00% to 8.99%		1.3	1.6	1.9	2.1	2.3
18	7.00% to 7.99%		1.4	1.8	2.2	2.4	2.6
19	6.00% to 6.99%		1.7	2.1	2.5	2.8	3.0
20	5.00% to 5.99%		1.9	2.4	2.8	3.1	3.4
21	4.00% to 4.99%		2.0	2.6	3.1	3.4	3.7
22	3.00% to 3.99%		2.1	2.7	3.2	3.6	3.9
23	2.00% to 2.99%		2.2	2.8	3.3	3.7	4.0
24	1.00% to 1.99%		2.3	2.9	3.4	3.8	4.1
25	0.00% to 0.99%		2.4	3.0	3.6	4.0	4.3
26	Deficit Reserve Ratio:						
27	-0.00% to -2.99%		3.4	4.3	5.1	5.6	6.1
28	-3.00% to -5.99%		3.4	4.3	5.1	5.7	6.2
29	-6.00% to -8.99%		3.5	4.4	5.2	5.8	6.3
30	-9.00% to -11.99%		3.5	4.5	5.3	5.9	6.4
31	-12.00% to -14.99%		3.6	4.6	5.4	6.0	6.5
32	-15.00% to -19.99%		3.6	4.6	5.5	6.1	6.6
33	-20.00% to -24.99%		3.7	4.7	5.6	6.2	6.7
34	-25.00% to -29.99%		3.7	4.8	5.6	6.3	6.8
35	-30.00% to -34.99%		3.8	4.8	5.7	6.3	6.9
36	-35.00% and under		5.4	5.4	5.8	6.4	7.0
37	New Employer Rate		2.8	2.8	2.8	3.1	3.4

38       1Fund balance as of March 31 as a percentage of taxable wages in  
39 the prior calendar year.

40       2Employer Reserve Ratio (Contributions minus benefits as a  
41 percentage of employer's taxable wages).

42       (F) (i) (Deleted by amendment, P.L.1997, c.263).

43       (ii) (Deleted by amendment, P.L.2008, c.17).

44       (iii) (Deleted by amendment, P.L.2013, c.75).

45       (iv) With respect to experience rating years beginning on or after  
46 July 1, 2011 and before July 1, 2013, if the fund reserve ratio, based on  
47 the fund balance as of the prior March 31, is less than 1.0%, the  
48 contribution rate for each employer liable to pay contributions, as

1 computed under subparagraph (E) of this paragraph (5), shall be  
2 increased by a factor of 10% computed to the nearest multiple of  
3 1/10% if not already a multiple thereof.

4 (v) With respect to experience rating years beginning on or after  
5 July 1, 2014, if the fund reserve ratio, based on the fund balance as of  
6 the prior March 31, is less than 1.0%, the contribution rate for each  
7 employer liable to pay contributions, as computed under subparagraph  
8 (E) of this paragraph (5), shall be increased by a factor of 10%  
9 computed to the nearest multiple of 1/10% if not already a multiple  
10 thereof.

11 (G) On or after January 1, 1993, notwithstanding any other  
12 provisions of this paragraph (5), the contribution rate for each  
13 employer liable to pay contributions, as computed under subparagraph  
14 (E) of this paragraph (5), shall be decreased by 0.1%, except that,  
15 during any experience rating year starting before January 1, 1998 in  
16 which the fund reserve ratio is equal to or greater than 7.00% or during  
17 any experience rating year starting on or after January 1, 1998, in  
18 which the fund reserve ratio is equal to or greater than 3.5%, there  
19 shall be no decrease pursuant to this subparagraph (G) in the  
20 contribution of any employer who has a deficit reserve ratio of  
21 negative 35.00% or under.

22 (H) On and after January 1, 1998 until December 31, 2000 and on  
23 or after January 1, 2002 until June 30, 2006, the contribution rate for  
24 each employer liable to pay contributions, as computed under  
25 subparagraph (E) of this paragraph (5), shall be decreased by a factor,  
26 as set out below, computed to the nearest multiple of 1/10%, except  
27 that, if an employer has a deficit reserve ratio of negative 35.0% or  
28 under, the employer's rate of contribution shall not be reduced  
29 pursuant to this subparagraph (H) to less than 5.4%:

30 From January 1, 1998 until December 31, 1998, a factor of 12%;

31 From January 1, 1999 until December 31, 1999, a factor of 10%;

32 From January 1, 2000 until December 31, 2000, a factor of 7%;

33 From January 1, 2002 until March 31, 2002, a factor of 36%;

34 From April 1, 2002 until June 30, 2002, a factor of 85%;

35 From July 1, 2002 until June 30, 2003, a factor of 15%;

36 From July 1, 2003 until June 30, 2004, a factor of 15%;

37 From July 1, 2004 until June 30, 2005, a factor of 7%;

38 From July 1, 2005 until December 31, 2005, a factor of 16%; and

39 From January 1, 2006 until June 30, 2006, a factor of 34%.

40 The amount of the reduction in the employer contributions  
41 stipulated by this subparagraph (H) shall be in addition to the amount  
42 of the reduction in the employer contributions stipulated by  
43 subparagraph (G) of this paragraph (5), except that the rate of  
44 contribution of an employer who has a deficit reserve ratio of negative  
45 35.0% or under shall not be reduced pursuant to this subparagraph (H)  
46 to less than 5.4% and the rate of contribution of any other employer  
47 shall not be reduced to less than 0.0%.

48 (I) (Deleted by amendment, P.L.2008, c.17).

1 (J) On or after July 1, 2001, notwithstanding any other provisions  
2 of this paragraph (5), the contribution rate for each employer liable to  
3 pay contributions, as computed under subparagraph (E) of this  
4 paragraph (5), shall be decreased by 0.0175%, except that, during any  
5 experience rating year starting on or after July 1, 2001, in which the  
6 fund reserve ratio is equal to or greater than 3.5%, there shall be no  
7 decrease pursuant to this subparagraph (J) in the contribution of any  
8 employer who has a deficit reserve ratio of negative 35.00% or under.  
9 The amount of the reduction in the employer contributions stipulated  
10 by this subparagraph (J) shall be in addition to the amount of the  
11 reduction in the employer contributions stipulated by subparagraphs  
12 (G) and (H) of this paragraph (5), except that the rate of contribution  
13 of an employer who has a deficit reserve ratio of negative 35.0% or  
14 under shall not be reduced pursuant to this subparagraph (J) to less  
15 than 5.4% and the rate of contribution of any other employer shall not  
16 be reduced to less than 0.0%.

17 (K) With respect to experience rating years beginning on or after  
18 July 1, 2009, if the fund reserve ratio, based on the fund balance as of  
19 the prior March 31, is:

20 (i) Equal to or greater than 5.00% but less than 7.5%, the  
21 contribution rate for each employer liable to pay contributions, as  
22 computed under subparagraph (E) of this paragraph (5), shall be  
23 reduced by a factor of 25% computed to the nearest multiple of 1/10%  
24 if not already a multiple thereof except that there shall be no decrease  
25 pursuant to this subparagraph (K) in the contribution of any employer  
26 who has a deficit reserve ratio of 35.00% or under;

27 (ii) Equal to or greater than 7.5%, the contribution rate for each  
28 employer liable to pay contributions, as computed under subparagraph  
29 (E) of this paragraph (5), shall be reduced by a factor of 50%  
30 computed to the nearest multiple of 1/10% if not already a multiple  
31 thereof except that there shall be no decrease pursuant to this  
32 subparagraph (K) in the contribution of any employer who has a  
33 deficit reserve ratio of 35.00% or under.

34 (L) Notwithstanding any other provision of this paragraph (5) and  
35 notwithstanding the actual fund reserve ratio, the contribution rate for  
36 employers liable to pay contributions, as computed under  
37 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2011,  
38 the rates set by column "C" of the table in that subparagraph.

39 (M) Notwithstanding any other provision of this paragraph (5) and  
40 notwithstanding the actual fund reserve ratio, the contribution rate for  
41 employers liable to pay contributions, as computed under  
42 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2012,  
43 the rates set by column "D" of the table in that subparagraph.

44 (N) Notwithstanding any other provision of this paragraph (5) and  
45 notwithstanding the actual fund reserve ratio, the contribution rate for  
46 employers liable to pay contributions, as computed under  
47 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2013,  
48 the rates set by column "E" of the table in that subparagraph.

1 (O) Notwithstanding any other provision of this paragraph (5) and  
2 notwithstanding the actual fund reserve ratio, the contribution rate for  
3 employers liable to pay contributions, as computed under  
4 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2022,  
5 the rates set by column "C" of the table in that subparagraph.

6 (P) Notwithstanding any other provision of this paragraph (5) and  
7 notwithstanding the actual fund reserve ratio, the contribution rate for  
8 employers liable to pay contributions, as computed under  
9 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2023,  
10 the rates set by column "D" of the table in that subparagraph, unless  
11 the application of the provisions of this paragraph (5) using the actual  
12 fund reserve ratio would result in the contribution rate for employers  
13 being set by a column which has lower tax rates than the rates in  
14 column "D", in which case the employers shall be liable to pay  
15 contributions at the rates set by the column with the lower tax rates.

16 (Q) Notwithstanding any other provision of this paragraph (5) and  
17 notwithstanding the actual fund reserve ratio, the contribution rate for  
18 employers liable to pay contributions, as computed under  
19 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2024,  
20 the rates set by column "E" of the table in that subparagraph, unless  
21 the application of the provisions of this paragraph (5) using the actual  
22 fund reserve ratio would result in the contribution rate for employers  
23 being set by a column which has lower tax rates than the rates in  
24 column "E", in which case the employers shall be liable to pay  
25 contributions at the rates set by the column with the lower tax rates.

26 (6) Additional contributions.

27 Notwithstanding any other provision of law, any employer who has  
28 been assigned a contribution rate pursuant to subsection (c) of this  
29 section for the year commencing July 1, 1948, and for any year  
30 commencing July 1 thereafter, may voluntarily make payment of  
31 additional contributions, and upon such payment shall receive a  
32 recomputation of the experience rate applicable to such employer,  
33 including in the calculation the additional contribution so made, except  
34 that, following a transfer as described under R.S.43:21-7(c)(7)(D),  
35 neither the predecessor nor successor in interest shall be eligible to  
36 make a voluntary payment of additional contributions during the year  
37 the transfer occurs and the next full calendar year. Any such additional  
38 contribution shall be made during the 30-day period following the  
39 notification to the employer of his contribution rate as prescribed in  
40 this section, unless, for good cause, the time for payment has been  
41 extended by the controller for not to exceed an additional 60 days;  
42 provided that in no event may such payments which are made later  
43 than 120 days after the beginning of the year for which such rates are  
44 effective be considered in determining the experience rate for the year  
45 in which the payment is made. Any employer receiving any extended  
46 period of time within which to make such additional payment and  
47 failing to make such payment timely shall be, in addition to the  
48 required amount of additional payment, liable for a penalty of 5%

1   thereof or \$5.00, whichever is greater, not to exceed \$50.00. Any  
2   adjustment under this subsection shall be made only in the form of  
3   credits against accrued or future contributions.

4       (7) Transfers.

5       (A) Upon the transfer of the organization, trade or business, or  
6   substantially all the assets of an employer to a successor in interest,  
7   whether by merger, consolidation, sale, transfer, descent or otherwise,  
8   the controller shall transfer the employment experience of the  
9   predecessor employer to the successor in interest, including credit for  
10  past years, contributions paid, annual payrolls, benefit charges, et  
11  cetera, applicable to such predecessor employer, pursuant to  
12  regulation, if it is determined that the employment experience of the  
13  predecessor employer with respect to the organization, trade, assets or  
14  business which has been transferred may be considered indicative of  
15  the future employment experience of the successor in interest. The  
16  successor in interest may, within four months of the date of such  
17  transfer of the organization, trade, assets or business, or thereafter  
18  upon good cause shown, request a reconsideration of the transfer of  
19  employment experience of the predecessor employer. The request for  
20  reconsideration shall demonstrate, to the satisfaction of the controller,  
21  that the employment experience of the predecessor is not indicative of  
22  the future employment experience of the successor.

23       (B) An employer who transfers part of his or its organization, trade,  
24  assets or business to a successor in interest, whether by merger,  
25  consolidation, sale, transfer, descent or otherwise, may jointly make  
26  application with such successor in interest for transfer of that portion  
27  of the employment experience of the predecessor employer relating to  
28  the portion of the organization, trade, assets or business transferred to  
29  the successor in interest, including credit for past years, contributions  
30  paid, annual payrolls, benefit charges, et cetera, applicable to such  
31  predecessor employer. The transfer of employment experience may be  
32  allowed pursuant to regulation only if it is found that the employment  
33  experience of the predecessor employer with respect to the portion of  
34  the organization, trade, assets or business which has been transferred  
35  may be considered indicative of the future employment experience of  
36  the successor in interest. Credit shall be given to the successor in  
37  interest only for the years during which contributions were paid by the  
38  predecessor employer with respect to that part of the organization,  
39  trade, assets or business transferred.

40       (C) A transfer of the employment experience in whole or in part  
41  having become final, the predecessor employer thereafter shall not be  
42  entitled to consideration for an adjusted rate based upon his or its  
43  experience or the part thereof, as the case may be, which has thus been  
44  transferred. A successor in interest to whom employment experience  
45  or a part thereof is transferred pursuant to this subsection shall, as of  
46  the date of the transfer of the organization, trade, assets or business, or  
47  part thereof, immediately become an employer if not theretofore an  
48  employer subject to this chapter (R.S.43:21-1 et seq.).

1 (D) If an employer transfers in whole or in part his or its  
2 organization, trade, assets or business to a successor in interest,  
3 whether by merger, consolidation, sale, transfer, descent or otherwise  
4 and both the employer and successor in interest are at the time of the  
5 transfer under common ownership, management or control, then the  
6 employment experience attributable to the transferred business shall  
7 also be transferred to and combined with the employment experience  
8 of the successor in interest. The transfer of the employment  
9 experience is mandatory and not subject to appeal or protest.

10 (E) The transfer of part of an employer's employment experience to  
11 a successor in interest shall become effective as of the first day of the  
12 calendar quarter following the acquisition by the successor in interest.  
13 As of the effective date, the successor in interest shall have its  
14 employer rate recalculated by merging its existing employment  
15 experience, if any, with the employment experience acquired. If the  
16 successor in interest is not an employer as of the date of acquisition, it  
17 shall be assigned the new employer rate until the effective date of the  
18 transfer of employment experience.

19 (F) Upon the transfer in whole or in part of the organization, trade,  
20 assets or business to a successor in interest, the employment  
21 experience shall not be transferred if the successor in interest is not an  
22 employer at the time of the acquisition and the controller finds that the  
23 successor in interest acquired the business solely or primarily for the  
24 purpose of obtaining a lower rate of contributions.

25 (d) Contributions of workers to the unemployment compensation  
26 fund and the State disability benefits fund.

27 (1) (A) For periods after January 1, 1975, each worker shall  
28 contribute to the fund 1% of his wages with respect to his employment  
29 with an employer, which occurs on and after January 1, 1975, after  
30 such employer has satisfied the condition set forth in subsection (h) of  
31 R.S.43:21-19 with respect to becoming an employer; provided,  
32 however, that such contributions shall be at the rate of 1/2 of 1% of  
33 wages paid with respect to employment while the worker is in the  
34 employ of the State of New Jersey, or any governmental entity or  
35 instrumentality which is an employer as defined under R.S.43:21-  
36 19(h)(5), or is covered by an approved private plan under the  
37 "Temporary Disability Benefits Law" or while the worker is exempt  
38 from the provisions of the "Temporary Disability Benefits Law" under  
39 section 7 of that law, P.L.1948, c.110 (C.43:21-31).

40 (B) Effective January 1, 1978 there shall be no contributions by  
41 workers in the employ of any governmental or nongovernmental  
42 employer electing or required to make payments in lieu of  
43 contributions unless the employer is covered by the State plan under  
44 the "Temporary Disability Benefits Law" (C.43:21-25 et al.), and in  
45 that case contributions shall be at the rate of 1/2 of 1%, except that  
46 commencing July 1, 1986, workers in the employ of any  
47 nongovernmental employer electing or required to make payments in  
48 lieu of contributions shall be required to make contributions to the

1 fund at the same rate prescribed for workers of other nongovernmental  
2 employers.

3 (C) (i) Notwithstanding the above provisions of this paragraph (1),  
4 during the period starting July 1, 1986 and ending December 31, 1992,  
5 each worker shall contribute to the fund 1.125% of wages paid with  
6 respect to his employment with a governmental employer electing or  
7 required to pay contributions or nongovernmental employer, including  
8 a nonprofit organization which is an employer as defined under  
9 R.S.43:21-19(h)(6), regardless of whether that nonprofit organization  
10 elects or is required to finance its benefit costs with contributions to  
11 the fund or by payments in lieu of contributions, after that employer  
12 has satisfied the conditions set forth in subsection R.S.43:21-19(h)  
13 with respect to becoming an employer. Contributions, however, shall  
14 be at the rate of 0.625% while the worker is covered by an approved  
15 private plan under the "Temporary Disability Benefits Law" or while  
16 the worker is exempt under section 7 of that law, P.L.1948, c.110  
17 (C.43:21-31) or any other provision of that law; provided that such  
18 contributions shall be at the rate of 0.625% of wages paid with respect  
19 to employment with the State of New Jersey or any other  
20 governmental entity or instrumentality electing or required to make  
21 payments in lieu of contributions and which is covered by the State  
22 plan under the "Temporary Disability Benefits Law," except that,  
23 while the worker is exempt from the provisions of the "Temporary  
24 Disability Benefits Law" under section 7 of that law, P.L.1948, c.110  
25 (C.43:21-31) or any other provision of that law, or is covered for  
26 disability benefits by an approved private plan of the employer, the  
27 contributions to the fund shall be 0.125%.

28 (ii) (Deleted by amendment, P.L.1995, c.422.)

29 (D) Notwithstanding any other provisions of this paragraph (1),  
30 during the period starting January 1, 1993 and ending June 30, 1994,  
31 each worker shall contribute to the unemployment compensation fund  
32 0.5% of wages paid with respect to the worker's employment with a  
33 governmental employer electing or required to pay contributions or  
34 nongovernmental employer, including a nonprofit organization which  
35 is an employer as defined under paragraph (6) of subsection (h) of  
36 R.S.43:21-19, regardless of whether that nonprofit organization elects  
37 or is required to finance its benefit costs with contributions to the fund  
38 or by payments in lieu of contributions, after that employer has  
39 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
40 respect to becoming an employer. No contributions, however, shall be  
41 made by the worker while the worker is covered by an approved  
42 private plan under the "Temporary Disability Benefits Law," P.L.1948,  
43 c.110 (C.43:21-25 et al.) or while the worker is exempt under section 7  
44 of P.L.1948, c.110 (C.43:21-31) or any other provision of that law;  
45 provided that the contributions shall be at the rate of 0.50% of wages  
46 paid with respect to employment with the State of New Jersey or any  
47 other governmental entity or instrumentality electing or required to  
48 make payments in lieu of contributions and which is covered by the

1 State plan under the "Temporary Disability Benefits Law," except that,  
2 while the worker is exempt from the provisions of the "Temporary  
3 Disability Benefits Law" under section 7 of that law, P.L.1948, c.110  
4 (C.43:21-31) or any other provision of that law, or is covered for  
5 disability benefits by an approved private plan of the employer, no  
6 contributions shall be made to the fund.

7 Each worker shall, starting on January 1, 1996 and ending March  
8 31, 1996, contribute to the unemployment compensation fund 0.60%  
9 of wages paid with respect to the worker's employment with a  
10 governmental employer electing or required to pay contributions or  
11 nongovernmental employer, including a nonprofit organization which  
12 is an employer as defined under paragraph (6) of subsection (h) of  
13 R.S.43:21-19, regardless of whether that nonprofit organization elects  
14 or is required to finance its benefit costs with contributions to the fund  
15 or by payments in lieu of contributions, after that employer has  
16 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
17 respect to becoming an employer, provided that the contributions shall  
18 be at the rate of 0.10% of wages paid with respect to employment with  
19 the State of New Jersey or any other governmental entity or  
20 instrumentality electing or required to make payments in lieu of  
21 contributions.

22 Each worker shall, starting on January 1, 1998 and ending  
23 December 31, 1998, contribute to the unemployment compensation  
24 fund 0.10% of wages paid with respect to the worker's employment  
25 with a governmental employer electing or required to pay  
26 contributions or nongovernmental employer, including a nonprofit  
27 organization which is an employer as defined under paragraph (6) of  
28 subsection (h) of R.S.43:21-19, regardless of whether that nonprofit  
29 organization elects or is required to finance its benefit costs with  
30 contributions to the fund or by payments in lieu of contributions, after  
31 that employer has satisfied the conditions set forth in subsection (h) of  
32 R.S.43:21-19 with respect to becoming an employer, provided that the  
33 contributions shall be at the rate of 0.10% of wages paid with respect  
34 to employment with the State of New Jersey or any other  
35 governmental entity or instrumentality electing or required to make  
36 payments in lieu of contributions.

37 Each worker shall, starting on January 1, 1999 until December 31,  
38 1999, contribute to the unemployment compensation fund 0.15% of  
39 wages paid with respect to the worker's employment with a  
40 governmental employer electing or required to pay contributions or  
41 nongovernmental employer, including a nonprofit organization which  
42 is an employer as defined under paragraph (6) of subsection (h) of  
43 R.S.43:21-19, regardless of whether that nonprofit organization elects  
44 or is required to finance its benefit costs with contributions to the fund  
45 or by payments in lieu of contributions, after that employer has  
46 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
47 respect to becoming an employer, provided that the contributions shall  
48 be at the rate of 0.10% of wages paid with respect to employment with

1 the State of New Jersey or any other governmental entity or  
2 instrumentality electing or required to make payments in lieu of  
3 contributions.

4 Each worker shall, starting on January 1, 2000 until December 31,  
5 2001, contribute to the unemployment compensation fund 0.20% of  
6 wages paid with respect to the worker's employment with a  
7 governmental employer electing or required to pay contributions or  
8 nongovernmental employer, including a nonprofit organization which  
9 is an employer as defined under paragraph (6) of subsection (h) of  
10 R.S.43:21-19, regardless of whether that nonprofit organization elects  
11 or is required to finance its benefit costs with contributions to the fund  
12 or by payments in lieu of contributions, after that employer has  
13 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
14 respect to becoming an employer, provided that the contributions shall  
15 be at the rate of 0.10% of wages paid with respect to employment with  
16 the State of New Jersey or any other governmental entity or  
17 instrumentality electing or required to make payments in lieu of  
18 contributions.

19 Each worker shall, starting on January 1, 2002 until June 30, 2004,  
20 contribute to the unemployment compensation fund 0.1825% of wages  
21 paid with respect to the worker's employment with a governmental  
22 employer electing or required to pay contributions or a  
23 nongovernmental employer, including a nonprofit organization which  
24 is an employer as defined under paragraph (6) of subsection (h) of  
25 R.S.43:21-19, regardless of whether that nonprofit organization elects  
26 or is required to finance its benefit costs with contributions to the fund  
27 or by payments in lieu of contributions, after that employer has  
28 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
29 respect to becoming an employer, provided that the contributions shall  
30 be at the rate of 0.0825% of wages paid with respect to employment  
31 with the State of New Jersey or any other governmental entity or  
32 instrumentality electing or required to make payments in lieu of  
33 contributions.

34 Each worker shall, starting on **【and after】** July 1, 2004 until  
35 December 31, 2023, contribute to the unemployment compensation  
36 fund 0.3825% of wages paid with respect to the worker's employment  
37 with a governmental employer electing or required to pay  
38 contributions or nongovernmental employer, including a nonprofit  
39 organization which is an employer as defined under paragraph (6) of  
40 subsection (h) of R.S.43:21-19, regardless of whether that nonprofit  
41 organization elects or is required to finance its benefit costs with  
42 contributions to the fund or by payments in lieu of contributions, after  
43 that employer has satisfied the conditions set forth in subsection (h) of  
44 R.S.43:21-19 with respect to becoming an employer, provided that the  
45 contributions shall be at the rate of 0.0825% of wages paid with  
46 respect to employment with the State of New Jersey or any other  
47 governmental entity or instrumentality electing or required to make  
48 payments in lieu of contributions.

1        Each worker shall, starting on and after January 1, 2024, contribute  
2 to the unemployment compensation fund 0.3625% of wages paid with  
3 respect to the worker's employment with a governmental employer  
4 electing or required to pay contributions or nongovernmental  
5 employer, including a nonprofit organization which is an employer as  
6 defined under paragraph (6) of subsection (h) of R.S.43:21-19,  
7 regardless of whether that nonprofit organization elects or is required  
8 to finance its benefit costs with contributions to the fund or by  
9 payments in lieu of contributions, after that employer has satisfied the  
10 conditions set forth in subsection (h) of R.S.43:21-19 with respect to  
11 becoming an employer, provided that the contributions shall be at the  
12 rate of ~~1~~ ~~0.0825%~~ 0.0625%<sup>1</sup> of wages paid with respect to  
13 employment with the State of New Jersey or any other governmental  
14 entity or instrumentality electing or required to make payments in lieu  
15 of contributions.

16        Each worker shall, starting on and after January 1, 2024, contribute  
17 to the unemployment compensation administration fund, established  
18 pursuant to R.S.43:21-13, 0.0200% of wages paid with respect to the  
19 worker's employment with a governmental employer electing or  
20 required to pay contributions<sup>1</sup>, the State of New Jersey or any other  
21 governmental entity or instrumentality electing or required to make  
22 payments in lieu of contributions,<sup>1</sup> or nongovernmental employer,  
23 including a nonprofit organization which is an employer as defined  
24 under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of  
25 whether that nonprofit organization elects or is required to finance its  
26 benefit costs with contributions to the fund or by payments in lieu of  
27 contributions, after that employer has satisfied the conditions set forth  
28 in subsection (h) of R.S.43:21-19 with respect to becoming an  
29 employer.

30        (E) Each employer shall, notwithstanding any provision of law in  
31 this State to the contrary, withhold in trust the amount of his workers'  
32 contributions from their wages at the time such wages are paid, shall  
33 show such deduction on his payroll records, shall furnish such  
34 evidence thereof to his workers as the division or controller may  
35 prescribe, and shall transmit all such contributions, in addition to his  
36 own contributions, to the office of the controller in such manner and at  
37 such times as may be prescribed. If any employer fails to deduct the  
38 contributions of any of his workers at the time their wages are paid, or  
39 fails to make a deduction therefor at the time wages are paid for the  
40 next succeeding payroll period, he alone shall thereafter be liable for  
41 such contributions, and for the purpose of R.S.43:21-14, such  
42 contributions shall be treated as employer's contributions required  
43 from him.

44        (F) As used in this chapter (R.S.43:21-1 et seq.), except when the  
45 context clearly requires otherwise, the term "contributions" shall  
46 include the contributions of workers pursuant to this section.

47        (G) (i) Each worker, with respect to the worker's employment  
48 with a government employer electing or required to pay contributions

1 to the State disability benefits fund or nongovernmental employer,  
2 including a nonprofit organization which is an employer as defined  
3 under paragraph (6) of subsection (h) of R.S.43:21-19, unless the  
4 employer is covered by an approved private disability plan or is  
5 exempt from the provisions of the "Temporary Disability Benefits  
6 Law," P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law  
7 (C.43:21-31) or any other provision of that law, shall, for calendar year  
8 2012 and each subsequent calendar year, make contributions to the  
9 State disability benefits fund at the annual rate of contribution  
10 necessary to obtain a total amount of contributions, which, when added  
11 to employer contributions made to the State disability benefits fund  
12 pursuant to subsection (e) of this section, is, for calendar years prior to  
13 calendar year 2018, equal to 120% of the benefits paid for periods of  
14 disability, excluding periods of family temporary disability, during the  
15 immediately preceding calendar year plus an amount equal to 100% of  
16 the cost of administration of the payment of those benefits during the  
17 immediately preceding calendar year, less the amount of net assets  
18 remaining in the State disability benefits fund, excluding net assets  
19 remaining in the "Family Temporary Disability Leave Account" of  
20 that fund, as of December 31 of the immediately preceding year, and  
21 is, for calendar year 2018 and year 2019, equal to 120% of the benefits  
22 paid for periods of disability, excluding periods of family temporary  
23 disability, during the last preceding full fiscal year plus an amount  
24 equal to 100% of the cost of administration of the payment of those  
25 benefits during the last preceding full fiscal year, less the amount of  
26 net assets anticipated to be remaining in the "Family Temporary  
27 Disability Leave Account" of that fund, as of December 31 of the  
28 immediately preceding calendar year, and is, for each of calendar years  
29 2020 and 2021, equal to 120% of the benefits which the department  
30 anticipates will be paid for periods of disability, excluding periods of  
31 family temporary disability, during the respective calendar year plus  
32 an amount equal to 100% of the cost of administration of the payment  
33 of those benefits which the department anticipates during the  
34 respective calendar year, less the amount of net assets anticipated to be  
35 remaining in the State disability benefits fund, excluding net assets  
36 remaining in the "Family Temporary Disability Leave Account" of  
37 that fund, as of December 31 of the immediately preceding calendar  
38 year, and is, for calendar year 2022 and any subsequent calendar year,  
39 equal to 120% of the benefits paid for periods of disability, excluding  
40 periods of family temporary disability, during the last preceding full  
41 fiscal year plus an amount equal to 100% of the cost of administration  
42 of the payment of those benefits during the last preceding full fiscal  
43 year, less the amount of net assets anticipated to be remaining in the  
44 State disability benefits fund, excluding net assets remaining in the  
45 "Family Temporary Disability Leave Account" of that fund, as of  
46 December 31 of the immediately preceding calendar year. All  
47 increases in the cost of benefits for periods of disability caused by the  
48 increases in the weekly benefit rate commencing July 1, 2020,

1 pursuant to section 16 of P.L.1948, c.110 (C.43:21-40), shall be  
2 funded by contributions made by workers pursuant to this paragraph  
3 (i) and none of those increases shall be funded by employer  
4 contributions. The estimated rates for the next calendar year shall be  
5 made available on the department's website no later than 60 days after  
6 the end of the last preceding full fiscal year. The rates of employer  
7 contributions determined pursuant to subsection (e) of this section for  
8 any year shall be determined prior to the determination of the rate of  
9 employee contributions pursuant to this subparagraph (i) and any  
10 consideration of employee contributions in determining employer rates  
11 for any year shall be based on amounts of employee contributions  
12 made prior to the year to which the rate of employee contributions  
13 applies and shall not be based on any projection or estimate of the  
14 amount of employee contributions for the year to which that rate  
15 applies.

16 (ii) Each worker shall contribute to the State disability benefits  
17 fund, in addition to any amount contributed pursuant to subparagraph  
18 (i) of this paragraph (1)(G), an amount equal to, during calendar year  
19 2009, 0.09%, and during calendar year 2010 0.12%, of wages paid  
20 with respect to the worker's employment with any covered employer,  
21 including a governmental employer which is an employer as defined  
22 under R.S.43:21-19(h)(5), unless the employer is covered by an  
23 approved private disability plan for benefits during periods of family  
24 temporary disability leave. The contributions made pursuant to this  
25 subparagraph (ii) to the State disability benefits fund shall be deposited  
26 into an account of that fund reserved for the payment of benefits  
27 during periods of family temporary disability leave as defined in  
28 section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110  
29 (C.43:21-27) and for the administration of those payments and shall  
30 not be used for any other purpose. This account shall be known as the  
31 "Family Temporary Disability Leave Account." For calendar year  
32 2011 and each subsequent calendar year until 2018, the annual rate of  
33 contribution to be paid by workers pursuant to this subparagraph (ii)  
34 shall be, for calendar years prior to calendar year 2018, the rate  
35 necessary to obtain a total amount of contributions equal to 125% of  
36 the benefits paid for periods of family temporary disability leave  
37 during the immediately preceding calendar year plus an amount equal  
38 to 100% of the cost of administration of the payment of those benefits  
39 during the immediately preceding calendar year, less the amount of net  
40 assets remaining in the account as of December 31 of the immediately  
41 preceding year, and shall be, for calendar year 2018 and calendar year  
42 2019, the rate necessary to obtain a total amount of contributions equal  
43 to 125% of the benefits paid for periods of family temporary disability  
44 leave during the last preceding full fiscal year plus an amount equal to  
45 100% of the cost of administration of the payment of those benefits  
46 during the last preceding full fiscal year, less the amount of net assets  
47 anticipated to be remaining in the account as of December 31 of the  
48 immediately preceding calendar year. For each of calendar years 2020

1 and 2021, the annual rate of contribution to be paid by workers  
2 pursuant to this subparagraph (ii) shall be the rate necessary to obtain a  
3 total amount of contributions equal to 125% of the benefits which the  
4 department anticipates will be paid for periods of family temporary  
5 disability leave during the respective calendar year plus an amount  
6 equal to 100% of the cost of administration of the payment of those  
7 benefits which the department anticipates during the respective  
8 calendar year, less the amount of net assets remaining in the account as  
9 of December 31 of the immediately preceding calendar year. For 2022  
10 and any subsequent calendar year, the annual rate of contribution to be  
11 paid by workers pursuant to this subparagraph (ii) shall be the rate  
12 necessary to obtain a total amount of contributions equal to 125% of  
13 the benefits which were paid for periods of family temporary disability  
14 leave during the last preceding full fiscal year plus an amount equal to  
15 100% of the cost of administration of the payment of those benefits  
16 during the last preceding full fiscal year, less the amount of net assets  
17 remaining in the account as of December 31 of the immediately  
18 preceding calendar year. All increases in the cost of benefits for  
19 periods of family temporary disability leave caused by the increases in  
20 the weekly benefit rate commencing July 1, 2020 pursuant to section  
21 16 of P.L.1948, c.110 (C.43:21-40) and increases in the maximum  
22 duration of benefits commencing July 1, 2020 pursuant to sections 14  
23 and 15 of P.L.1948, c.110 (C.43:21-38 and 43:21-39) shall be funded  
24 by contributions made by workers pursuant to this paragraph (ii) and  
25 none of those increases shall be funded by employer contributions.  
26 The estimated rates for the next calendar year shall be made available  
27 on the department's website no later than 60 days after the end of the  
28 last preceding full fiscal year. Necessary administrative costs shall  
29 include the cost of an outreach program to inform employees of the  
30 availability of the benefits and the cost of issuing the reports required  
31 or permitted pursuant to section 13 of P.L.2008, c.17 (C.43:21-39.4).  
32 No monies, other than the funds in the "Family Temporary Disability  
33 Leave Account," shall be used for the payment of benefits during  
34 periods of family temporary disability leave or for the administration  
35 of those payments, with the sole exception that, during calendar years  
36 2008 and 2009, a total amount not exceeding \$25 million may be  
37 transferred to that account from the revenues received in the State  
38 disability benefits fund pursuant to subparagraph (i) of this paragraph  
39 (1)(G) and be expended for those payments and their administration,  
40 including the administration of the collection of contributions made  
41 pursuant to this subparagraph (ii) and any other necessary  
42 administrative costs. Any amount transferred to the account pursuant  
43 to this subparagraph (ii) shall be repaid during a period beginning not  
44 later than January 1, 2011 and ending not later than December 31,  
45 2015. No monies, other than the funds in the "Family Temporary  
46 Disability Leave Account," shall be used under any circumstances  
47 after December 31, 2009, for the payment of benefits during periods of  
48 family temporary disability leave or for the administration of those

1 payments, including for the administration of the collection of  
2 contributions made pursuant to this subparagraph (ii).

3 (2) (A) (Deleted by amendment, P.L.1984, c.24.)  
4 (B) (Deleted by amendment, P.L.1984, c.24.)  
5 (C) (Deleted by amendment, P.L.1994, c.112.)  
6 (D) (Deleted by amendment, P.L.1994, c.112.)  
7 (E) (i) (Deleted by amendment, P.L.1994, c.112.)  
8 (ii) (Deleted by amendment, P.L.1996, c.28.)  
9 (iii) (Deleted by amendment, P.L.1994, c.112.)

10 (3) (A) If an employee receives wages from more than one  
11 employer during any calendar year, and either the sum of his  
12 contributions deposited in and credited to the State disability benefits  
13 fund plus the amount of his contributions, if any, required towards the  
14 costs of benefits under one or more approved private plans under the  
15 provisions of section 9 of the "Temporary Disability Benefits Law"  
16 (C.43:21-33) and deducted from his wages, or the sum of such latter  
17 contributions, if the employee is covered during such calendar year  
18 only by two or more private plans, exceeds an amount equal to 1/2 of  
19 1% of the "wages" determined in accordance with the provisions of  
20 R.S.43:21-7(b)(3) during the calendar years beginning on or after  
21 January 1, 1976 or, during calendar year 2012 or any subsequent  
22 calendar year, the total amount of his contributions for the year  
23 exceeds the amount set by the annual rate of contribution determined  
24 by the Commissioner of Labor and Workforce Development pursuant  
25 to subparagraph (i) of paragraph (1)(G) of this subsection (d), the  
26 employee shall be entitled to a refund of the excess if he makes a claim  
27 to the controller within two years after the end of the calendar year in  
28 which the wages are received with respect to which the refund is  
29 claimed and establishes his right to such refund. Such refund shall be  
30 made by the controller from the State disability benefits fund. No  
31 interest shall be allowed or paid with respect to any such refund. The  
32 controller shall, in accordance with prescribed regulations, determine  
33 the portion of the aggregate amount of such refunds made during any  
34 calendar year which is applicable to private plans for which deductions  
35 were made under section 9 of the "Temporary Disability Benefits  
36 Law" (C.43:21-33) such determination to be based upon the ratio of  
37 the amount of such wages exempt from contributions to such fund, as  
38 provided in subparagraph (B) of paragraph (1) of this subsection with  
39 respect to coverage under private plans, to the total wages so exempt  
40 plus the amount of such wages subject to contributions to the disability  
41 benefits fund, as provided in subparagraph (G) of paragraph (1) of this  
42 subsection. The controller shall, in accordance with prescribed  
43 regulations, prorate the amount so determined among the applicable  
44 private plans in the proportion that the wages covered by each plan  
45 bear to the total private plan wages involved in such refunds, and shall  
46 assess against and recover from the employer, or the insurer if the  
47 insurer has indemnified the employer with respect thereto, the amount  
48 so prorated. The provisions of R.S.43:21-14 with respect to collection

1 of employer contributions shall apply to such assessments. The amount  
2 so recovered by the controller shall be paid into the State disability  
3 benefits fund.

4 (B) If an employee receives wages from more than one employer  
5 during any calendar year, and the sum of his contributions deposited in  
6 the "Family Temporary Disability Leave Account" of the State  
7 disability benefits fund plus the amount of his contributions, if any,  
8 required towards the costs of family temporary disability leave  
9 benefits under one or more approved private plans under the  
10 provisions of the "Temporary Disability Benefits Law" (C.43:21-25 et  
11 al.) and deducted from his wages, exceeds an amount equal to, during  
12 calendar year 2009, 0.09% of the "wages" determined in accordance  
13 with the provisions of R.S.43:21-7(b)(3), or during calendar year 2010,  
14 0.12% of those wages, or, during calendar year 2011 or any  
15 subsequent calendar year, the percentage of those wages set by the  
16 annual rate of contribution determined by the Commissioner of Labor  
17 and Workforce Development pursuant to subparagraph (ii) of  
18 paragraph (1)(G) of this subsection (d), the employee shall be entitled  
19 to a refund of the excess if he makes a claim to the controller within  
20 two years after the end of the calendar year in which the wages are  
21 received with respect to which the refund is claimed and establishes  
22 his right to the refund. The refund shall be made by the controller from  
23 the "Family Temporary Disability Leave Account" of the State  
24 disability benefits fund. No interest shall be allowed or paid with  
25 respect to any such refund. The controller shall, in accordance with  
26 prescribed regulations, determine the portion of the aggregate amount  
27 of the refunds made during any calendar year which is applicable to  
28 private plans for which deductions were made under section 9 of the  
29 "Temporary Disability Benefits Law" (C.43:21-33), with that  
30 determination based upon the ratio of the amount of such wages  
31 exempt from contributions to the fund, as provided in paragraph (1)(B)  
32 of this subsection (d) with respect to coverage under private plans, to  
33 the total wages so exempt plus the amount of such wages subject to  
34 contributions to the "Family Temporary Disability Leave Account" of  
35 the State disability benefits fund, as provided in subparagraph (ii) of  
36 paragraph (1)(G) of this subsection (d). The controller shall, in  
37 accordance with prescribed regulations, prorate the amount so  
38 determined among the applicable private plans in the proportion that  
39 the wages covered by each plan bear to the total private plan wages  
40 involved in such refunds, and shall assess against and recover from the  
41 employer, or the insurer if the insurer has indemnified the employer  
42 with respect thereto, the prorated amount. The provisions of  
43 R.S.43:21-14 with respect to collection of employer contributions shall  
44 apply to such assessments. The amount so recovered by the controller  
45 shall be paid into the "Family Temporary Disability Leave Account"  
46 of the State disability benefits fund.

47 (4) If an individual does not receive any wages from the  
48 employing unit which for the purposes of this chapter (R.S.43:21-1 et

1 seq.) is treated as his employer, or receives his wages from some other  
2 employing unit, such employer shall nevertheless be liable for such  
3 individual's contributions in the first instance; and after payment  
4 thereof such employer may deduct the amount of such contributions  
5 from any sums payable by him to such employing unit, or may recover  
6 the amount of such contributions from such employing unit, or, in the  
7 absence of such an employing unit, from such individual, in a civil  
8 action; provided proceedings therefor are instituted within three  
9 months after the date on which such contributions are payable. General  
10 rules shall be prescribed whereby such an employing unit may recover  
11 the amount of such contributions from such individuals in the same  
12 manner as if it were the employer.

13 (5) Every employer who has elected to become an employer  
14 subject to this chapter (R.S.43:21-1 et seq.), or to cease to be an  
15 employer subject to this chapter (R.S.43:21-1 et seq.), pursuant to the  
16 provisions of R.S.43:21-8, shall post and maintain printed notices of  
17 such election on his premises, of such design, in such numbers, and at  
18 such places as the director may determine to be necessary to give  
19 notice thereof to persons in his service.

20 (6) Contributions by workers, payable to the controller as herein  
21 provided, shall be exempt from garnishment, attachment, execution, or  
22 any other remedy for the collection of debts.

23 (e) Contributions by employers to the State disability benefits  
24 fund.

25 (1) Except as hereinafter provided, each employer shall, in  
26 addition to the contributions required by subsections (a), (b), and (c) of  
27 this section, contribute 1/2 of 1% of the wages paid by such employer  
28 to workers with respect to employment unless he is not a covered  
29 employer as defined in subsection (a) of section 3 of the "Temporary  
30 Disability Benefits Law" (C.43:21-27 (a)), except that the rate for the  
31 State of New Jersey shall be 1/10 of 1% for the calendar year 1980 and  
32 for the first six months of 1981. Prior to July 1, 1981 and prior to July  
33 1 each year thereafter, the controller shall review the experience  
34 accumulated in the account of the State of New Jersey and establish a  
35 rate for the next following fiscal year which, in combination with  
36 worker contributions, will produce sufficient revenue to keep the  
37 account in balance; except that the rate so established shall not be less  
38 than 1/10 of 1%. Such contributions shall become due and be paid by  
39 the employer to the controller for the State disability benefits fund as  
40 established by law, in accordance with such regulations as may be  
41 prescribed, and shall not be deducted, in whole or in part, from the  
42 remuneration of individuals in his employ. In the payment of any  
43 contributions, a fractional part of a cent shall be disregarded unless it  
44 amounts to \$0.005 or more, in which case it shall be increased to  
45 \$0.01.

46 (2) During the continuance of coverage of a worker by an  
47 approved private plan of disability benefits under the "Temporary  
48 Disability Benefits Law," the employer shall be exempt from the

1 contributions required by paragraph (1) above with respect to wages  
2 paid to such worker.

3 (3) (A) The rates of contribution as specified in paragraph (1)  
4 above shall be subject to modification as provided herein with respect  
5 to employer contributions due on and after July 1, 1951.

6 (B) A separate disability benefits account shall be maintained for  
7 each employer required to contribute to the State disability benefits  
8 fund and such account shall be credited with contributions deposited in  
9 and credited to such fund with respect to employment occurring on  
10 and after January 1, 1949. Each employer's account shall be credited  
11 with all contributions paid on or before January 31 of any calendar  
12 year on his own behalf and on behalf of individuals in his service with  
13 respect to employment occurring in preceding calendar years;  
14 provided, however, that if January 31 of any calendar year falls on a  
15 Saturday or Sunday an employer's account shall be credited as of  
16 January 31 of such calendar year with all the contributions which he  
17 has paid on or before the next succeeding day which is not a Saturday  
18 or Sunday. But nothing in this act shall be construed to grant any  
19 employer or individuals in his service prior claims or rights to the  
20 amounts paid by him to the fund either on his own behalf or on behalf  
21 of such individuals. Benefits paid to any covered individual in  
22 accordance with Article III of the "Temporary Disability Benefits  
23 Law" on or before December 31 of any calendar year with respect to  
24 disability in such calendar year and in preceding calendar years shall  
25 be charged against the account of the employer by whom such  
26 individual was employed at the commencement of such disability or  
27 by whom he was last employed, if out of employment.

28 (C) The controller may prescribe regulations for the establishment,  
29 maintenance, and dissolution of joint accounts by two or more  
30 employers, and shall, in accordance with such regulations and upon  
31 application by two or more employers to establish such an account, or  
32 to merge their several individual accounts in a joint account, maintain  
33 such joint account as if it constituted a single employer's account.

34 (D) Prior to July 1 of each calendar year, the controller shall make  
35 a preliminary determination of the rate of contribution for the 12  
36 months commencing on such July 1 for each employer subject to the  
37 contribution requirements of this subsection (e).

38 (1) Such preliminary rate shall be 1/2 of 1% unless on the  
39 preceding January 31 of such year such employer shall have been a  
40 covered employer who has paid contributions to the State disability  
41 benefits fund with respect to employment in the three calendar years  
42 immediately preceding such year.

43 (2) If the minimum requirements in subparagraph (D) (1) above  
44 have been fulfilled and the credited contributions exceed the benefits  
45 charged by more than \$500.00, such preliminary rate shall be as  
46 follows:

- 1 (i)  $2/10$  of 1% if such excess over \$500.00 exceeds 1% but is less  
2 than  $1\ 1/4\%$  of his average annual payroll as defined in this chapter  
3 (R.S.43:21-1 et seq.);
- 4 (ii)  $15/100$  of 1% if such excess over \$500.00 equals or exceeds 1  
5  $1/4\%$  but is less than  $1\ 1/2\%$  of his average annual payroll;
- 6 (iii)  $1/10$  of 1% if such excess over \$500.00 equals or exceeds 1  
7  $1/2\%$  of his average annual payroll.
- 8 (3) If the minimum requirements in subparagraph (D) (1) above  
9 have been fulfilled and the contributions credited exceed the benefits  
10 charged but by not more than \$500.00 plus 1% of his average annual  
11 payroll, or if the benefits charged exceed the contributions credited but  
12 by not more than \$500.00, the preliminary rate shall be  $1/4$  of 1%.
- 13 (4) If the minimum requirements in subparagraph (D) (1) above  
14 have been fulfilled and the benefits charged exceed the contributions  
15 credited by more than \$500.00, such preliminary rate shall be as  
16 follows:
- 17 (i)  $35/100$  of 1% if such excess over \$500.00 is less than  $1/4$  of  
18 1% of his average annual payroll;
- 19 (ii)  $45/100$  of 1% if such excess over \$500.00 equals or exceeds  
20  $1/4$  of 1% but is less than  $1/2$  of 1% of his average annual payroll;
- 21 (iii)  $55/100$  of 1% if such excess over \$500.00 equals or exceeds  
22  $1/2$  of 1% but is less than  $3/4$  of 1% of his average annual payroll;
- 23 (iv)  $65/100$  of 1% if such excess over \$500.00 equals or exceeds  
24  $3/4$  of 1% but is less than 1% of his average annual payroll;
- 25 (v)  $75/100$  of 1% if such excess over \$500.00 equals or exceeds  
26 1% of his average annual payroll.
- 27 (5) Determination of the preliminary rate as specified in  
28 subparagraphs (D)(2), (3) and (4) above shall be subject, however, to  
29 the condition that it shall in no event be decreased by more than  $1/10$   
30 of 1% of wages or increased by more than  $2/10$  of 1% of wages from  
31 the preliminary rate determined for the preceding year in accordance  
32 with subparagraph (D) (1), (2), (3) or (4), whichever shall have been  
33 applicable.
- 34 (E) (1) Prior to July 1 of each calendar year the controller shall  
35 determine the amount of the State disability benefits fund as of  
36 December 31 of the preceding calendar year, increased by the  
37 contributions paid thereto during January of the current calendar year  
38 with respect to employment occurring in the preceding calendar year.  
39 If such amount exceeds the net amount withdrawn from the  
40 unemployment trust fund pursuant to section 23 of the "Temporary  
41 Disability Benefits Law," P.L.1948, c.110 (C.43:21-47) plus the  
42 amount at the end of such preceding calendar year of the  
43 unemployment disability account as defined in section 22 of said law  
44 (C.43:21-46), such excess shall be expressed as a percentage of the  
45 wages on which contributions were paid to the State disability benefits  
46 fund on or before January 31 with respect to employment in the  
47 preceding calendar year.

1 (2) The controller shall then make a final determination of the rates  
2 of contribution for the 12 months commencing July 1 of such year for  
3 employers whose preliminary rates are determined as provided in  
4 subparagraph (D) hereof, as follows:

5 (i) If the percentage determined in accordance with subparagraph  
6 (E)(1) of this paragraph equals or exceeds  $1\frac{1}{4}\%$ , the final employer  
7 rates shall be the preliminary rates determined as provided in  
8 subparagraph (D) hereof, except that if the employer's preliminary rate  
9 is determined as provided in subparagraph (D)(2) or subparagraph  
10 (D)(3) hereof, the final employer rate shall be the preliminary  
11 employer rate decreased by such percentage of excess taken to the  
12 nearest  $\frac{5}{100}$  of 1%, but in no case shall such final rate be less than  
13  $\frac{1}{10}$  of 1%.

14 (ii) If the percentage determined in accordance with subparagraph  
15 (E)(1) of this paragraph equals or exceeds  $\frac{3}{4}$  of 1% and is less than  $\frac{1}{4}$   
16 of 1%, the final employer rates shall be the preliminary employer  
17 rates.

18 (iii) If the percentage determined in accordance with subparagraph  
19 (E)(1) of this paragraph is less than  $\frac{3}{4}$  of 1%, but in excess of  $\frac{1}{4}$  of  
20 1%, the final employer rates shall be the preliminary employer rates  
21 determined as provided in subparagraph (D) hereof increased by the  
22 difference between  $\frac{3}{4}$  of 1% and such percentage taken to the nearest  
23  $\frac{5}{100}$  of 1%; provided, however, that no such final rate shall be more  
24 than  $\frac{1}{4}$  of 1% in the case of an employer whose preliminary rate is  
25 determined as provided in subparagraph (D)(2) hereof, more than  $\frac{1}{2}$   
26 of 1% in the case of an employer whose preliminary rate is determined  
27 as provided in subparagraph (D)(1) and subparagraph (D)(3) hereof,  
28 nor more than  $\frac{3}{4}$  of 1% in the case of an employer whose preliminary  
29 rate is determined as provided in subparagraph (D)(4) hereof.

30 (iv) If the amount of the State disability benefits fund determined  
31 as provided in subparagraph (E)(1) of this paragraph is equal to or less  
32 than  $\frac{1}{4}$  of 1%, then the final rate shall be  $\frac{2}{5}$  of 1% in the case of an  
33 employer whose preliminary rate is determined as provided in  
34 subparagraph (D)(2) hereof,  $\frac{7}{10}$  of 1% in the case of an employer  
35 whose preliminary rate is determined as provided in subparagraph  
36 (D)(1) and subparagraph (D)(3) hereof, and 1.1% in the case of an  
37 employer whose preliminary rate is determined as provided in  
38 subparagraph (D)(4) hereof. Notwithstanding any other provision of  
39 law or any determination made by the controller with respect to any  
40 12-month period commencing on July 1, 1970, the final rates for all  
41 employers for the period beginning January 1, 1971, shall be as set  
42 forth herein.

43 (F) Notwithstanding any other provisions of this subsection (e),  
44 the rate of contribution paid to the State disability benefits fund by  
45 each covered employer as defined in paragraph (1) of subsection (a) of  
46 section 3 of P.L.1948, c.110 (C.43:21-27), shall be determined as if:

47 (i) No disability benefits have been paid with respect to periods of  
48 family temporary disability leave;

1 (ii) No worker paid any contributions to the State disability  
2 benefits fund pursuant to paragraph (1)(G)(ii) of subsection (d) of this  
3 section;

4 (iii) No amounts were transferred from the State disability benefits  
5 fund to the "Family Temporary Disability Leave Account" pursuant to  
6 paragraph (1)(G)(ii) of subsection (d) of this section; and

7 (iv) The total amount of benefits paid for periods of disability  
8 were not subject to the increases in the weekly benefit rate for those  
9 benefits commencing July 1, 2020 pursuant to section 16 of P.L.1948,  
10 c.110 (C.43:21-40).

11 (cf: P.L.2020, c.150, s.2)

12

13 2. This act shall take effect immediately, and shall apply to all  
14 wages paid on or after January 1, 2024.

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19 \_\_\_\_\_  
20 Redirects portion of worker's unemployment compensation trust  
21 fund contribution to unemployment compensation administration  
fund.

## CHAPTER 101

AN ACT concerning worker contributions for unemployment insurance and amending R.S.43:21-7.

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

1. R.S.43:21-7 is amended to read as follows:

Contributions.

43:21-7. Employers other than governmental entities, whose benefit financing provisions are set forth in section 4 of P.L.1971, c.346 (C.43:21-7.3), and those nonprofit organizations liable for payment in lieu of contributions on the basis set forth in section 3 of P.L.1971, c.346 (C.43:21-7.2), shall pay to the controller for the unemployment compensation fund, contributions as set forth in subsections (a), (b) and (c) hereof, and the provisions of subsections (d) and (e) shall be applicable to all employers, consistent with the provisions of the "unemployment compensation law" and the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

(a) Payment.

(1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter (R.S.43:21-1 et seq.), with respect to having individuals in his employ during that calendar year, at the rates and on the basis hereinafter set forth. Such contributions shall become due and be paid by each employer to the controller for the fund, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to \$0.005 or more, in which case it shall be increased to \$0.01.

(b) Rate of contributions. Each employer shall pay the following contributions:

(1) For the calendar year 1947, and each calendar year thereafter, 2 7/10% of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(2) The "wages" of any individual, with respect to any one employer, as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include the first \$4,800.00 paid during calendar year 1975, for services performed either within or without this State; provided that no contribution shall be required by this State with respect to services performed in another state if such other state imposes contribution liability with respect thereto. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessors, then, for the purpose of determining whether the successor employer has paid wages with respect to employment equal to the first \$4,800.00 paid during calendar year 1975, any wages paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

(3) For calendar years beginning on and after January 1, 1976, the "wages" of any individual, as defined in the preceding paragraph (2) of this subsection (b), shall be established and promulgated by the Commissioner of Labor and Workforce Development on or before September 1 of the preceding year and, except as provided in paragraph (4) of this subsection (b), shall be, 28 times the Statewide average weekly remuneration paid to workers by

employers, as determined under R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not already a multiple thereof, provided that if the amount of wages so determined for a calendar year is less than the amount similarly determined for the preceding year, the greater amount will be used; provided, further, that if the amount of such wages so determined does not equal or exceed the amount of wages as defined in subsection (b) of section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. s.3306(b)), the wages as determined in this paragraph in any calendar year shall be raised to equal the amount established under the "Federal Unemployment Tax Act," chapter 23 of the Internal Revenue Code of 1986 (26 U.S.C. s.3301 et seq.), for that calendar year.

(4) For calendar years beginning on and after January 1, 2020, the "wages" of any individual, as defined in the preceding paragraph (2) of this subsection (b) for purposes of contributions of workers to the State disability benefits fund, including the "Family Temporary Disability Leave Account" pursuant to subsection (d) of this section, shall be established and promulgated by the Commissioner of Labor and Workforce Development on or before September 1 of the preceding year and shall be 107 times the Statewide average weekly remuneration paid to workers by employers, as determined under R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not already a multiple thereof, provided that if the amount of wages so determined for a calendar year is less than the amount similarly determined for the preceding year, the greater amount will be used.

(c) Future rates based on benefit experience.

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in the preceding calendar year; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R.S.43:21-1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits, except that, with respect to benefit years commencing after January 4, 1998, an employer's account shall not be charged for benefits paid to a claimant if the claimant's employment by that employer was ended in any way which, pursuant to subsection (a), (b), (c), (f), (g) or (h) of R.S.43:21-5, would have disqualified the claimant for benefits if the claimant had applied for benefits at the time when that employment ended. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made, notification shall be promptly provided to each employer included in the unemployment insurance monetary calculation of benefits. Such notification shall identify the employer against whose account the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said benefit payment applies.

An annual summary statement of unemployment benefits charged to the employer's account shall be provided.

(2) Regulations may be prescribed for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and

upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) No employer's rate shall be lower than 5.4% unless assignment of such lower rate is consistent with the conditions applicable to additional credit allowance for such year under section 3303(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. s.3303(a)(1)), any other provision of this section to the contrary notwithstanding.

(4) Employer Reserve Ratio. (A) Each employer's rate shall be 2 8/10%, except as otherwise provided in the following provisions. No employer's rate for the 12 months commencing July 1 of any calendar year shall be other than 2 8/10%, unless as of the preceding January 31 such employer shall have paid contributions with respect to wages paid in each of the three calendar years immediately preceding such year, in which case such employer's rate for the 12 months commencing July 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(1) 2 5/10%, if such excess equals or exceeds 4%, but less than 5%, of his average annual payroll (as defined in paragraph (2), subsection (a) of R.S.43:21-19);

(2) 2 2/10%, if such excess equals or exceeds 5%, but is less than 6%, of his average annual payroll;

(3) 1 9/10%, if such excess equals or exceeds 6%, but is less than 7%, of his average annual payroll;

(4) 1 6/10%, if such excess equals or exceeds 7%, but is less than 8%, of his average annual payroll;

(5) 1 3/10%, if such excess equals or exceeds 8%, but is less than 9%, of his average annual payroll;

(6) 1%, if such excess equals or exceeds 9%, but is less than 10%, of his average annual payroll;

(7) 7/10 of 1%, if such excess equals or exceeds 10%, but is less than 11%, of his average annual payroll;

(8) 4/10 of 1%, if such excess equals or exceeds 11% of his average annual payroll.

(B) If the total of an employer's contributions, paid on his own behalf, for all past periods for the purposes of this paragraph (4), is less than the total benefits charged against his account during the same period, his rate shall be:

(1) 4%, if such excess is less than 10% of his average annual payroll;

(2) 4 3/10%, if such excess equals or exceeds 10%, but is less than 20%, of his average annual payroll;

(3) 4 6/10%, if such excess equals or exceeds 20% of his average annual payroll.

(C) Specially assigned rates.

(i) If no contributions were paid on wages for employment in any calendar year used in determining the average annual payroll of an employer eligible for an assigned rate under this paragraph (4), the employer's rate shall be specially assigned as follows:

if the reserve balance in its account is positive, its assigned rate shall be the highest rate in effect for positive balance accounts for that period, or 5.4%, whichever is higher, and

if the reserve balance in its account is negative, its assigned rate shall be the highest rate in effect for deficit accounts for that period.

(ii) If, following the purchase of a corporation with little or no activity, known as a corporate shell, the resulting employing unit operates a new or different business activity, the employing unit shall be assigned a new employer rate.

(iii) Entities operating under common ownership, management or control, when the operation of the entities is not identifiable, distinguishable and severable, shall be considered a single employer for the purposes of this chapter (R.S.43:21-1 et seq.).

(D) The contribution rates prescribed by subparagraphs (A) and (B) of this paragraph (4) shall be increased or decreased in accordance with the provisions of paragraph (5) of this subsection (c) for experience rating periods through June 30, 1986.

(5) (A) Unemployment Trust Fund Reserve Ratio. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by  $\frac{3}{10}$  of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the unemployment trust fund exceeds  $2\frac{1}{2}\%$  but is less than 4% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by  $\frac{6}{10}$  of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection.

If on March 31 of any calendar year the balance of the unemployment trust fund is less than  $2\frac{1}{2}\%$  of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer: (1) eligible for a contribution rate calculation based upon benefit experience, shall be increased by (i)  $\frac{6}{10}$  of 1% over the contribution rate otherwise established under the provisions of paragraph (3), (4)(A) or (4)(B) of this subsection, and (ii) an additional amount equal to 20% of the total rate established herein, provided, however, that the final contribution rate for each employer shall be computed to the nearest multiple of  $\frac{1}{10}\%$  if not already a multiple thereof; (2) not eligible for a contribution rate calculation based upon benefit experience, shall be increased by  $\frac{6}{10}$  of 1% over the contribution rate otherwise established under the provisions of paragraph (4) of this subsection. For the period commencing July 1, 1984 and ending June 30, 1986, the contribution rate for each employer liable to pay contributions under R.S.43:21-7 shall be increased by a factor of 10% computed to the nearest multiple of  $\frac{1}{10}\%$  if not already a multiple thereof.

(B) If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 10% but is less than  $12\frac{1}{2}\%$  of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by  $\frac{3}{10}$  of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided that in no event shall the contribution rate of any employer be reduced to less than  $\frac{4}{10}$  of 1%. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds  $12\frac{1}{2}\%$  of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by  $\frac{6}{10}$  of 1% if his account for all past periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by  $\frac{3}{10}$  of 1% under the contribution rate otherwise established under the

provisions of paragraphs (3) and (4) of this subsection; provided that in no event shall the contribution rate of any employer be reduced to less than 4/10 of 1%.

(C) The "balance" in the unemployment trust fund, as the term is used in subparagraphs (A) and (B) above, shall not include moneys credited to the State's account under section 903 of the Social Security Act, as amended (42 U.S.C. s.1103), during any period in which such moneys are appropriated for the payment of expenses incurred in the administration of the "unemployment compensation law."

(D) Prior to July 1 of each calendar year the controller shall determine the Unemployment Trust Fund Reserve Ratio, which shall be calculated by dividing the balance of the unemployment trust fund as of the prior March 31 by total taxable wages reported to the controller by all employers as of March 31 with respect to their employment during the last calendar year.

(E) (i) (Deleted by amendment, P.L.1997, c.263).

(ii) (Deleted by amendment, P.L.2001, c.152).

(iii) (Deleted by amendment, P.L.2003, c.107).

(iv) (Deleted by amendment, P.L.2004, c.45).

(v) (Deleted by amendment, P.L.2008, c.17).

(vi) (Deleted by amendment, P.L.2013, c.75).

(vii) With respect to experience rating years beginning on or after July 1, 2011, the new employer rate or the unemployment experience rate of an employer under this section shall be the rate which appears in the column headed by the Unemployment Trust Fund Reserve Ratio as of the applicable calculation date and on the line with the Employer Reserve Ratio, as defined in paragraph (4) of this subsection (R.S.43:21-7 (c)(4)), as set forth in the following table:

EXPERIENCE RATING TAX TABLE

Employer Reserve Ratio <sup>2</sup>	Fund Reserve Ratio <sup>1</sup>				
	3.50%	3.00%	2.5%	2.0%	1.99%
	Over	and to	to	to	and Under
	A	B	C	D	E
Positive Reserve Ratio:					
17% and over	0.3	0.4	0.5	0.6	1.2
16.00% to 16.99%	0.4	0.5	0.6	0.6	1.2
15.00% to 15.99%	0.4	0.6	0.7	0.7	1.2
14.00% to 14.99%	0.5	0.6	0.7	0.8	1.2
13.00% to 13.99%	0.6	0.7	0.8	0.9	1.2
12.00% to 12.99%	0.6	0.8	0.9	1.0	1.2
11.00% to 11.99%	0.7	0.8	1.0	1.1	1.2
10.00% to 10.99%	0.9	1.1	1.3	1.5	1.6
9.00% to 9.99%	1.0	1.3	1.6	1.7	1.9
8.00% to 8.99%	1.3	1.6	1.9	2.1	2.3
7.00% to 7.99%	1.4	1.8	2.2	2.4	2.6
6.00% to 6.99%	1.7	2.1	2.5	2.8	3.0
5.00% to 5.99%	1.9	2.4	2.8	3.1	3.4
4.00% to 4.99%	2.0	2.6	3.1	3.4	3.7
3.00% to 3.99%	2.1	2.7	3.2	3.6	3.9
2.00% to 2.99%	2.2	2.8	3.3	3.7	4.0
1.00% to 1.99%	2.3	2.9	3.4	3.8	4.1

0.00% to 0.99%	2.4	3.0	3.6	4.0	4.3
Deficit Reserve Ratio:					
-0.00% to -2.99%	3.4	4.3	5.1	5.6	6.1
-3.00% to -5.99%	3.4	4.3	5.1	5.7	6.2
-6.00% to -8.99%	3.5	4.4	5.2	5.8	6.3
-9.00% to-11.99%	3.5	4.5	5.3	5.9	6.4
-12.00% to-14.99%	3.6	4.6	5.4	6.0	6.5
-15.00% to-19.99%	3.6	4.6	5.5	6.1	6.6
-20.00% to-24.99%	3.7	4.7	5.6	6.2	6.7
-25.00% to-29.99%	3.7	4.8	5.6	6.3	6.8
-30.00% to-34.99%	3.8	4.8	5.7	6.3	6.9
-35.00% and under	5.4	5.4	5.8	6.4	7.0
New Employer Rate	2.8	2.8	2.8	3.1	3.4

<sup>1</sup>Fund balance as of March 31 as a percentage of taxable wages in the prior calendar year.

<sup>2</sup>Employer Reserve Ratio (Contributions minus benefits as a percentage of employer's taxable wages).

(F) (i) (Deleted by amendment, P.L.1997, c.263).

(ii) (Deleted by amendment, P.L.2008, c.17).

(iii) (Deleted by amendment, P.L.2013, c.75).

(iv) With respect to experience rating years beginning on or after July 1, 2011 and before July 1, 2013, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 1.0%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(v) With respect to experience rating years beginning on or after July 1, 2014, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 1.0%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(G) On or after January 1, 1993, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.1%, except that, during any experience rating year starting before January 1, 1998 in which the fund reserve ratio is equal to or greater than 7.00% or during any experience rating year starting on or after January 1, 1998, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (G) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under.

(H) On and after January 1, 1998 until December 31, 2000 and on or after January 1, 2002 until June 30, 2006, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by a factor, as set out below, computed to the nearest multiple of 1/10%, except that, if an employer has a deficit reserve ratio of negative 35.0% or under, the employer's rate of contribution shall not be reduced pursuant to this subparagraph (H) to less than 5.4%:

From January 1, 1998 until December 31, 1998, a factor of 12%;

From January 1, 1999 until December 31, 1999, a factor of 10%;

From January 1, 2000 until December 31, 2000, a factor of 7%;

From January 1, 2002 until March 31, 2002, a factor of 36%;

From April 1, 2002 until June 30, 2002, a factor of 85%;  
 From July 1, 2002 until June 30, 2003, a factor of 15%;  
 From July 1, 2003 until June 30, 2004, a factor of 15%;  
 From July 1, 2004 until June 30, 2005, a factor of 7%;  
 From July 1, 2005 until December 31, 2005, a factor of 16%; and  
 From January 1, 2006 until June 30, 2006, a factor of 34%.

The amount of the reduction in the employer contributions stipulated by this subparagraph (H) shall be in addition to the amount of the reduction in the employer contributions stipulated by subparagraph (G) of this paragraph (5), except that the rate of contribution of an employer who has a deficit reserve ratio of negative 35.0% or under shall not be reduced pursuant to this subparagraph (H) to less than 5.4% and the rate of contribution of any other employer shall not be reduced to less than 0.0%.

(I) (Deleted by amendment, P.L.2008, c.17).

(J) On or after July 1, 2001, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.0175%, except that, during any experience rating year starting on or after July 1, 2001, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (J) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under. The amount of the reduction in the employer contributions stipulated by this subparagraph (J) shall be in addition to the amount of the reduction in the employer contributions stipulated by subparagraphs (G) and (H) of this paragraph (5), except that the rate of contribution of an employer who has a deficit reserve ratio of negative 35.0% or under shall not be reduced pursuant to this subparagraph (J) to less than 5.4% and the rate of contribution of any other employer shall not be reduced to less than 0.0%.

(K) With respect to experience rating years beginning on or after July 1, 2009, if the fund reserve ratio, based on the fund balance as of the prior March 31, is:

(i) Equal to or greater than 5.00% but less than 7.5%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be reduced by a factor of 25% computed to the nearest multiple of 1/10% if not already a multiple thereof except that there shall be no decrease pursuant to this subparagraph (K) in the contribution of any employer who has a deficit reserve ratio of 35.00% or under;

(ii) Equal to or greater than 7.5%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be reduced by a factor of 50% computed to the nearest multiple of 1/10% if not already a multiple thereof except that there shall be no decrease pursuant to this subparagraph (K) in the contribution of any employer who has a deficit reserve ratio of 35.00% or under.

(L) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2011, the rates set by column "C" of the table in that subparagraph.

(M) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2012, the rates set by column "D" of the table in that subparagraph.

(N) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as

computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2013, the rates set by column "E" of the table in that subparagraph.

(O) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2022, the rates set by column "C" of the table in that subparagraph.

(P) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2023, the rates set by column "D" of the table in that subparagraph, unless the application of the provisions of this paragraph (5) using the actual fund reserve ratio would result in the contribution rate for employers being set by a column which has lower tax rates than the rates in column "D", in which case the employers shall be liable to pay contributions at the rates set by the column with the lower tax rates.

(Q) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2024, the rates set by column "E" of the table in that subparagraph, unless the application of the provisions of this paragraph (5) using the actual fund reserve ratio would result in the contribution rate for employers being set by a column which has lower tax rates than the rates in column "E", in which case the employers shall be liable to pay contributions at the rates set by the column with the lower tax rates.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer, including in the calculation the additional contribution so made, except that, following a transfer as described under R.S.43:21-7(c)(7)(D), neither the predecessor nor successor in interest shall be eligible to make a voluntary payment of additional contributions during the year the transfer occurs and the next full calendar year. Any such additional contribution shall be made during the 30-day period following the notification to the employer of his contribution rate as prescribed in this section, unless, for good cause, the time for payment has been extended by the controller for not to exceed an additional 60 days; provided that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall be, in addition to the required amount of additional payment, liable for a penalty of 5% thereof or \$5.00, whichever is greater, not to exceed \$50.00. Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

(A) Upon the transfer of the organization, trade or business, or substantially all the assets of an employer to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, the controller shall transfer the employment experience of the predecessor employer to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer,

pursuant to regulation, if it is determined that the employment experience of the predecessor employer with respect to the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. The successor in interest may, within four months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, request a reconsideration of the transfer of employment experience of the predecessor employer. The request for reconsideration shall demonstrate, to the satisfaction of the controller, that the employment experience of the predecessor is not indicative of the future employment experience of the successor.

(B) An employer who transfers part of his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of that portion of the employment experience of the predecessor employer relating to the portion of the organization, trade, assets or business transferred to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer. The transfer of employment experience may be allowed pursuant to regulation only if it is found that the employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in interest only for the years during which contributions were paid by the predecessor employer with respect to that part of the organization, trade, assets or business transferred.

(C) A transfer of the employment experience in whole or in part having become final, the predecessor employer thereafter shall not be entitled to consideration for an adjusted rate based upon his or its experience or the part thereof, as the case may be, which has thus been transferred. A successor in interest to whom employment experience or a part thereof is transferred pursuant to this subsection shall, as of the date of the transfer of the organization, trade, assets or business, or part thereof, immediately become an employer if not theretofore an employer subject to this chapter (R.S.43:21-1 et seq.).

(D) If an employer transfers in whole or in part his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise and both the employer and successor in interest are at the time of the transfer under common ownership, management or control, then the employment experience attributable to the transferred business shall also be transferred to and combined with the employment experience of the successor in interest. The transfer of the employment experience is mandatory and not subject to appeal or protest.

(E) The transfer of part of an employer's employment experience to a successor in interest shall become effective as of the first day of the calendar quarter following the acquisition by the successor in interest. As of the effective date, the successor in interest shall have its employer rate recalculated by merging its existing employment experience, if any, with the employment experience acquired. If the successor in interest is not an employer as of the date of acquisition, it shall be assigned the new employer rate until the effective date of the transfer of employment experience.

(F) Upon the transfer in whole or in part of the organization, trade, assets or business to a successor in interest, the employment experience shall not be transferred if the successor in interest is not an employer at the time of the acquisition and the controller finds that the successor in interest acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions.

(d) Contributions of workers to the unemployment compensation fund and the State disability benefits fund.

(1) (A) For periods after January 1, 1975, each worker shall contribute to the fund 1% of his wages with respect to his employment with an employer, which occurs on and after January 1, 1975, after such employer has satisfied the condition set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer; provided, however, that such contributions shall be at the rate of 1/2 of 1% of wages paid with respect to employment while the worker is in the employ of the State of New Jersey, or any governmental entity or instrumentality which is an employer as defined under R.S.43:21-19(h)(5), or is covered by an approved private plan under the "Temporary Disability Benefits Law" or while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31).

(B) Effective January 1, 1978 there shall be no contributions by workers in the employ of any governmental or nongovernmental employer electing or required to make payments in lieu of contributions unless the employer is covered by the State plan under the "Temporary Disability Benefits Law" (C.43:21-25 et al.), and in that case contributions shall be at the rate of 1/2 of 1%, except that commencing July 1, 1986, workers in the employ of any nongovernmental employer electing or required to make payments in lieu of contributions shall be required to make contributions to the fund at the same rate prescribed for workers of other nongovernmental employers.

(C) (i) Notwithstanding the above provisions of this paragraph (1), during the period starting July 1, 1986 and ending December 31, 1992, each worker shall contribute to the fund 1.125% of wages paid with respect to his employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under R.S.43:21-19(h)(6), regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection R.S.43:21-19(h) with respect to becoming an employer. Contributions, however, shall be at the rate of 0.625% while the worker is covered by an approved private plan under the "Temporary Disability Benefits Law" or while the worker is exempt under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law; provided that such contributions shall be at the rate of 0.625% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions and which is covered by the State plan under the "Temporary Disability Benefits Law," except that, while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law, or is covered for disability benefits by an approved private plan of the employer, the contributions to the fund shall be 0.125%.

(ii) (Deleted by amendment, P.L.1995, c.422.)

(D) Notwithstanding any other provisions of this paragraph (1), during the period starting January 1, 1993 and ending June 30, 1994, each worker shall contribute to the unemployment compensation fund 0.5% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of

R.S.43:21-19 with respect to becoming an employer. No contributions, however, shall be made by the worker while the worker is covered by an approved private plan under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.) or while the worker is exempt under section 7 of P.L.1948, c.110 (C.43:21-31) or any other provision of that law; provided that the contributions shall be at the rate of 0.50% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions and which is covered by the State plan under the "Temporary Disability Benefits Law," except that, while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law, or is covered for disability benefits by an approved private plan of the employer, no contributions shall be made to the fund.

Each worker shall, starting on January 1, 1996 and ending March 31, 1996, contribute to the unemployment compensation fund 0.60% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 1998 and ending December 31, 1998, contribute to the unemployment compensation fund 0.10% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 1999 until December 31, 1999, contribute to the unemployment compensation fund 0.15% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 2000 until December 31, 2001, contribute to the unemployment compensation fund 0.20% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as

defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 2002 until June 30, 2004, contribute to the unemployment compensation fund 0.1825% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or a nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.0825% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on July 1, 2004 until December 31, 2023, contribute to the unemployment compensation fund 0.3825% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.0825% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on and after January 1, 2024, contribute to the unemployment compensation fund 0.3625% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.0625% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on and after January 1, 2024, contribute to the unemployment compensation administration fund, established pursuant to R.S.43:21-13, 0.0200% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions, the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions, or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the

fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer.

(E) Each employer shall, notwithstanding any provision of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his payroll records, shall furnish such evidence thereof to his workers as the division or controller may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the controller in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purpose of R.S.43:21-14, such contributions shall be treated as employer's contributions required from him.

(F) As used in this chapter (R.S.43:21-1 et seq.), except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(G) (i) Each worker, with respect to the worker's employment with a government employer electing or required to pay contributions to the State disability benefits fund or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, unless the employer is covered by an approved private disability plan or is exempt from the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law (C.43:21-31) or any other provision of that law, shall, for calendar year 2012 and each subsequent calendar year, make contributions to the State disability benefits fund at the annual rate of contribution necessary to obtain a total amount of contributions, which, when added to employer contributions made to the State disability benefits fund pursuant to subsection (e) of this section, is, for calendar years prior to calendar year 2018, equal to 120% of the benefits paid for periods of disability, excluding periods of family temporary disability, during the immediately preceding calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the immediately preceding calendar year, less the amount of net assets remaining in the State disability benefits fund, excluding net assets remaining in the "Family Temporary Disability Leave Account" of that fund, as of December 31 of the immediately preceding year, and is, for calendar year 2018 and year 2019, equal to 120% of the benefits paid for periods of disability, excluding periods of family temporary disability, during the last preceding full fiscal year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the last preceding full fiscal year, less the amount of net assets anticipated to be remaining in the "Family Temporary Disability Leave Account" of that fund, as of December 31 of the immediately preceding calendar year, and is, for each of calendar years 2020 and 2021, equal to 120% of the benefits which the department anticipates will be paid for periods of disability, excluding periods of family temporary disability, during the respective calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits which the department anticipates during the respective calendar year, less the amount of net assets anticipated to be remaining in the State disability benefits fund, excluding net assets remaining in the "Family Temporary Disability Leave Account" of that fund, as of December 31 of the immediately preceding calendar year, and is, for calendar year 2022 and any subsequent calendar year, equal to 120% of the benefits paid for periods of disability, excluding periods of family temporary disability, during the last preceding full fiscal year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the last preceding full fiscal year, less

the amount of net assets anticipated to be remaining in the State disability benefits fund, excluding net assets remaining in the "Family Temporary Disability Leave Account" of that fund, as of December 31 of the immediately preceding calendar year. All increases in the cost of benefits for periods of disability caused by the increases in the weekly benefit rate commencing July 1, 2020, pursuant to section 16 of P.L.1948, c.110 (C.43:21-40), shall be funded by contributions made by workers pursuant to this paragraph (i) and none of those increases shall be funded by employer contributions. The estimated rates for the next calendar year shall be made available on the department's website no later than 60 days after the end of the last preceding full fiscal year. The rates of employer contributions determined pursuant to subsection (e) of this section for any year shall be determined prior to the determination of the rate of employee contributions pursuant to this subparagraph (i) and any consideration of employee contributions in determining employer rates for any year shall be based on amounts of employee contributions made prior to the year to which the rate of employee contributions applies and shall not be based on any projection or estimate of the amount of employee contributions for the year to which that rate applies.

(ii) Each worker shall contribute to the State disability benefits fund, in addition to any amount contributed pursuant to subparagraph (i) of this paragraph (1)(G), an amount equal to, during calendar year 2009, 0.09%, and during calendar year 2010 0.12%, of wages paid with respect to the worker's employment with any covered employer, including a governmental employer which is an employer as defined under R.S.43:21-19(h)(5), unless the employer is covered by an approved private disability plan for benefits during periods of family temporary disability leave. The contributions made pursuant to this subparagraph (ii) to the State disability benefits fund shall be deposited into an account of that fund reserved for the payment of benefits during periods of family temporary disability leave as defined in section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27) and for the administration of those payments and shall not be used for any other purpose. This account shall be known as the "Family Temporary Disability Leave Account." For calendar year 2011 and each subsequent calendar year until 2018, the annual rate of contribution to be paid by workers pursuant to this subparagraph (ii) shall be, for calendar years prior to calendar year 2018, the rate necessary to obtain a total amount of contributions equal to 125% of the benefits paid for periods of family temporary disability leave during the immediately preceding calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the immediately preceding calendar year, less the amount of net assets remaining in the account as of December 31 of the immediately preceding year, and shall be, for calendar year 2018 and calendar year 2019, the rate necessary to obtain a total amount of contributions equal to 125% of the benefits paid for periods of family temporary disability leave during the last preceding full fiscal year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the last preceding full fiscal year, less the amount of net assets anticipated to be remaining in the account as of December 31 of the immediately preceding calendar year. For each of calendar years 2020 and 2021, the annual rate of contribution to be paid by workers pursuant to this subparagraph (ii) shall be the rate necessary to obtain a total amount of contributions equal to 125% of the benefits which the department anticipates will be paid for periods of family temporary disability leave during the respective calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits which the department anticipates during the respective calendar year, less the amount of net assets remaining in the account as of December 31 of the immediately preceding calendar year. For 2022 and any subsequent calendar year, the annual rate of contribution to be paid by workers pursuant to this subparagraph (ii) shall be the rate necessary to obtain a

total amount of contributions equal to 125% of the benefits which were paid for periods of family temporary disability leave during the last preceding full fiscal year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the last preceding full fiscal year, less the amount of net assets remaining in the account as of December 31 of the immediately preceding calendar year. All increases in the cost of benefits for periods of family temporary disability leave caused by the increases in the weekly benefit rate commencing July 1, 2020 pursuant to section 16 of P.L.1948, c.110 (C.43:21-40) and increases in the maximum duration of benefits commencing July 1, 2020 pursuant to sections 14 and 15 of P.L.1948, c.110 (C.43:21-38 and 43:21-39) shall be funded by contributions made by workers pursuant to this paragraph (ii) and none of those increases shall be funded by employer contributions. The estimated rates for the next calendar year shall be made available on the department's website no later than 60 days after the end of the last preceding full fiscal year. Necessary administrative costs shall include the cost of an outreach program to inform employees of the availability of the benefits and the cost of issuing the reports required or permitted pursuant to section 13 of P.L.2008, c.17 (C.43:21-39.4). No monies, other than the funds in the "Family Temporary Disability Leave Account," shall be used for the payment of benefits during periods of family temporary disability leave or for the administration of those payments, with the sole exception that, during calendar years 2008 and 2009, a total amount not exceeding \$25 million may be transferred to that account from the revenues received in the State disability benefits fund pursuant to subparagraph (i) of this paragraph (1)(G) and be expended for those payments and their administration, including the administration of the collection of contributions made pursuant to this subparagraph (ii) and any other necessary administrative costs. Any amount transferred to the account pursuant to this subparagraph (ii) shall be repaid during a period beginning not later than January 1, 2011 and ending not later than December 31, 2015. No monies, other than the funds in the "Family Temporary Disability Leave Account," shall be used under any circumstances after December 31, 2009, for the payment of benefits during periods of family temporary disability leave or for the administration of those payments, including for the administration of the collection of contributions made pursuant to this subparagraph (ii).

(2) (A) (Deleted by amendment, P.L.1984, c.24.)

(B) (Deleted by amendment, P.L.1984, c.24.)

(C) (Deleted by amendment, P.L.1994, c.112.)

(D) (Deleted by amendment, P.L.1994, c.112.)

(E) (i) (Deleted by amendment, P.L.1994, c.112.)

(ii) (Deleted by amendment, P.L.1996, c.28.)

(iii) (Deleted by amendment, P.L.1994, c.112.)

(3) (A) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State disability benefits fund plus the amount of his contributions, if any, required towards the costs of benefits under one or more approved private plans under the provisions of section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) and deducted from his wages, or the sum of such latter contributions, if the employee is covered during such calendar year only by two or more private plans, exceeds an amount equal to 1/2 of 1% of the "wages" determined in accordance with the provisions of R.S.43:21-7(b)(3) during the calendar years beginning on or after January 1, 1976 or, during calendar year 2012 or any subsequent calendar year, the total amount of his contributions for the year exceeds the amount set by the annual rate of contribution determined by the Commissioner of Labor and Workforce Development pursuant to subparagraph (i) of paragraph (1)(G) of this subsection (d), the employee shall be entitled to a refund of the excess

if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the controller from the State disability benefits fund. No interest shall be allowed or paid with respect to any such refund. The controller shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund, as provided in subparagraph (B) of paragraph (1) of this subsection with respect to coverage under private plans, to the total wages so exempt plus the amount of such wages subject to contributions to the disability benefits fund, as provided in subparagraph (G) of paragraph (1) of this subsection. The controller shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bear to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of R.S.43:21-14 with respect to collection of employer contributions shall apply to such assessments. The amount so recovered by the controller shall be paid into the State disability benefits fund.

(B) If an employee receives wages from more than one employer during any calendar year, and the sum of his contributions deposited in the "Family Temporary Disability Leave Account" of the State disability benefits fund plus the amount of his contributions, if any, required towards the costs of family temporary disability leave benefits under one or more approved private plans under the provisions of the "Temporary Disability Benefits Law" (C.43:21-25 et al.) and deducted from his wages, exceeds an amount equal to, during calendar year 2009, 0.09% of the "wages" determined in accordance with the provisions of R.S.43:21-7(b)(3), or during calendar year 2010, 0.12% of those wages, or, during calendar year 2011 or any subsequent calendar year, the percentage of those wages set by the annual rate of contribution determined by the Commissioner of Labor and Workforce Development pursuant to subparagraph (ii) of paragraph (1)(G) of this subsection (d), the employee shall be entitled to a refund of the excess if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to the refund. The refund shall be made by the controller from the "Family Temporary Disability Leave Account" of the State disability benefits fund. No interest shall be allowed or paid with respect to any such refund. The controller shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of the refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law" (C.43:21-33), with that determination based upon the ratio of the amount of such wages exempt from contributions to the fund, as provided in paragraph (1)(B) of this subsection (d) with respect to coverage under private plans, to the total wages so exempt plus the amount of such wages subject to contributions to the "Family Temporary Disability Leave Account" of the State disability benefits fund, as provided in subparagraph (ii) of paragraph (1)(G) of this subsection (d). The controller shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bear to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the prorated amount. The provisions of R.S.43:21-14 with respect to collection of

employer contributions shall apply to such assessments. The amount so recovered by the controller shall be paid into the "Family Temporary Disability Leave Account" of the State disability benefits fund.

(4) If an individual does not receive any wages from the employing unit which for the purposes of this chapter (R.S.43:21-1 et seq.) is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such employing unit, or, in the absence of such an employing unit, from such individual, in a civil action; provided proceedings therefor are instituted within three months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer.

(5) Every employer who has elected to become an employer subject to this chapter (R.S.43:21-1 et seq.), or to cease to be an employer subject to this chapter (R.S.43:21-1 et seq.), pursuant to the provisions of R.S.43:21-8, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the director may determine to be necessary to give notice thereof to persons in his service.

(6) Contributions by workers, payable to the controller as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts.

(e) Contributions by employers to the State disability benefits fund.

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute 1/2 of 1% of the wages paid by such employer to workers with respect to employment unless he is not a covered employer as defined in subsection (a) of section 3 of the "Temporary Disability Benefits Law" (C.43:21-27 (a)), except that the rate for the State of New Jersey shall be 1/10 of 1% for the calendar year 1980 and for the first six months of 1981. Prior to July 1, 1981 and prior to July 1 each year thereafter, the controller shall review the experience accumulated in the account of the State of New Jersey and establish a rate for the next following fiscal year which, in combination with worker contributions, will produce sufficient revenue to keep the account in balance; except that the rate so established shall not be less than 1/10 of 1%. Such contributions shall become due and be paid by the employer to the controller for the State disability benefits fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to \$0.005 or more, in which case it shall be increased to \$0.01.

(2) During the continuance of coverage of a worker by an approved private plan of disability benefits under the "Temporary Disability Benefits Law," the employer shall be exempt from the contributions required by paragraph (1) above with respect to wages paid to such worker.

(3) (A) The rates of contribution as specified in paragraph (1) above shall be subject to modification as provided herein with respect to employer contributions due on and after July 1, 1951.

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State disability benefits fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January 1, 1949. Each employer's account shall be credited with all contributions paid on or before January 31 of any calendar year on his own behalf and on behalf of individuals in

his service with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in accordance with Article III of the "Temporary Disability Benefits Law" on or before December 31 of any calendar year with respect to disability in such calendar year and in preceding calendar years shall be charged against the account of the employer by whom such individual was employed at the commencement of such disability or by whom he was last employed, if out of employment.

(C) The controller may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(D) Prior to July 1 of each calendar year, the controller shall make a preliminary determination of the rate of contribution for the 12 months commencing on such July 1 for each employer subject to the contribution requirements of this subsection (e).

(1) Such preliminary rate shall be  $\frac{1}{2}$  of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State disability benefits fund with respect to employment in the three calendar years immediately preceding such year.

(2) If the minimum requirements in subparagraph (D) (1) above have been fulfilled and the credited contributions exceed the benefits charged by more than \$500.00, such preliminary rate shall be as follows:

(i)  $\frac{2}{10}$  of 1% if such excess over \$500.00 exceeds 1% but is less than  $1\frac{1}{4}\%$  of his average annual payroll as defined in this chapter (R.S.43:21-1 et seq.);

(ii)  $\frac{15}{100}$  of 1% if such excess over \$500.00 equals or exceeds  $1\frac{1}{4}\%$  but is less than  $1\frac{1}{2}\%$  of his average annual payroll;

(iii)  $\frac{1}{10}$  of 1% if such excess over \$500.00 equals or exceeds  $1\frac{1}{2}\%$  of his average annual payroll.

(3) If the minimum requirements in subparagraph (D) (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than \$500.00 plus 1% of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than \$500.00, the preliminary rate shall be  $\frac{1}{4}$  of 1%.

(4) If the minimum requirements in subparagraph (D) (1) above have been fulfilled and the benefits charged exceed the contributions credited by more than \$500.00, such preliminary rate shall be as follows:

(i)  $\frac{35}{100}$  of 1% if such excess over \$500.00 is less than  $\frac{1}{4}$  of 1% of his average annual payroll;

(ii)  $\frac{45}{100}$  of 1% if such excess over \$500.00 equals or exceeds  $\frac{1}{4}$  of 1% but is less than  $\frac{1}{2}$  of 1% of his average annual payroll;

(iii)  $\frac{55}{100}$  of 1% if such excess over \$500.00 equals or exceeds  $\frac{1}{2}$  of 1% but is less than  $\frac{3}{4}$  of 1% of his average annual payroll;

(iv)  $\frac{65}{100}$  of 1% if such excess over \$500.00 equals or exceeds  $\frac{3}{4}$  of 1% but is less than 1% of his average annual payroll;

(v)  $\frac{75}{100}$  of 1% if such excess over \$500.00 equals or exceeds 1% of his average annual payroll.

(5) Determination of the preliminary rate as specified in subparagraphs (D)(2), (3) and (4) above shall be subject, however, to the condition that it shall in no event be decreased by more than 1/10 of 1% of wages or increased by more than 2/10 of 1% of wages from the preliminary rate determined for the preceding year in accordance with subparagraph (D) (1), (2), (3) or (4), whichever shall have been applicable.

(E) (1) Prior to July 1 of each calendar year the controller shall determine the amount of the State disability benefits fund as of December 31 of the preceding calendar year, increased by the contributions paid thereto during January of the current calendar year with respect to employment occurring in the preceding calendar year. If such amount exceeds the net amount withdrawn from the unemployment trust fund pursuant to section 23 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-47) plus the amount at the end of such preceding calendar year of the unemployment disability account as defined in section 22 of said law (C.43:21-46), such excess shall be expressed as a percentage of the wages on which contributions were paid to the State disability benefits fund on or before January 31 with respect to employment in the preceding calendar year.

(2) The controller shall then make a final determination of the rates of contribution for the 12 months commencing July 1 of such year for employers whose preliminary rates are determined as provided in subparagraph (D) hereof, as follows:

(i) If the percentage determined in accordance with subparagraph (E)(1) of this paragraph equals or exceeds 1 1/4%, the final employer rates shall be the preliminary rates determined as provided in subparagraph (D) hereof, except that if the employer's preliminary rate is determined as provided in subparagraph (D)(2) or subparagraph (D)(3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest 5/100 of 1%, but in no case shall such final rate be less than 1/10 of 1%.

(ii) If the percentage determined in accordance with subparagraph (E)(1) of this paragraph equals or exceeds 3/4 of 1% and is less than 1 1/4 of 1%, the final employer rates shall be the preliminary employer rates.

(iii) If the percentage determined in accordance with subparagraph (E)(1) of this paragraph is less than 3/4 of 1%, but in excess of 1/4 of 1%, the final employer rates shall be the preliminary employer rates determined as provided in subparagraph (D) hereof increased by the difference between 3/4 of 1% and such percentage taken to the nearest 5/100 of 1%; provided, however, that no such final rate shall be more than 1/4 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(2) hereof, more than 1/2 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(1) and subparagraph (D)(3) hereof, nor more than 3/4 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(4) hereof.

(iv) If the amount of the State disability benefits fund determined as provided in subparagraph (E)(1) of this paragraph is equal to or less than 1/4 of 1%, then the final rate shall be 2/5 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(2) hereof, 7/10 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(1) and subparagraph (D)(3) hereof, and 1.1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(4) hereof. Notwithstanding any other provision of law or any determination made by the controller with respect to any 12-month period commencing on July 1, 1970, the final rates for all employers for the period beginning January 1, 1971, shall be as set forth herein.

(F) Notwithstanding any other provisions of this subsection (e), the rate of contribution paid to the State disability benefits fund by each covered employer as defined in paragraph (1) of subsection (a) of section 3 of P.L.1948, c.110 (C.43:21-27), shall be determined as if:

(i) No disability benefits have been paid with respect to periods of family temporary disability leave;

(ii) No worker paid any contributions to the State disability benefits fund pursuant to paragraph (1)(G)(ii) of subsection (d) of this section;

(iii) No amounts were transferred from the State disability benefits fund to the "Family Temporary Disability Leave Account" pursuant to paragraph (1)(G)(ii) of subsection (d) of this section; and

(iv) The total amount of benefits paid for periods of disability were not subject to the increases in the weekly benefit rate for those benefits commencing July 1, 2020 pursuant to section 16 of P.L.1948, c.110 (C.43:21-40).

2. This act shall take effect immediately, and shall apply to all wages paid on or after January 1, 2024.

Approved December 12, 2024.

**ASSEMBLY, No. 4043**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED MARCH 7, 2024

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Allocates portion of worker contribution from unemployment compensation trust fund to unemployment compensation administration fund.

**CURRENT VERSION OF TEXT**

As introduced.



A4043 VERRELLI

2

1 AN ACT concerning worker contributions for unemployment  
2 insurance and amending R.S.43:21-7.

3

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

6

7 1. R.S.43:21-7 is amended to read as follows:

8 43:21-7. Employers other than governmental entities, whose  
9 benefit financing provisions are set forth in section 4 of P.L.1971,  
10 c.346 (C.43:21-7.3), and those nonprofit organizations liable for  
11 payment in lieu of contributions on the basis set forth in section 3 of  
12 P.L.1971, c.346 (C.43:21-7.2), shall pay to the controller for the  
13 unemployment compensation fund, contributions as set forth in  
14 subsections (a), (b) and (c) hereof, and the provisions of subsections  
15 (d) and (e) shall be applicable to all employers, consistent with the  
16 provisions of the "unemployment compensation law" and the  
17 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
18 et al.).

19 (a) Payment.

20 (1) Contributions shall accrue and become payable by each  
21 employer for each calendar year in which he is subject to this  
22 chapter (R.S.43:21-1 et seq.), with respect to having individuals in  
23 his employ during that calendar year, at the rates and on the basis  
24 hereinafter set forth. Such contributions shall become due and be  
25 paid by each employer to the controller for the fund, in accordance  
26 with such regulations as may be prescribed, and shall not be  
27 deducted, in whole or in part, from the remuneration of individuals  
28 in his employ.

29 (2) In the payment of any contributions, a fractional part of a  
30 cent shall be disregarded unless it amounts to \$0.005 or more, in  
31 which case it shall be increased to \$0.01.

32 (b) Rate of contributions. Each employer shall pay the following  
33 contributions:

34 (1) For the calendar year 1947, and each calendar year  
35 thereafter, 2 7/10% of wages paid by him during each such calendar  
36 year, except as otherwise prescribed by subsection (c) of this  
37 section.

38 (2) The "wages" of any individual, with respect to any one  
39 employer, as the term is used in this subsection (b) and in  
40 subsections (c), (d) and (e) of this section 7, shall include the first  
41 \$4,800.00 paid during calendar year 1975, for services performed  
42 either within or without this State; provided that no contribution  
43 shall be required by this State with respect to services performed in  
44 another state if such other state imposes contribution liability with  
45 respect thereto. If an employer (hereinafter referred to as a

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

**Matter underlined thus is new matter.**

1 successor employer) during any calendar year acquires substantially  
2 all the property used in a trade or business of another employer  
3 (hereinafter referred to as a predecessor), or used in a separate unit  
4 of a trade or business of a predecessor, and immediately after the  
5 acquisition employs in his trade or business an individual who  
6 immediately prior to the acquisition was employed in the trade or  
7 business of such predecessors, then, for the purpose of determining  
8 whether the successor employer has paid wages with respect to  
9 employment equal to the first \$4,800.00 paid during calendar year  
10 1975, any wages paid to such individual by such predecessor during  
11 such calendar year and prior to such acquisition shall be considered  
12 as having been paid by such successor employer.

13 (3) For calendar years beginning on and after January 1, 1976,  
14 the "wages" of any individual, as defined in the preceding  
15 paragraph (2) of this subsection (b), shall be established and  
16 promulgated by the Commissioner of Labor and Workforce  
17 Development on or before September 1 of the preceding year and,  
18 except as provided in paragraph (4) of this subsection (b), shall be,  
19 28 times the Statewide average weekly remuneration paid to  
20 workers by employers, as determined under R.S.43:21-3(c), raised  
21 to the next higher multiple of \$100.00 if not already a multiple  
22 thereof, provided that if the amount of wages so determined for a  
23 calendar year is less than the amount similarly determined for the  
24 preceding year, the greater amount will be used; provided, further,  
25 that if the amount of such wages so determined does not equal or  
26 exceed the amount of wages as defined in subsection (b) of section  
27 3306 of the Internal Revenue Code of 1986 (26 U.S.C. s.3306(b)),  
28 the wages as determined in this paragraph in any calendar year shall  
29 be raised to equal the amount established under the "Federal  
30 Unemployment Tax Act," chapter 23 of the Internal Revenue Code  
31 of 1986 (26 U.S.C. s.3301 et seq.), for that calendar year.

32 (4) For calendar years beginning on and after January 1, 2020,  
33 the "wages" of any individual, as defined in the preceding  
34 paragraph (2) of this subsection (b) for purposes of contributions of  
35 workers to the State disability benefits fund, including the "Family  
36 Temporary Disability Leave Account" pursuant to subsection (d) of  
37 this section, shall be established and promulgated by the  
38 Commissioner of Labor and Workforce Development on or before  
39 September 1 of the preceding year and shall be 107 times the  
40 Statewide average weekly remuneration paid to workers by  
41 employers, as determined under R.S.43:21-3(c), raised to the next  
42 higher multiple of \$100.00 if not already a multiple thereof,  
43 provided that if the amount of wages so determined for a calendar  
44 year is less than the amount similarly determined for the preceding  
45 year, the greater amount will be used.

46 (c) Future rates based on benefit experience.

47 (1) A separate account for each employer shall be maintained  
48 and this shall be credited with all the contributions which he has

1 paid on his own behalf on or before January 31 of any calendar year  
2 with respect to employment occurring in the preceding calendar  
3 year; provided, however, that if January 31 of any calendar year  
4 falls on a Saturday or Sunday, an employer's account shall be  
5 credited as of January 31 of such calendar year with all the  
6 contributions which he has paid on or before the next succeeding  
7 day which is not a Saturday or Sunday. But nothing in this chapter  
8 (R.S.43:21-1 et seq.) shall be construed to grant any employer or  
9 individuals in his service prior claims or rights to the amounts paid  
10 by him into the fund either on his own behalf or on behalf of such  
11 individuals. Benefits paid with respect to benefit years commencing  
12 on and after January 1, 1953, to any individual on or before  
13 December 31 of any calendar year with respect to unemployment in  
14 such calendar year and in preceding calendar years shall be charged  
15 against the account or accounts of the employer or employers in  
16 whose employment such individual established base weeks  
17 constituting the basis of such benefits, except that, with respect to  
18 benefit years commencing after January 4, 1998, an employer's  
19 account shall not be charged for benefits paid to a claimant if the  
20 claimant's employment by that employer was ended in any way  
21 which, pursuant to subsection (a), (b), (c), (f), (g) or (h) of  
22 R.S.43:21-5, would have disqualified the claimant for benefits if the  
23 claimant had applied for benefits at the time when that employment  
24 ended. Benefits paid under a given benefit determination shall be  
25 charged against the account of the employer to whom such  
26 determination relates. When each benefit payment is made,  
27 notification shall be promptly provided to each employer included  
28 in the unemployment insurance monetary calculation of benefits.  
29 Such notification shall identify the employer against whose account  
30 the amount of such payment is being charged, shall show at least  
31 the name and social security account number of the claimant and  
32 shall specify the period of unemployment to which said benefit  
33 payment applies.

34 An annual summary statement of unemployment benefits  
35 charged to the employer's account shall be provided.

36 (2) Regulations may be prescribed for the establishment,  
37 maintenance, and dissolution of joint accounts by two or more  
38 employers, and shall, in accordance with such regulations and upon  
39 application by two or more employers to establish such an account,  
40 or to merge their several individual accounts in a joint account,  
41 maintain such joint account as if it constituted a single employer's  
42 account.

43 (3) No employer's rate shall be lower than 5.4% unless  
44 assignment of such lower rate is consistent with the conditions  
45 applicable to additional credit allowance for such year under section  
46 3303(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C.  
47 s.3303(a)(1)), any other provision of this section to the contrary  
48 notwithstanding.

1 (4) Employer Reserve Ratio. (A) Each employer's rate shall be  
2 2 8/10%, except as otherwise provided in the following provisions.  
3 No employer's rate for the 12 months commencing July 1 of any  
4 calendar year shall be other than 2 8/10%, unless as of the  
5 preceding January 31 such employer shall have paid contributions  
6 with respect to wages paid in each of the three calendar years  
7 immediately preceding such year, in which case such employer's  
8 rate for the 12 months commencing July 1 of any calendar year  
9 shall be determined on the basis of his record up to the beginning of  
10 such calendar year. If, at the beginning of such calendar year, the  
11 total of all his contributions, paid on his own behalf, for all past  
12 years exceeds the total benefits charged to his account for all such  
13 years, his contribution rate shall be:

14 (1) 2 5/10%, if such excess equals or exceeds 4%, but less than  
15 5%, of his average annual payroll (as defined in paragraph (2),  
16 subsection (a) of R.S.43:21-19);

17 (2) 2 2/10%, if such excess equals or exceeds 5%, but is less  
18 than 6%, of his average annual payroll;

19 (3) 1 9/10%, if such excess equals or exceeds 6%, but is less  
20 than 7%, of his average annual payroll;

21 (4) 1 6/10%, if such excess equals or exceeds 7%, but is less  
22 than 8%, of his average annual payroll;

23 (5) 1 3/10%, if such excess equals or exceeds 8%, but is less  
24 than 9%, of his average annual payroll;

25 (6) 1%, if such excess equals or exceeds 9%, but is less than  
26 10%, of his average annual payroll;

27 (7) 7/10 of 1%, if such excess equals or exceeds 10%, but is less  
28 than 11%, of his average annual payroll;

29 (8) 4/10 of 1%, if such excess equals or exceeds 11% of his  
30 average annual payroll.

31 (B) If the total of an employer's contributions, paid on his own  
32 behalf, for all past periods for the purposes of this paragraph (4), is  
33 less than the total benefits charged against his account during the  
34 same period, his rate shall be:

35 (1) 4%, if such excess is less than 10% of his average annual  
36 payroll;

37 (2) 4 3/10%, if such excess equals or exceeds 10%, but is less  
38 than 20%, of his average annual payroll;

39 (3) 4 6/10%, if such excess equals or exceeds 20% of his  
40 average annual payroll.

41 (C) Specially assigned rates.

42 (i) If no contributions were paid on wages for employment in  
43 any calendar year used in determining the average annual payroll of  
44 an employer eligible for an assigned rate under this paragraph (4),  
45 the employer's rate shall be specially assigned as follows:

46 if the reserve balance in its account is positive, its assigned rate  
47 shall be the highest rate in effect for positive balance accounts for  
48 that period, or 5.4%, whichever is higher, and

1 if the reserve balance in its account is negative, its assigned rate  
2 shall be the highest rate in effect for deficit accounts for that period.

3 (ii) If, following the purchase of a corporation with little or no  
4 activity, known as a corporate shell, the resulting employing unit  
5 operates a new or different business activity, the employing unit  
6 shall be assigned a new employer rate.

7 (iii) Entities operating under common ownership, management or  
8 control, when the operation of the entities is not identifiable,  
9 distinguishable and severable, shall be considered a single employer  
10 for the purposes of this chapter (R.S.43:21-1 et seq.).

11 (D) The contribution rates prescribed by subparagraphs (A) and  
12 (B) of this paragraph (4) shall be increased or decreased in  
13 accordance with the provisions of paragraph (5) of this subsection  
14 (c) for experience rating periods through June 30, 1986.

15 (5) (A) Unemployment Trust Fund Reserve Ratio. If on March  
16 31 of any calendar year the balance in the unemployment trust fund  
17 equals or exceeds 4% but is less than 7% of the total taxable wages  
18 reported to the controller as of that date in respect to employment  
19 during the preceding calendar year, the contribution rate, effective  
20 July 1 following, of each employer eligible for a contribution rate  
21 calculation based upon benefit experience, shall be increased by  
22 3/10 of 1% over the contribution rate otherwise established under  
23 the provisions of paragraph (3) or (4) of this subsection. If on  
24 March 31 of any calendar year the balance of the unemployment  
25 trust fund exceeds 2 1/2% but is less than 4% of the total taxable  
26 wages reported to the controller as of that date in respect to  
27 employment during the preceding calendar year, the contribution  
28 rate, effective July 1 following, of each employer eligible for a  
29 contribution rate calculation based upon benefit experience, shall be  
30 increased by 6/10 of 1% over the contribution rate otherwise  
31 established under the provisions of paragraph (3) or (4) of this  
32 subsection.

33 If on March 31 of any calendar year the balance of the  
34 unemployment trust fund is less than 2 1/2% of the total taxable  
35 wages reported to the controller as of that date in respect to  
36 employment during the preceding calendar year, the contribution  
37 rate, effective July 1 following, of each employer: (1) eligible for a  
38 contribution rate calculation based upon benefit experience, shall be  
39 increased by (i) 6/10 of 1% over the contribution rate otherwise  
40 established under the provisions of paragraph (3), (4)(A) or (4)(B)  
41 of this subsection, and (ii) an additional amount equal to 20% of the  
42 total rate established herein, provided, however, that the final  
43 contribution rate for each employer shall be computed to the nearest  
44 multiple of 1/10% if not already a multiple thereof; (2) not eligible  
45 for a contribution rate calculation based upon benefit experience,  
46 shall be increased by 6/10 of 1% over the contribution rate  
47 otherwise established under the provisions of paragraph (4) of this  
48 subsection. For the period commencing July 1, 1984 and ending

1 June 30, 1986, the contribution rate for each employer liable to pay  
2 contributions under R.S.43:21-7 shall be increased by a factor of  
3 10% computed to the nearest multiple of 1/10% if not already a  
4 multiple thereof.

5 (B) If on March 31 of any calendar year the balance in the  
6 unemployment trust fund equals or exceeds 10% but is less than 12  
7 1/2% of the total taxable wages reported to the controller as of that  
8 date in respect to employment during the preceding calendar year,  
9 the contribution rate, effective July 1 following, of each employer  
10 eligible for a contribution rate calculation based upon benefit  
11 experience, shall be reduced by 3/10 of 1% under the contribution  
12 rate otherwise established under the provisions of paragraphs (3)  
13 and (4) of this subsection; provided that in no event shall the  
14 contribution rate of any employer be reduced to less than 4/10 of  
15 1%. If on March 31 of any calendar year the balance in the  
16 unemployment trust fund equals or exceeds 12 1/2% of the total  
17 taxable wages reported to the controller as of that date in respect to  
18 employment during the preceding calendar year, the contribution  
19 rate, effective July 1 following, of each employer eligible for a  
20 contribution rate calculation based upon benefit experience, shall be  
21 reduced by 6/10 of 1% if his account for all past periods reflects an  
22 excess of contributions paid over total benefits charged of 3% or  
23 more of his average annual payroll, otherwise by 3/10 of 1% under  
24 the contribution rate otherwise established under the provisions of  
25 paragraphs (3) and (4) of this subsection; provided that in no event  
26 shall the contribution rate of any employer be reduced to less than  
27 4/10 of 1%.

28 (C) The "balance" in the unemployment trust fund, as the term is  
29 used in subparagraphs (A) and (B) above, shall not include moneys  
30 credited to the State's account under section 903 of the Social  
31 Security Act, as amended (42 U.S.C. s.1103), during any period in  
32 which such moneys are appropriated for the payment of expenses  
33 incurred in the administration of the "unemployment compensation  
34 law."

35 (D) Prior to July 1 of each calendar year the controller shall  
36 determine the Unemployment Trust Fund Reserve Ratio, which  
37 shall be calculated by dividing the balance of the unemployment  
38 trust fund as of the prior March 31 by total taxable wages reported  
39 to the controller by all employers as of March 31 with respect to  
40 their employment during the last calendar year.

41 (E) (i) (Deleted by amendment, P.L.1997, c.263).

42 (ii) (Deleted by amendment, P.L.2001, c.152).

43 (iii) (Deleted by amendment, P.L.2003, c.107).

44 (iv) (Deleted by amendment, P.L.2004, c.45).

45 (v) (Deleted by amendment, P.L.2008, c.17).

46 (vi) (Deleted by amendment, P.L.2013, c.75).

47 (vii) With respect to experience rating years beginning on or  
48 after July 1, 2011, the new employer rate or the unemployment

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1 experience rate of an employer under this section shall be the rate  
 2 which appears in the column headed by the Unemployment Trust  
 3 Fund Reserve Ratio as of the applicable calculation date and on the  
 4 line with the Employer Reserve Ratio, as defined in paragraph (4)  
 5 of this subsection (R.S.43:21-7 (c)(4)), as set forth in the following  
 6 table:

7 **EXPERIENCE RATING TAX TABLE**

8	9 Fund Reserve Ratio <sup>1</sup>					
	3.50%	3.00%	2.5%	2.0%	1.99%	
10	Employer	and	to	to	and	
11	Reserve	Over	3.49%	2.99%	2.49%	Under
12	Ratio <sup>2</sup>	A	B	C	D	E
13	Positive Reserve Ratio:					
14	17% and over	0.3	0.4	0.5	0.6	1.2
15	16.00% to 16.99%	0.4	0.5	0.6	0.6	1.2
16	15.00% to 15.99%	0.4	0.6	0.7	0.7	1.2
17	14.00% to 14.99%	0.5	0.6	0.7	0.8	1.2
18	13.00% to 13.99%	0.6	0.7	0.8	0.9	1.2
19	12.00% to 12.99%	0.6	0.8	0.9	1.0	1.2
20	11.00% to 11.99%	0.7	0.8	1.0	1.1	1.2
21	10.00% to 10.99%	0.9	1.1	1.3	1.5	1.6
22	9.00% to 9.99%	1.0	1.3	1.6	1.7	1.9
23	8.00% to 8.99%	1.3	1.6	1.9	2.1	2.3
24	7.00% to 7.99%	1.4	1.8	2.2	2.4	2.6
25	6.00% to 6.99%	1.7	2.1	2.5	2.8	3.0
26	5.00% to 5.99%	1.9	2.4	2.8	3.1	3.4
27	4.00% to 4.99%	2.0	2.6	3.1	3.4	3.7
28	3.00% to 3.99%	2.1	2.7	3.2	3.6	3.9
29	2.00% to 2.99%	2.2	2.8	3.3	3.7	4.0
30	1.00% to 1.99%	2.3	2.9	3.4	3.8	4.1
31	0.00% to 0.99%	2.4	3.0	3.6	4.0	4.3
32	Deficit Reserve Ratio:					
33	-0.00% to -2.99%	3.4	4.3	5.1	5.6	6.1
34	-3.00% to -5.99%	3.4	4.3	5.1	5.7	6.2
35	-6.00% to -8.99%	3.5	4.4	5.2	5.8	6.3
36	-9.00% to -11.99%	3.5	4.5	5.3	5.9	6.4
37	-12.00% to -14.99%	3.6	4.6	5.4	6.0	6.5
38	-15.00% to -19.99%	3.6	4.6	5.5	6.1	6.6
39	-20.00% to -24.99%	3.7	4.7	5.6	6.2	6.7
40	-25.00% to -29.99%	3.7	4.8	5.6	6.3	6.8
41	-30.00% to -34.99%	3.8	4.8	5.7	6.3	6.9
42	-35.00% and under	5.4	5.4	5.8	6.4	7.0
43	New Employer Rate	2.8	2.8	2.8	3.1	3.4

44 <sup>1</sup>Fund balance as of March 31 as a percentage of taxable wages  
 45 in the prior calendar year.

46 <sup>2</sup>Employer Reserve Ratio (Contributions minus benefits as a  
 47 percentage of employer's taxable wages).

48 (F) (i) (Deleted by amendment, P.L.1997, c.263).

1 (ii) (Deleted by amendment, P.L.2008, c.17).

2 (iii) (Deleted by amendment, P.L.2013, c.75).

3 (iv) With respect to experience rating years beginning on or  
4 after July 1, 2011 and before July 1, 2013, if the fund reserve ratio,  
5 based on the fund balance as of the prior March 31, is less than  
6 1.0%, the contribution rate for each employer liable to pay  
7 contributions, as  
8 computed under subparagraph (E) of this paragraph (5), shall be  
9 increased by a factor of 10% computed to the nearest multiple of  
10 1/10% if not already a multiple thereof.

11 (v) With respect to experience rating years beginning on or after  
12 July 1, 2014, if the fund reserve ratio, based on the fund balance as  
13 of the prior March 31, is less than 1.0%, the contribution rate for  
14 each employer liable to pay contributions, as computed under  
15 subparagraph (E) of this paragraph (5), shall be increased by a  
16 factor of 10% computed to the nearest multiple of 1/10% if not  
17 already a multiple thereof.

18 (G) On or after January 1, 1993, notwithstanding any other  
19 provisions of this paragraph (5), the contribution rate for each  
20 employer liable to pay contributions, as computed under  
21 subparagraph (E) of this paragraph (5), shall be decreased by 0.1%,  
22 except that, during any experience rating year starting before  
23 January 1, 1998 in which the fund reserve ratio is equal to or greater  
24 than 7.00% or during any experience rating year starting on or after  
25 January 1, 1998, in which the fund reserve ratio is equal to or  
26 greater than 3.5%, there shall be no decrease pursuant to this  
27 subparagraph (G) in the contribution of any employer who has a  
28 deficit reserve ratio of negative 35.00% or under.

29 (H) On and after January 1, 1998 until December 31, 2000 and  
30 on or after January 1, 2002 until June 30, 2006, the contribution rate  
31 for each employer liable to pay contributions, as computed under  
32 subparagraph (E) of this paragraph (5), shall be decreased by a  
33 factor, as set out below, computed to the nearest multiple of 1/10%,  
34 except that, if an employer has a deficit reserve ratio of negative  
35 35.0% or under, the employer's rate of contribution shall not be  
36 reduced pursuant to this subparagraph (H) to less than 5.4%:

37 From January 1, 1998 until December 31, 1998, a factor of 12%;

38 From January 1, 1999 until December 31, 1999, a factor of 10%;

39 From January 1, 2000 until December 31, 2000, a factor of 7%;

40 From January 1, 2002 until March 31, 2002, a factor of 36%;

41 From April 1, 2002 until June 30, 2002, a factor of 85%;

42 From July 1, 2002 until June 30, 2003, a factor of 15%;

43 From July 1, 2003 until June 30, 2004, a factor of 15%;

44 From July 1, 2004 until June 30, 2005, a factor of 7%;

45 From July 1, 2005 until December 31, 2005, a factor of 16%; and

46 From January 1, 2006 until June 30, 2006, a factor of 34%.

47 The amount of the reduction in the employer contributions  
48 stipulated by this subparagraph (H) shall be in addition to the

1 amount of the reduction in the employer contributions stipulated by  
2 subparagraph (G) of this paragraph (5), except that the rate of  
3 contribution of an employer who has a deficit reserve ratio of  
4 negative 35.0% or under shall not be reduced pursuant to this  
5 subparagraph (H) to less than 5.4% and the rate of contribution of  
6 any other employer shall not be reduced to less than 0.0%.

7 (I) (Deleted by amendment, P.L.2008, c.17).

8 (J) On or after July 1, 2001, notwithstanding any other  
9 provisions of this paragraph (5), the contribution rate for each  
10 employer liable to pay contributions, as computed under  
11 subparagraph (E) of this paragraph (5), shall be decreased by  
12 0.0175%, except that, during any experience rating year starting on  
13 or after July 1, 2001, in which the fund reserve ratio is equal to or  
14 greater than 3.5%, there shall be no decrease pursuant to this  
15 subparagraph (J) in the contribution of any employer who has a  
16 deficit reserve ratio of negative 35.00% or under. The amount of the  
17 reduction in the employer contributions stipulated by this  
18 subparagraph (J) shall be in addition to the amount of the reduction  
19 in the employer contributions stipulated by subparagraphs (G) and  
20 (H) of this paragraph (5), except that the rate of contribution of an  
21 employer who has a deficit reserve ratio of negative 35.0% or under  
22 shall not be reduced pursuant to this subparagraph (J) to less than  
23 5.4% and the rate of contribution of any other employer shall not be  
24 reduced to less than 0.0%.

25 (K) With respect to experience rating years beginning on or after  
26 July 1, 2009, if the fund reserve ratio, based on the fund balance as  
27 of the prior March 31, is:

28 (i) Equal to or greater than 5.00% but less than 7.5%, the  
29 contribution rate for each employer liable to pay contributions, as  
30 computed under subparagraph (E) of this paragraph (5), shall be  
31 reduced by a factor of 25% computed to the nearest multiple of  
32 1/10% if not already a multiple thereof except that there shall be no  
33 decrease pursuant to this subparagraph (K) in the contribution of  
34 any employer who has a deficit reserve ratio of 35.00% or under;

35 (ii) Equal to or greater than 7.5%, the contribution rate for each  
36 employer liable to pay contributions, as computed under  
37 subparagraph (E) of this paragraph (5), shall be reduced by a factor  
38 of 50% computed to the nearest multiple of 1/10% if not already a  
39 multiple thereof except that there shall be no decrease pursuant to  
40 this subparagraph (K) in the contribution of any employer who has  
41 a deficit reserve ratio of 35.00% or under.

42 (L) Notwithstanding any other provision of this paragraph (5)  
43 and notwithstanding the actual fund reserve ratio, the contribution  
44 rate for employers liable to pay contributions, as computed under  
45 subparagraph (E) of this paragraph (5), shall be, for fiscal year  
46 2011, the rates set by column "C" of the table in that subparagraph.

47 (M) Notwithstanding any other provision of this paragraph (5)  
48 and notwithstanding the actual fund reserve ratio, the contribution

1 rate for employers liable to pay contributions, as computed under  
2 subparagraph (E) of this paragraph (5), shall be, for fiscal year  
3 2012, the rates set by column "D" of the table in that subparagraph.

4 (N) Notwithstanding any other provision of this paragraph (5)  
5 and notwithstanding the actual fund reserve ratio, the contribution  
6 rate for employers liable to pay contributions, as computed under  
7 subparagraph (E) of this paragraph (5), shall be, for fiscal year  
8 2013, the rates set by column "E" of the table in that subparagraph.

9 (O) Notwithstanding any other provision of this paragraph (5)  
10 and notwithstanding the actual fund reserve ratio, the contribution  
11 rate for employers liable to pay contributions, as computed under  
12 subparagraph (E) of this paragraph (5), shall be, for fiscal year  
13 2022, the rates set by column "C" of the table in that subparagraph.

14 (P) Notwithstanding any other provision of this paragraph (5)  
15 and notwithstanding the actual fund reserve ratio, the contribution  
16 rate for employers liable to pay contributions, as computed under  
17 subparagraph (E) of this paragraph (5), shall be, for fiscal year  
18 2023, the rates set by column "D" of the table in that subparagraph,  
19 unless the application of the provisions of this paragraph (5) using  
20 the actual fund reserve ratio would result in the contribution rate for  
21 employers being set by a column which has lower tax rates than the  
22 rates in column "D", in which case the employers shall be liable to  
23 pay contributions at the rates set by the column with the lower tax  
24 rates.

25 (Q) Notwithstanding any other provision of this paragraph (5)  
26 and notwithstanding the actual fund reserve ratio, the contribution  
27 rate for employers liable to pay contributions, as computed under  
28 subparagraph (E) of this paragraph (5), shall be, for fiscal year  
29 2024, the rates set by column "E" of the table in that subparagraph,  
30 unless the application of the provisions of this paragraph (5) using  
31 the actual fund reserve ratio would result in the contribution rate for  
32 employers being set by a column which has lower tax rates than the  
33 rates in column "E", in which case the employers shall be liable to  
34 pay contributions at the rates set by the column with the lower tax  
35 rates.

36 (6) Additional contributions.

37 Notwithstanding any other provision of law, any employer who  
38 has been assigned a contribution rate pursuant to subsection (c) of  
39 this section for the year commencing July 1, 1948, and for any year  
40 commencing July 1 thereafter, may voluntarily make payment of  
41 additional contributions, and upon such payment shall receive a  
42 recomputation of the experience rate applicable to such employer,  
43 including in the calculation the additional contribution so made,  
44 except that, following a transfer as described under R.S.43:21-  
45 7(c)(7)(D), neither the predecessor nor successor in interest shall be  
46 eligible to make a voluntary payment of additional contributions  
47 during the year the transfer occurs and the next full calendar year.  
48 Any such additional contribution shall be made during the 30-day

1 period following the notification to the employer of his contribution  
2 rate as prescribed in this section, unless, for good cause, the time  
3 for payment has been extended by the controller for not to exceed  
4 an additional 60 days; provided that in no event may such payments  
5 which are made later than 120 days after the beginning of the year  
6 for which such rates are effective be considered in determining the  
7 experience rate for the year in which the payment is made. Any  
8 employer receiving any extended period of time within which to  
9 make such additional payment and failing to make such payment  
10 timely shall be, in addition to the required amount of additional  
11 payment, liable for a penalty of 5% thereof or \$5.00, whichever is  
12 greater, not to exceed \$50.00. Any adjustment under this subsection  
13 shall be made only in the form of credits against accrued or future  
14 contributions.

15 (7) Transfers.

16 (A) Upon the transfer of the organization, trade or business, or  
17 substantially all the assets of an employer to a successor in interest,  
18 whether by merger, consolidation, sale, transfer, descent or  
19 otherwise, the controller shall transfer the employment experience  
20 of the predecessor employer to the successor in interest, including  
21 credit for past years, contributions paid, annual payrolls, benefit  
22 charges, et cetera, applicable to such predecessor employer,  
23 pursuant to regulation, if it is determined that the employment  
24 experience of the predecessor employer with respect to the  
25 organization, trade, assets or business which has been transferred  
26 may be considered indicative of the future employment experience  
27 of the successor in interest. The successor in interest may, within  
28 four months of the date of such transfer of the organization, trade,  
29 assets or business, or thereafter upon good cause shown, request a  
30 reconsideration of the transfer of employment experience of the  
31 predecessor employer. The request for reconsideration shall  
32 demonstrate, to the satisfaction of the controller, that the  
33 employment experience of the predecessor is not indicative of the  
34 future employment experience of the successor.

35 (B) An employer who transfers part of his or its organization,  
36 trade, assets or business to a successor in interest, whether by  
37 merger, consolidation, sale, transfer, descent or otherwise, may  
38 jointly make application with such successor in interest for transfer  
39 of that portion of the employment experience of the predecessor  
40 employer relating to the portion of the organization, trade, assets or  
41 business transferred to the successor in interest, including credit for  
42 past years, contributions paid, annual payrolls, benefit charges, et  
43 cetera, applicable to such predecessor employer. The transfer of  
44 employment experience may be allowed pursuant to regulation only  
45 if it is found that the employment experience of the predecessor  
46 employer with respect to the portion of the organization, trade,  
47 assets or business which has been transferred may be considered  
48 indicative of the future employment experience of the successor in

1 interest. Credit shall be given to the successor in interest only for  
2 the years during which contributions were paid by the predecessor  
3 employer with respect to that part of the organization, trade, assets  
4 or business transferred.

5 (C) A transfer of the employment experience in whole or in part  
6 having become final, the predecessor employer thereafter shall not  
7 be entitled to consideration for an adjusted rate based upon his or its  
8 experience or the part thereof, as the case may be, which has thus  
9 been transferred. A successor in interest to whom employment  
10 experience or a part thereof is transferred pursuant to this  
11 subsection shall, as of the date of the transfer of the organization,  
12 trade, assets or business, or part thereof, immediately become an  
13 employer if not theretofore an employer subject to this chapter  
14 (R.S.43:21-1 et seq.).

15 (D) If an employer transfers in whole or in part his or its  
16 organization, trade, assets or business to a successor in interest,  
17 whether by merger, consolidation, sale, transfer, descent or  
18 otherwise and both the employer and successor in interest are at the  
19 time of the transfer under common ownership, management or  
20 control, then the employment experience attributable to the  
21 transferred business shall also be transferred to and combined with  
22 the employment experience of the successor in interest. The  
23 transfer of the employment experience is mandatory and not subject  
24 to appeal or protest.

25 (E) The transfer of part of an employer's employment experience  
26 to a successor in interest shall become effective as of the first day of  
27 the calendar quarter following the acquisition by the successor in  
28 interest. As of the effective date, the successor in interest shall  
29 have its employer rate recalculated by merging its existing  
30 employment experience, if any, with the employment experience  
31 acquired. If the successor in interest is not an employer as of the  
32 date of acquisition, it shall be assigned the new employer rate until  
33 the effective date of the transfer of employment experience.

34 (F) Upon the transfer in whole or in part of the organization,  
35 trade, assets or business to a successor in interest, the employment  
36 experience shall not be transferred if the successor in interest is not  
37 an employer at the time of the acquisition and the controller finds  
38 that the successor in interest acquired the business solely or  
39 primarily for the purpose of obtaining a lower rate of contributions.

40 (d) Contributions of workers to the unemployment  
41 compensation fund and the State disability benefits fund.

42 (1) (A) For periods after January 1, 1975, each worker shall  
43 contribute to the fund 1% of his wages with respect to his  
44 employment with an employer, which occurs on and after January  
45 1, 1975, after such employer has satisfied the condition set forth in  
46 subsection (h) of R.S.43:21-19 with respect to becoming an  
47 employer; provided, however, that such contributions shall be at the  
48 rate of 1/2 of 1% of wages paid with respect to employment while

1 the worker is in the employ of the State of New Jersey, or any  
2 governmental entity or instrumentality which is an employer as  
3 defined under R.S.43:21-19(h)(5), or is covered by an approved  
4 private plan under the "Temporary Disability Benefits Law" or  
5 while the worker is exempt from the provisions of the "Temporary  
6 Disability Benefits Law" under section 7 of that law, P.L.1948,  
7 c.110 (C.43:21-31).

8 (B) Effective January 1, 1978 there shall be no contributions by  
9 workers in the employ of any governmental or nongovernmental  
10 employer electing or required to make payments in lieu of  
11 contributions unless the employer is covered by the State plan under  
12 the "Temporary Disability Benefits Law" (C.43:21-25 et al.), and in  
13 that case contributions shall be at the rate of 1/2 of 1%, except that  
14 commencing July 1, 1986, workers in the employ of any  
15 nongovernmental employer electing or required to make payments  
16 in lieu of contributions shall be required to make contributions to  
17 the fund at the same rate prescribed for workers of other  
18 nongovernmental employers.

19 (C) (i) Notwithstanding the above provisions of this paragraph  
20 (1), during the period starting July 1, 1986 and ending December  
21 31, 1992, each worker shall contribute to the fund 1.125% of wages  
22 paid with respect to his employment with a governmental employer  
23 electing or required to pay contributions or nongovernmental  
24 employer, including a nonprofit organization which is an employer  
25 as defined under R.S.43:21-19(h)(6), regardless of whether that  
26 nonprofit organization elects or is required to finance its benefit  
27 costs with contributions to the fund or by payments in lieu of  
28 contributions, after that employer has satisfied the conditions set  
29 forth in subsection R.S.43:21-19(h) with respect to becoming an  
30 employer. Contributions, however, shall be at the rate of 0.625%  
31 while the worker is covered by an approved private plan under the  
32 "Temporary Disability Benefits Law" or while the worker is exempt  
33 under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any  
34 other provision of that law; provided that such contributions shall  
35 be at the rate of 0.625% of wages paid with respect to employment  
36 with the State of New Jersey or any other governmental entity or  
37 instrumentality electing or required to make payments in lieu of  
38 contributions and which is covered by the State plan under the  
39 "Temporary Disability Benefits Law," except that, while the worker  
40 is exempt from the provisions of the "Temporary Disability Benefits  
41 Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or  
42 any other provision of that law, or is covered for disability benefits  
43 by an approved private plan of the employer, the contributions to  
44 the fund shall be 0.125%.

45 (ii) (Deleted by amendment, P.L.1995, c.422.)

46 (D) Notwithstanding any other provisions of this paragraph (1),  
47 during the period starting January 1, 1993 and ending June 30,  
48 1994, each worker shall contribute to the unemployment

1 compensation fund 0.5% of wages paid with respect to the worker's  
2 employment with a governmental employer electing or required to  
3 pay contributions or nongovernmental employer, including a  
4 nonprofit organization which is an employer as defined under  
5 paragraph (6) of subsection (h) of R.S.43:21-19, regardless of  
6 whether that nonprofit organization elects or is required to finance  
7 its benefit costs with contributions to the fund or by payments in  
8 lieu of contributions, after that employer has satisfied the conditions  
9 set forth in subsection (h) of R.S.43:21-19 with respect to becoming  
10 an employer. No contributions, however, shall be made by the  
11 worker while the worker is covered by an approved private plan  
12 under the "Temporary Disability Benefits Law," P.L.1948, c.110  
13 (C.43:21-25 et al.) or while the worker is exempt under section 7 of  
14 P.L.1948, c.110 (C.43:21-31) or any other provision of that law;  
15 provided that the contributions shall be at the rate of 0.50% of  
16 wages paid with respect to employment with the State of New  
17 Jersey or any other governmental entity or instrumentality electing  
18 or required to make payments in lieu of contributions and which is  
19 covered by the State plan under the "Temporary Disability Benefits  
20 Law," except that, while the worker is exempt from the provisions  
21 of the "Temporary Disability Benefits Law" under section 7 of that  
22 law, P.L.1948, c.110 (C.43:21-31) or any other provision of that  
23 law, or is covered for disability benefits by an approved private plan  
24 of the employer, no contributions shall be made to the fund.

25 Each worker shall, starting on January 1, 1996 and ending March  
26 31, 1996, contribute to the unemployment compensation fund  
27 0.60% of wages paid with respect to the worker's employment with  
28 a governmental employer electing or required to pay contributions  
29 or nongovernmental employer, including a nonprofit organization  
30 which is an employer as defined under paragraph (6) of subsection  
31 (h) of R.S.43:21-19, regardless of whether that nonprofit  
32 organization elects or is required to finance its benefit costs with  
33 contributions to the fund or by payments in lieu of contributions,  
34 after that employer has satisfied the conditions set forth in  
35 subsection (h) of R.S.43:21-19 with respect to becoming an  
36 employer, provided that the contributions shall be at the rate of  
37 0.10% of wages paid with respect to employment with the State of  
38 New Jersey or any other governmental entity or instrumentality  
39 electing or required to make payments in lieu of contributions.

40 Each worker shall, starting on January 1, 1998 and ending  
41 December 31, 1998, contribute to the unemployment compensation  
42 fund 0.10% of wages paid with respect to the worker's employment  
43 with a governmental employer electing or required to pay  
44 contributions or nongovernmental employer, including a nonprofit  
45 organization which is an employer as defined under paragraph (6)  
46 of subsection (h) of R.S.43:21-19, regardless of whether that  
47 nonprofit organization elects or is required to finance its benefit  
48 costs with contributions to the fund or by payments in lieu of

1 contributions, after that employer has satisfied the conditions set  
2 forth in subsection (h) of R.S.43:21-19 with respect to becoming an  
3 employer, provided that the contributions shall be at the rate of  
4 0.10% of wages paid with respect to employment with the State of  
5 New Jersey or any other governmental entity or instrumentality  
6 electing or required to make payments in lieu of contributions.

7 Each worker shall, starting on January 1, 1999 until December  
8 31, 1999, contribute to the unemployment compensation fund  
9 0.15% of wages paid with respect to the worker's employment with  
10 a governmental employer electing or required to pay contributions  
11 or nongovernmental employer, including a nonprofit organization  
12 which is an employer as defined under paragraph (6) of subsection  
13 (h) of R.S.43:21-19, regardless of whether that nonprofit  
14 organization elects or is required to finance its benefit costs with  
15 contributions to the fund or by payments in lieu of contributions,  
16 after that employer has satisfied the conditions set forth in  
17 subsection (h) of R.S.43:21-19 with respect to becoming an  
18 employer, provided that the contributions shall be at the rate of  
19 0.10% of wages paid with respect to employment with the State of  
20 New Jersey or any other governmental entity or instrumentality  
21 electing or required to make payments in lieu of contributions.

22 Each worker shall, starting on January 1, 2000 until December  
23 31, 2001, contribute to the unemployment compensation fund  
24 0.20% of wages paid with respect to the worker's employment with  
25 a governmental employer electing or required to pay contributions  
26 or nongovernmental employer, including a nonprofit organization  
27 which is an employer as defined under paragraph (6) of subsection  
28 (h) of R.S.43:21-19, regardless of whether that nonprofit  
29 organization elects or is required to finance its benefit costs with  
30 contributions to the fund or by payments in lieu of contributions,  
31 after that employer has satisfied the conditions set forth in  
32 subsection (h) of R.S.43:21-19 with respect to becoming an  
33 employer, provided that the contributions shall be at the rate of  
34 0.10% of wages paid with respect to employment with the State of  
35 New Jersey or any other governmental entity or instrumentality  
36 electing or required to make payments in lieu of contributions.

37 Each worker shall, starting on January 1, 2002 until June 30,  
38 2004, contribute to the unemployment compensation fund 0.1825%  
39 of wages paid with respect to the worker's employment with a  
40 governmental employer electing or required to pay contributions or  
41 a nongovernmental employer, including a nonprofit organization  
42 which is an employer as defined under paragraph (6) of subsection  
43 (h) of R.S.43:21-19, regardless of whether that nonprofit  
44 organization elects or is required to finance its benefit costs with  
45 contributions to the fund or by payments in lieu of contributions,  
46 after that employer has satisfied the conditions set forth in  
47 subsection (h) of R.S.43:21-19 with respect to becoming an  
48 employer, provided that the contributions shall be at the rate of

1 0.0825% of wages paid with respect to employment with the State  
2 of New Jersey or any other governmental entity or instrumentality  
3 electing or required to make payments in lieu of contributions.

4 Each worker shall, starting on **【and after】** July 1, 2004 until  
5 December 31, 2023, contribute to the unemployment compensation  
6 fund 0.3825% of wages paid with respect to the worker's  
7 employment with a governmental employer electing or required to  
8 pay contributions or nongovernmental employer, including a  
9 nonprofit organization which is an employer as defined under  
10 paragraph (6) of subsection (h) of R.S.43:21-19, regardless of  
11 whether that nonprofit organization elects or is required to finance  
12 its benefit costs with contributions to the fund or by payments in  
13 lieu of contributions, after that employer has satisfied the conditions  
14 set forth in subsection (h) of R.S.43:21-19 with respect to becoming  
15 an employer, provided that the contributions shall be at the rate of  
16 0.0825% of wages paid with respect to employment with the State  
17 of New Jersey or any other governmental entity or instrumentality  
18 electing or required to make payments in lieu of contributions.

19 Each worker shall, starting on and after January 1, 2024,  
20 contribute to the unemployment compensation fund 0.3625% of  
21 wages paid with respect to the worker's employment with a  
22 governmental employer electing or required to pay contributions or  
23 nongovernmental employer, including a nonprofit organization  
24 which is an employer as defined under paragraph (6) of subsection  
25 (h) of R.S.43:21-19, regardless of whether that nonprofit  
26 organization elects or is required to finance its benefit costs with  
27 contributions to the fund or by payments in lieu of contributions,  
28 after that employer has satisfied the conditions set forth in  
29 subsection (h) of R.S.43:21-19 with respect to becoming an  
30 employer, provided that the contributions shall be at the rate of  
31 0.0825% of wages paid with respect to employment with the State  
32 of New Jersey or any other governmental entity or instrumentality  
33 electing or required to make payments in lieu of contributions.

34 Each worker shall, starting on and after January 1, 2024,  
35 contribute to the unemployment compensation administration fund,  
36 established pursuant to R.S.43:21-13, 0.0200% of wages paid with  
37 respect to the worker's employment with a governmental employer  
38 electing or required to pay contributions or nongovernmental  
39 employer, including a nonprofit organization which is an employer  
40 as defined under paragraph (6) of subsection (h) of R.S.43:21-19,  
41 regardless of whether that nonprofit organization elects or is  
42 required to finance its benefit costs with contributions to the fund or  
43 by payments in lieu of contributions, after that employer has  
44 satisfied the conditions set forth in subsection (h) of R.S.43:21-19  
45 with respect to becoming an employer.

46 (E) Each employer shall, notwithstanding any provision of law  
47 in this State to the contrary, withhold in trust the amount of his  
48 workers' contributions from their wages at the time such wages are

1 paid, shall show such deduction on his payroll records, shall furnish  
2 such evidence thereof to his workers as the division or controller  
3 may prescribe, and shall transmit all such contributions, in addition  
4 to his own contributions, to the office of the controller in such  
5 manner and at such times as may be prescribed. If any employer  
6 fails to deduct the contributions of any of his workers at the time  
7 their wages are paid, or fails to make a deduction therefor at the  
8 time wages are paid for the next succeeding payroll period, he alone  
9 shall thereafter be liable for such contributions, and for the purpose  
10 of R.S.43:21-14, such contributions shall be treated as employer's  
11 contributions required from him.

12 (F) As used in this chapter (R.S.43:21-1 et seq.), except when  
13 the context clearly requires otherwise, the term "contributions" shall  
14 include the contributions of workers pursuant to this section.

15 (G) (i) Each worker, with respect to the worker's employment  
16 with a government employer electing or required to pay  
17 contributions to the State disability benefits fund or  
18 nongovernmental employer, including a nonprofit organization  
19 which is an employer as defined under paragraph (6) of subsection  
20 (h) of R.S.43:21-19, unless the employer is covered by an approved  
21 private disability plan or is exempt from the provisions of the  
22 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
23 et al.) under section 7 of that law (C.43:21-31) or any other  
24 provision of that law, shall, for calendar year 2012 and each  
25 subsequent calendar year, make contributions to the State disability  
26 benefits fund at the annual rate of contribution necessary to obtain a  
27 total amount of contributions, which, when added to employer  
28 contributions made to the State disability benefits fund pursuant to  
29 subsection (e) of this section, is, for calendar years prior to calendar  
30 year 2018, equal to 120% of the benefits paid for periods of  
31 disability, excluding periods of family temporary disability, during  
32 the immediately preceding calendar year plus an amount equal to  
33 100% of the cost of administration of the payment of those benefits  
34 during the immediately preceding calendar year, less the amount of  
35 net assets remaining in the State disability benefits fund, excluding  
36 net assets remaining in the "Family Temporary Disability Leave  
37 Account" of that fund, as of December 31 of the immediately  
38 preceding year, and is, for calendar year 2018 and year 2019, equal  
39 to 120% of the benefits paid for periods of disability, excluding  
40 periods of family temporary disability, during the last preceding full  
41 fiscal year plus an amount equal to 100% of the cost of  
42 administration of the payment of those benefits during the last  
43 preceding full fiscal year, less the amount of net assets anticipated  
44 to be remaining in the "Family Temporary Disability Leave  
45 Account" of that fund, as of December 31 of the immediately  
46 preceding calendar year, and is, for each of calendar years 2020 and  
47 2021, equal to 120% of the benefits which the department  
48 anticipates will be paid for periods of disability, excluding periods

1 of family temporary disability, during the respective calendar year  
2 plus an amount equal to 100% of the cost of administration of the  
3 payment of those benefits which the department anticipates during  
4 the respective calendar year, less the amount of net assets  
5 anticipated to be remaining in the State disability benefits fund,  
6 excluding net assets remaining in the "Family Temporary Disability  
7 Leave Account" of that fund, as of December 31 of the immediately  
8 preceding calendar year, and is, for calendar year 2022 and any  
9 subsequent calendar year, equal to 120% of the benefits paid for  
10 periods of disability, excluding periods of family temporary  
11 disability, during the last preceding full fiscal year plus an amount  
12 equal to 100% of the cost of administration of the payment of those  
13 benefits during the last preceding full fiscal year, less the amount of  
14 net assets anticipated to be remaining in the State disability benefits  
15 fund, excluding net assets remaining in the "Family Temporary  
16 Disability Leave Account" of that fund, as of December 31 of the  
17 immediately preceding calendar year. All increases in the cost of  
18 benefits for periods of disability caused by the increases in the  
19 weekly benefit rate commencing July 1, 2020, pursuant to section  
20 16 of P.L.1948, c.110 (C.43:21-40), shall be funded by  
21 contributions made by workers pursuant to this paragraph (i) and  
22 none of those increases shall be funded by employer contributions.  
23 The estimated rates for the next calendar year shall be made  
24 available on the department's website no later than 60 days after the  
25 end of the last preceding full fiscal year. The rates of employer  
26 contributions determined pursuant to subsection (e) of this section  
27 for any year shall be determined prior to the determination of the  
28 rate of employee contributions pursuant to this subparagraph (i) and  
29 any consideration of employee contributions in determining  
30 employer rates for any year shall be based on amounts of employee  
31 contributions made prior to the year to which the rate of employee  
32 contributions applies and shall not be based on any projection or  
33 estimate of the amount of employee contributions for the year to  
34 which that rate applies.

35 (ii) Each worker shall contribute to the State disability benefits  
36 fund, in addition to any amount contributed pursuant to  
37 subparagraph (i) of this paragraph (1)(G), an amount equal to,  
38 during calendar year 2009, 0.09%, and during calendar year 2010  
39 0.12%, of wages paid with respect to the worker's employment with  
40 any covered employer, including a governmental employer which is  
41 an employer as defined under R.S.43:21-19(h)(5), unless the  
42 employer is covered by an approved private disability plan for  
43 benefits during periods of family temporary disability leave. The  
44 contributions made pursuant to this subparagraph (ii) to the State  
45 disability benefits fund shall be deposited into an account of that  
46 fund reserved for the payment of benefits during periods of family  
47 temporary disability leave as defined in section 3 of the "Temporary  
48 Disability Benefits Law," P.L.1948, c.110 (C.43:21-27) and for the

1 administration of those payments and shall not be used for any other  
2 purpose. This account shall be known as the "Family Temporary  
3 Disability Leave Account." For calendar year 2011 and each  
4 subsequent calendar year until 2018, the annual rate of contribution  
5 to be paid by workers pursuant to this subparagraph (ii) shall be, for  
6 calendar years prior to calendar year 2018, the rate necessary to  
7 obtain a total amount of contributions equal to 125% of the benefits  
8 paid for periods of family temporary disability leave during the  
9 immediately preceding calendar year plus an amount equal to 100%  
10 of the cost of administration of the payment of those benefits during  
11 the immediately preceding calendar year, less the amount of net  
12 assets remaining in the account as of December 31 of the  
13 immediately preceding year, and shall be, for calendar year 2018  
14 and calendar year 2019, the rate necessary to obtain a total amount  
15 of contributions equal to 125% of the benefits paid for periods of  
16 family temporary disability leave during the last preceding full  
17 fiscal year plus an amount equal to 100% of the cost of  
18 administration of the payment of those benefits during the last  
19 preceding full fiscal year, less the amount of net assets anticipated  
20 to be remaining in the account as of December 31 of the  
21 immediately preceding calendar year. For each of calendar years  
22 2020 and 2021, the annual rate of contribution to be paid by  
23 workers pursuant to this subparagraph (ii) shall be the rate  
24 necessary to obtain a total amount of contributions equal to 125% of  
25 the benefits which the department anticipates will be paid for  
26 periods of family temporary disability leave during the respective  
27 calendar year plus an amount equal to 100% of the cost of  
28 administration of the payment of those benefits which the  
29 department anticipates during the respective calendar year, less the  
30 amount of net assets remaining in the account as of December 31 of  
31 the immediately preceding calendar year. For 2022 and any  
32 subsequent calendar year, the annual rate of contribution to be paid  
33 by workers pursuant to this subparagraph (ii) shall be the rate  
34 necessary to obtain a total amount of contributions equal to 125% of  
35 the benefits which were paid for periods of family temporary  
36 disability leave during the last preceding full fiscal year plus an  
37 amount equal to 100% of the cost of administration of the payment  
38 of those benefits during the last preceding full fiscal year, less the  
39 amount of net assets remaining in the account as of December 31 of  
40 the immediately preceding calendar year. All increases in the cost  
41 of benefits for periods of family temporary disability leave caused  
42 by the increases in the weekly benefit rate commencing July 1, 2020  
43 pursuant to section 16 of P.L.1948, c.110 (C.43:21-40) and  
44 increases in the maximum duration of benefits commencing July 1,  
45 2020 pursuant to sections 14 and 15 of P.L.1948, c.110 (C.43:21-38  
46 and 43:21-39) shall be funded by contributions made by workers  
47 pursuant to this paragraph (ii) and none of those increases shall be  
48 funded by employer contributions. The estimated rates for the next

1 calendar year shall be made available on the department's website  
2 no later than 60 days after the end of the last preceding full fiscal  
3 year. Necessary administrative costs shall include the cost of an  
4 outreach program to inform employees of the availability of the  
5 benefits and the cost of issuing the reports required or permitted  
6 pursuant to section 13 of P.L.2008, c.17 (C.43:21-39.4). No  
7 monies, other than the funds in the "Family Temporary Disability  
8 Leave Account," shall be used for the payment of benefits during  
9 periods of family temporary disability leave or for the  
10 administration of those payments, with the sole exception that,  
11 during calendar years 2008 and 2009, a total amount not exceeding  
12 \$25 million may be transferred to that account from the revenues  
13 received in the State disability benefits fund pursuant to  
14 subparagraph (i) of this paragraph (1)(G) and be expended for those  
15 payments and their administration, including the administration of  
16 the collection of contributions made pursuant to this subparagraph  
17 (ii) and any other necessary administrative costs. Any amount  
18 transferred to the account pursuant to this subparagraph (ii) shall be  
19 repaid during a period beginning not later than January 1, 2011 and  
20 ending not later than December 31, 2015. No monies, other than  
21 the funds in the "Family Temporary Disability Leave Account,"  
22 shall be used under any circumstances after December 31, 2009, for  
23 the payment of benefits during periods of family temporary  
24 disability leave or for the administration of those payments,  
25 including for the administration of the collection of contributions  
26 made pursuant to this subparagraph (ii).

27 (2) (A) (Deleted by amendment, P.L.1984, c.24.)

28 (B) (Deleted by amendment, P.L.1984, c.24.)

29 (C) (Deleted by amendment, P.L.1994, c.112.)

30 (D) (Deleted by amendment, P.L.1994, c.112.)

31 (E) (i) (Deleted by amendment, P.L.1994, c.112.)

32 (ii) (Deleted by amendment, P.L.1996, c.28.)

33 (iii) (Deleted by amendment, P.L.1994, c.112.)

34 (3) (A) If an employee receives wages from more than one  
35 employer during any calendar year, and either the sum of his  
36 contributions deposited in and credited to the State disability  
37 benefits fund plus the amount of his contributions, if any, required  
38 towards the costs of benefits under one or more approved private  
39 plans under the provisions of section 9 of the "Temporary Disability  
40 Benefits Law" (C.43:21-33) and deducted from his wages, or the  
41 sum of such latter contributions, if the employee is covered during  
42 such calendar year only by two or more private plans, exceeds an  
43 amount equal to 1/2 of 1% of the "wages" determined in accordance  
44 with the provisions of R.S.43:21-7(b)(3) during the calendar years  
45 beginning on or after January 1, 1976 or, during calendar year 2012  
46 or any subsequent calendar year, the total amount of his  
47 contributions for the year exceeds the amount set by the annual rate  
48 of contribution determined by the Commissioner of Labor and

1 Workforce Development pursuant to subparagraph (i) of paragraph  
2 (1)(G) of this subsection (d), the employee shall be entitled to a  
3 refund of the excess if he makes a claim to the controller within two  
4 years after the end of the calendar year in which the wages are  
5 received with respect to which the refund is claimed and establishes  
6 his right to such refund. Such refund shall be made by the controller  
7 from the State disability benefits fund. No interest shall be allowed  
8 or paid with respect to any such refund. The controller shall, in  
9 accordance with prescribed regulations, determine the portion of the  
10 aggregate amount of such refunds made during any calendar year  
11 which is applicable to private plans for which deductions were  
12 made under section 9 of the "Temporary Disability Benefits Law"  
13 (C.43:21-33) such determination to be based upon the ratio of the  
14 amount of such wages exempt from contributions to such fund, as  
15 provided in subparagraph (B) of paragraph (1) of this subsection  
16 with respect to coverage under private plans, to the total wages so  
17 exempt plus the amount of such wages subject to contributions to  
18 the disability benefits fund, as provided in subparagraph (G) of  
19 paragraph (1) of this subsection. The controller shall, in accordance  
20 with prescribed regulations, prorate the amount so determined  
21 among the applicable private plans in the proportion that the wages  
22 covered by each plan bear to the total private plan wages involved  
23 in such refunds, and shall assess against and recover from the  
24 employer, or the insurer if the insurer has indemnified the employer  
25 with respect thereto, the amount so prorated. The provisions of  
26 R.S.43:21-14 with respect to collection of employer contributions  
27 shall apply to such assessments. The amount so recovered by the  
28 controller shall be paid into the State disability benefits fund.

29 (B) If an employee receives wages from more than one employer  
30 during any calendar year, and the sum of his contributions deposited  
31 in the "Family Temporary Disability Leave Account" of the State  
32 disability benefits fund plus the amount of his contributions, if any,  
33 required towards the costs of family temporary disability leave  
34 benefits under one or more approved private plans under the  
35 provisions of the "Temporary Disability Benefits Law" (C.43:21-25  
36 et al.) and deducted from his wages, exceeds an amount equal to,  
37 during calendar year 2009, 0.09% of the "wages" determined in  
38 accordance with the provisions of R.S.43:21-7(b)(3), or during  
39 calendar year 2010, 0.12% of those wages, or, during calendar year  
40 2011 or any subsequent calendar year, the percentage of those  
41 wages set by the annual rate of contribution determined by the  
42 Commissioner of Labor and Workforce Development pursuant to  
43 subparagraph (ii) of paragraph (1)(G) of this subsection (d), the  
44 employee shall be entitled to a refund of the excess if he makes a  
45 claim to the controller within two years after the end of the calendar  
46 year in which the wages are received with respect to which the  
47 refund is claimed and establishes his right to the refund. The refund  
48 shall be made by the controller from the "Family Temporary

1 Disability Leave Account" of the State disability benefits fund. No  
2 interest shall be allowed or paid with respect to any such refund.  
3 The controller shall, in accordance with prescribed regulations,  
4 determine the portion of the aggregate amount of the refunds made  
5 during any calendar year which is applicable to private plans for  
6 which deductions were made under section 9 of the "Temporary  
7 Disability Benefits Law" (C.43:21-33), with that determination  
8 based upon the ratio of the amount of such wages exempt from  
9 contributions to the fund, as provided in paragraph (1)(B) of this  
10 subsection (d) with respect to coverage under private plans, to the  
11 total wages so exempt plus the amount of such wages subject to  
12 contributions to the "Family Temporary Disability Leave Account"  
13 of the State disability benefits fund, as provided in subparagraph (ii)  
14 of paragraph (1)(G) of this subsection (d). The controller shall, in  
15 accordance with prescribed regulations, prorate the amount so  
16 determined among the applicable private plans in the proportion  
17 that the wages covered by each plan bear to the total private plan  
18 wages involved in such refunds, and shall assess against and  
19 recover from the employer, or the insurer if the insurer has  
20 indemnified the employer with respect thereto, the prorated amount.  
21 The provisions of R.S.43:21-14 with respect to collection of  
22 employer contributions shall apply to such assessments. The  
23 amount so recovered by the controller shall be paid into the "Family  
24 Temporary Disability Leave Account" of the State disability  
25 benefits fund.

26 (4) If an individual does not receive any wages from the  
27 employing unit which for the purposes of this chapter (R.S.43:21-1  
28 et seq.) is treated as his employer, or receives his wages from some  
29 other employing unit, such employer shall nevertheless be liable for  
30 such individual's contributions in the first instance; and after  
31 payment thereof such employer may deduct the amount of such  
32 contributions from any sums payable by him to such employing  
33 unit, or may recover the amount of such contributions from such  
34 employing unit, or, in the absence of such an employing unit, from  
35 such individual, in a civil action; provided proceedings therefor are  
36 instituted within three months after the date on which such  
37 contributions are payable. General rules shall be prescribed  
38 whereby such an employing unit may recover the amount of such  
39 contributions from such individuals in the same manner as if it were  
40 the employer.

41 (5) Every employer who has elected to become an employer  
42 subject to this chapter (R.S.43:21-1 et seq.), or to cease to be an  
43 employer subject to this chapter (R.S.43:21-1 et seq.), pursuant to  
44 the provisions of R.S.43:21-8, shall post and maintain printed  
45 notices of such election on his premises, of such design, in such  
46 numbers, and at such places as the director may determine to be  
47 necessary to give notice thereof to persons in his service.

1 (6) Contributions by workers, payable to the controller as herein  
2 provided, shall be exempt from garnishment, attachment, execution,  
3 or any other remedy for the collection of debts.

4 (e) Contributions by employers to the State disability benefits  
5 fund.

6 (1) Except as hereinafter provided, each employer shall, in  
7 addition to the contributions required by subsections (a), (b), and  
8 (c) of this section, contribute 1/2 of 1% of the wages paid by such  
9 employer to workers with respect to employment unless he is not a  
10 covered employer as defined in subsection (a) of section 3 of the  
11 "Temporary Disability Benefits Law" (C.43:21-27 (a)), except that  
12 the rate for the State of New Jersey shall be 1/10 of 1% for the  
13 calendar year 1980 and for the first six months of 1981. Prior to  
14 July 1, 1981 and prior to July 1 each year thereafter, the controller  
15 shall review the experience accumulated in the account of the State  
16 of New Jersey and establish a rate for the next following fiscal year  
17 which, in combination with worker contributions, will produce  
18 sufficient revenue to keep the account in balance; except that the  
19 rate so established shall not be less than 1/10 of 1%. Such  
20 contributions shall become due and be paid by the employer to the  
21 controller for the State disability benefits fund as established by  
22 law, in accordance with such regulations as may be prescribed, and  
23 shall not be deducted, in whole or in part, from the remuneration of  
24 individuals in his employ. In the payment of any contributions, a  
25 fractional part of a cent shall be disregarded unless it amounts to  
26 \$0.005 or more, in which case it shall be increased to \$0.01.

27 (2) During the continuance of coverage of a worker by an  
28 approved private plan of disability benefits under the "Temporary  
29 Disability Benefits Law," the employer shall be exempt from the  
30 contributions required by paragraph (1) above with respect to wages  
31 paid to such worker.

32 (3) (A) The rates of contribution as specified in paragraph (1)  
33 above shall be subject to modification as provided herein with  
34 respect to employer contributions due on and after July 1, 1951.

35 (B) A separate disability benefits account shall be maintained for  
36 each employer required to contribute to the State disability benefits  
37 fund and such account shall be credited with contributions  
38 deposited in and credited to such fund with respect to employment  
39 occurring on and after January 1, 1949. Each employer's account  
40 shall be credited with all contributions paid on or before January 31  
41 of any calendar year on his own behalf and on behalf of individuals  
42 in his service with respect to employment occurring in preceding  
43 calendar years; provided, however, that if January 31 of any  
44 calendar year falls on a Saturday or Sunday an employer's account  
45 shall be credited as of January 31 of such calendar year with all the  
46 contributions which he has paid on or before the next succeeding  
47 day which is not a Saturday or Sunday. But nothing in this act shall  
48 be construed to grant any employer or individuals in his service

1 prior claims or rights to the amounts paid by him to the fund either  
2 on his own behalf or on behalf of such individuals. Benefits paid to  
3 any covered individual in accordance with Article III of the  
4 "Temporary Disability Benefits Law" on or before December 31 of  
5 any calendar year with respect to disability in such calendar year  
6 and in preceding calendar years shall be charged against the account  
7 of the employer by whom such individual was employed at the  
8 commencement of such disability or by whom he was last  
9 employed, if out of employment.

10 (C) The controller may prescribe regulations for the  
11 establishment, maintenance, and dissolution of joint accounts by  
12 two or more employers, and shall, in accordance with such  
13 regulations and upon application by two or more employers to  
14 establish such an account, or to merge their several individual  
15 accounts in a joint account, maintain such joint account as if it  
16 constituted a single employer's account.

17 (D) Prior to July 1 of each calendar year, the controller shall  
18 make a preliminary determination of the rate of contribution for the  
19 12 months commencing on such July 1 for each employer subject to  
20 the contribution requirements of this subsection (e).

21 (1) Such preliminary rate shall be  $\frac{1}{2}$  of 1% unless on the  
22 preceding January 31 of such year such employer shall have been a  
23 covered employer who has paid contributions to the State disability  
24 benefits fund with respect to employment in the three calendar  
25 years immediately preceding such year.

26 (2) If the minimum requirements in subparagraph (D) (1) above  
27 have been fulfilled and the credited contributions exceed the  
28 benefits charged by more than \$500.00, such preliminary rate shall  
29 be as follows:

30 (i)  $\frac{2}{10}$  of 1% if such excess over \$500.00 exceeds 1% but is  
31 less than  $1\frac{1}{4}$ % of his average annual payroll as defined in this  
32 chapter (R.S.43:21-1 et seq.);

33 (ii)  $\frac{15}{100}$  of 1% if such excess over \$500.00 equals or exceeds  
34  $1\frac{1}{4}$ % but is less than  $1\frac{1}{2}$ % of his average annual payroll;

35 (iii)  $\frac{1}{10}$  of 1% if such excess over \$500.00 equals or exceeds  $1$   
36  $\frac{1}{2}$ % of his average annual payroll.

37 (3) If the minimum requirements in subparagraph (D) (1) above  
38 have been fulfilled and the contributions credited exceed the  
39 benefits charged but by not more than \$500.00 plus 1% of his  
40 average annual payroll, or if the benefits charged exceed the  
41 contributions credited but by not more than \$500.00, the  
42 preliminary rate shall be  $\frac{1}{4}$  of 1%.

43 (4) If the minimum requirements in subparagraph (D) (1) above  
44 have been fulfilled and the benefits charged exceed the  
45 contributions credited by more than \$500.00, such preliminary rate  
46 shall be as follows:

47 (i)  $\frac{35}{100}$  of 1% if such excess over \$500.00 is less than  $\frac{1}{4}$  of  
48 1% of his average annual payroll;

1 (ii) 45/100 of 1% if such excess over \$500.00 equals or exceeds  
2 1/4 of 1% but is less than 1/2 of 1% of his average annual payroll;

3 (iii) 55/100 of 1% if such excess over \$500.00 equals or exceeds  
4 1/2 of 1% but is less than 3/4 of 1% of his average annual payroll;

5 (iv) 65/100 of 1% if such excess over \$500.00 equals or exceeds  
6 3/4 of 1% but is less than 1% of his average annual payroll;

7 (v) 75/100 of 1% if such excess over \$500.00 equals or exceeds  
8 1% of his average annual payroll.

9 (5) Determination of the preliminary rate as specified in  
10 subparagraphs (D)(2), (3) and (4) above shall be subject, however,  
11 to the condition that it shall in no event be decreased by more than  
12 1/10 of 1% of wages or increased by more than 2/10 of 1% of  
13 wages from the preliminary rate determined for the preceding year  
14 in accordance with subparagraph (D) (1), (2), (3) or (4), whichever  
15 shall have been applicable.

16 (E) (1) Prior to July 1 of each calendar year the controller shall  
17 determine the amount of the State disability benefits fund as of  
18 December 31 of the preceding calendar year, increased by the  
19 contributions paid thereto during January of the current calendar  
20 year with respect to employment occurring in the preceding  
21 calendar year. If such amount exceeds the net amount withdrawn  
22 from the unemployment trust fund pursuant to section 23 of the  
23 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-47)  
24 plus the amount at the end of such preceding calendar year of the  
25 unemployment disability account as defined in section 22 of said  
26 law (C.43:21-46), such excess shall be expressed as a percentage of  
27 the wages on which contributions were paid to the State disability  
28 benefits fund on or before January 31 with respect to employment  
29 in the preceding calendar year.

30 (2) The controller shall then make a final determination of the  
31 rates of contribution for the 12 months commencing July 1 of such  
32 year for employers whose preliminary rates are determined as  
33 provided in subparagraph (D) hereof, as follows:

34 (i) If the percentage determined in accordance with  
35 subparagraph (E)(1) of this paragraph equals or exceeds 1 1/4%, the  
36 final employer rates shall be the preliminary rates determined as  
37 provided in subparagraph (D) hereof, except that if the employer's  
38 preliminary rate is determined as provided in subparagraph (D)(2)  
39 or subparagraph (D)(3) hereof, the final employer rate shall be the  
40 preliminary employer rate decreased by such percentage of excess  
41 taken to the nearest 5/100 of 1%, but in no case shall such final rate  
42 be less than 1/10 of 1%.

43 (ii) If the percentage determined in accordance with  
44 subparagraph (E)(1) of this paragraph equals or exceeds 3/4 of 1%  
45 and is less than 1 1/4 of 1%, the final employer rates shall be the  
46 preliminary employer rates.

47 (iii) If the percentage determined in accordance with  
48 subparagraph (E)(1) of this paragraph is less than 3/4 of 1%, but in

1 excess of 1/4 of 1%, the final employer rates shall be the  
2 preliminary employer rates determined as provided in subparagraph  
3 (D) hereof increased by the difference between 3/4 of 1% and such  
4 percentage taken to the nearest 5/100 of 1%; provided, however,  
5 that no such final rate shall be more than 1/4 of 1% in the case of an  
6 employer whose preliminary rate is determined as provided in  
7 subparagraph (D)(2) hereof, more than 1/2 of 1% in the case of an  
8 employer whose preliminary rate is determined as provided in  
9 subparagraph (D)(1) and subparagraph (D)(3) hereof, nor more than  
10 3/4 of 1% in the case of an employer whose preliminary rate is  
11 determined as provided in subparagraph (D)(4) hereof.

12 (iv) If the amount of the State disability benefits fund determined  
13 as provided in subparagraph (E)(1) of this paragraph is equal to or  
14 less than 1/4 of 1%, then the final rate shall be 2/5 of 1% in the case  
15 of an employer whose preliminary rate is determined as provided in  
16 subparagraph (D)(2) hereof, 7/10 of 1% in the case of an employer  
17 whose preliminary rate is determined as provided in subparagraph  
18 (D)(1) and subparagraph (D)(3) hereof, and 1.1% in the case of an  
19 employer whose preliminary rate is determined as provided in  
20 subparagraph (D)(4) hereof. Notwithstanding any other provision of  
21 law or any determination made by the controller with respect to any  
22 12-month period commencing on July 1, 1970, the final rates for all  
23 employers for the period beginning January 1, 1971, shall be as set  
24 forth herein.

25 (F) Notwithstanding any other provisions of this subsection (e),  
26 the rate of contribution paid to the State disability benefits fund by  
27 each covered employer as defined in paragraph (1) of subsection (a)  
28 of section 3 of P.L.1948, c.110 (C.43:21-27), shall be determined as  
29 if:

30 (i) No disability benefits have been paid with respect to periods  
31 of family temporary disability leave;

32 (ii) No worker paid any contributions to the State disability  
33 benefits fund pursuant to paragraph (1)(G)(ii) of subsection (d) of  
34 this section;

35 (iii) No amounts were transferred from the State disability  
36 benefits fund to the "Family Temporary Disability Leave Account"  
37 pursuant to paragraph (1)(G)(ii) of subsection (d) of this section;  
38 and

39 (iv) The total amount of benefits paid for periods of disability  
40 were not subject to the increases in the weekly benefit rate for those  
41 benefits commencing July 1, 2020 pursuant to section 16 of  
42 P.L.1948, c.110 (C.43:21-40).

43 (cf: P.L.2020, c.150, s.2)

44

45 2. This act shall take effect immediately, and shall apply to all  
46 wages paid on or after January 1, 2024.

STATEMENT

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This bill requires that a portion of the worker contributions to the unemployment compensation trust fund instead be allocated to the unemployment compensation administration fund. Under current law, workers contribute 0.3825 percent of their wages to the unemployment compensation trust fund. The bill reduces the worker contribution to the trust fund to 0.3625 percent of wages and directs that 0.0200 percent of wage instead be allocated to the administration fund. The trust fund provides the funding for unemployment benefits for workers. While the trust fund is adequately funded, the administration fund does not have adequate funding to maintain efficient operations of the unemployment compensation system.

The administration fund is funded by contributions by the federal government, but these contributions do not provide sufficient resources to maintain the State system. This reallocation of funds from the trust fund to administration fund would provide needed resources to the administration fund.

[First Reprint]

**ASSEMBLY, No. 4043**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

INTRODUCED MARCH 7, 2024

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblyman WILLIAM B. SAMPSON, IV**

**District 31 (Hudson)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

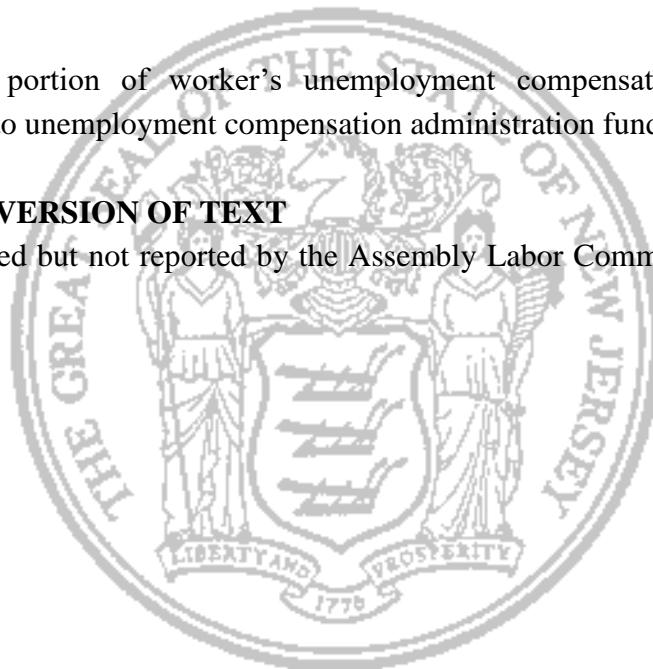
**Assemblywoman Speight and Senator McKnight**

**SYNOPSIS**

Redirects portion of worker's unemployment compensation trust fund contribution to unemployment compensation administration fund.

**CURRENT VERSION OF TEXT**

As amended but not reported by the Assembly Labor Committee on March 11, 2024.



**(Sponsorship Updated As Of: 10/28/2024)**

1 AN ACT concerning worker contributions for unemployment  
2 insurance and amending R.S.43:21-7.

3

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

6

7 1. R.S.43:21-7 is amended to read as follows:

8 43:21-7. Employers other than governmental entities, whose  
9 benefit financing provisions are set forth in section 4 of P.L.1971,  
10 c.346 (C.43:21-7.3), and those nonprofit organizations liable for  
11 payment in lieu of contributions on the basis set forth in section 3 of  
12 P.L.1971, c.346 (C.43:21-7.2), shall pay to the controller for the  
13 unemployment compensation fund, contributions as set forth in  
14 subsections (a), (b) and (c) hereof, and the provisions of subsections  
15 (d) and (e) shall be applicable to all employers, consistent with the  
16 provisions of the "unemployment compensation law" and the  
17 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
18 al.).

19 (a) Payment.

20 (1) Contributions shall accrue and become payable by each  
21 employer for each calendar year in which he is subject to this chapter  
22 (R.S.43:21-1 et seq.), with respect to having individuals in his employ  
23 during that calendar year, at the rates and on the basis hereinafter set  
24 forth. Such contributions shall become due and be paid by each  
25 employer to the controller for the fund, in accordance with such  
26 regulations as may be prescribed, and shall not be deducted, in whole  
27 or in part, from the remuneration of individuals in his employ.

28 (2) In the payment of any contributions, a fractional part of a cent  
29 shall be disregarded unless it amounts to \$0.005 or more, in which  
30 case it shall be increased to \$0.01.

31 (b) Rate of contributions. Each employer shall pay the following  
32 contributions:

33 (1) For the calendar year 1947, and each calendar year thereafter, 2  
34 7/10% of wages paid by him during each such calendar year, except as  
35 otherwise prescribed by subsection (c) of this section.

36 (2) The "wages" of any individual, with respect to any one  
37 employer, as the term is used in this subsection (b) and in subsections  
38 (c), (d) and (e) of this section 7, shall include the first \$4,800.00 paid  
39 during calendar year 1975, for services performed either within or  
40 without this State; provided that no contribution shall be required by  
41 this State with respect to services performed in another state if such  
42 other state imposes contribution liability with respect thereto. If an  
43 employer (hereinafter referred to as a successor employer) during any  
44 calendar year acquires substantially all the property used in a trade or  
45 business of another employer (hereinafter referred to as a predecessor),

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALA committee amendments adopted March 11, 2024.

1 or used in a separate unit of a trade or business of a predecessor, and  
2 immediately after the acquisition employs in his trade or business an  
3 individual who immediately prior to the acquisition was employed in  
4 the trade or business of such predecessors, then, for the purpose of  
5 determining whether the successor employer has paid wages with  
6 respect to employment equal to the first \$4,800.00 paid during  
7 calendar year 1975, any wages paid to such individual by such  
8 predecessor during such calendar year and prior to such acquisition  
9 shall be considered as having been paid by such successor employer.

10 (3) For calendar years beginning on and after January 1, 1976, the  
11 "wages" of any individual, as defined in the preceding paragraph (2) of  
12 this subsection (b), shall be established and promulgated by the  
13 Commissioner of Labor and Workforce Development on or before  
14 September 1 of the preceding year and, except as provided in  
15 paragraph (4) of this subsection (b), shall be, 28 times the Statewide  
16 average weekly remuneration paid to workers by employers, as  
17 determined under R.S.43:21-3(c), raised to the next higher multiple of  
18 \$100.00 if not already a multiple thereof, provided that if the amount  
19 of wages so determined for a calendar year is less than the amount  
20 similarly determined for the preceding year, the greater amount will be  
21 used; provided, further, that if the amount of such wages so  
22 determined does not equal or exceed the amount of wages as defined  
23 in subsection (b) of section 3306 of the Internal Revenue Code of 1986  
24 (26 U.S.C. s.3306(b)), the wages as determined in this paragraph in  
25 any calendar year shall be raised to equal the amount established under  
26 the "Federal Unemployment Tax Act," chapter 23 of the Internal  
27 Revenue Code of 1986 (26 U.S.C. s.3301 et seq.), for that calendar  
28 year.

29 (4) For calendar years beginning on and after January 1, 2020, the  
30 "wages" of any individual, as defined in the preceding paragraph (2) of  
31 this subsection (b) for purposes of contributions of workers to the State  
32 disability benefits fund, including the "Family Temporary Disability  
33 Leave Account" pursuant to subsection (d) of this section, shall be  
34 established and promulgated by the Commissioner of Labor and  
35 Workforce Development on or before September 1 of the preceding  
36 year and shall be 107 times the Statewide average weekly  
37 remuneration paid to workers by employers, as determined under  
38 R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not  
39 already a multiple thereof, provided that if the amount of wages so  
40 determined for a calendar year is less than the amount similarly  
41 determined for the preceding year, the greater amount will be used.

42 (c) Future rates based on benefit experience.

43 (1) A separate account for each employer shall be maintained and  
44 this shall be credited with all the contributions which he has paid on  
45 his own behalf on or before January 31 of any calendar year with  
46 respect to employment occurring in the preceding calendar year;  
47 provided, however, that if January 31 of any calendar year falls on a  
48 Saturday or Sunday, an employer's account shall be credited as of

1 January 31 of such calendar year with all the contributions which he  
2 has paid on or before the next succeeding day which is not a Saturday  
3 or Sunday. But nothing in this chapter (R.S.43:21-1 et seq.) shall be  
4 construed to grant any employer or individuals in his service prior  
5 claims or rights to the amounts paid by him into the fund either on his  
6 own behalf or on behalf of such individuals. Benefits paid with respect  
7 to benefit years commencing on and after January 1, 1953, to any  
8 individual on or before December 31 of any calendar year with respect  
9 to unemployment in such calendar year and in preceding calendar  
10 years shall be charged against the account or accounts of the employer  
11 or employers in whose employment such individual established base  
12 weeks constituting the basis of such benefits, except that, with respect  
13 to benefit years commencing after January 4, 1998, an employer's  
14 account shall not be charged for benefits paid to a claimant if the  
15 claimant's employment by that employer was ended in any way which,  
16 pursuant to subsection (a), (b), (c), (f), (g) or (h) of R.S.43:21-5, would  
17 have disqualified the claimant for benefits if the claimant had applied  
18 for benefits at the time when that employment ended. Benefits paid  
19 under a given benefit determination shall be charged against the  
20 account of the employer to whom such determination relates. When  
21 each benefit payment is made, notification shall be promptly provided  
22 to each employer included in the unemployment insurance monetary  
23 calculation of benefits. Such notification shall identify the employer  
24 against whose account the amount of such payment is being charged,  
25 shall show at least the name and social security account number of the  
26 claimant and shall specify the period of unemployment to which said  
27 benefit payment applies.

28 An annual summary statement of unemployment benefits charged  
29 to the employer's account shall be provided.

30 (2) Regulations may be prescribed for the establishment,  
31 maintenance, and dissolution of joint accounts by two or more  
32 employers, and shall, in accordance with such regulations and upon  
33 application by two or more employers to establish such an account, or  
34 to merge their several individual accounts in a joint account, maintain  
35 such joint account as if it constituted a single employer's account.

36 (3) No employer's rate shall be lower than 5.4% unless assignment  
37 of such lower rate is consistent with the conditions applicable to  
38 additional credit allowance for such year under section 3303(a)(1) of  
39 the Internal Revenue Code of 1986 (26 U.S.C. s.3303(a)(1)), any other  
40 provision of this section to the contrary notwithstanding.

41 (4) Employer Reserve Ratio. (A) Each employer's rate shall be 2  
42 8/10%, except as otherwise provided in the following provisions. No  
43 employer's rate for the 12 months commencing July 1 of any calendar  
44 year shall be other than 2 8/10%, unless as of the preceding January 31  
45 such employer shall have paid contributions with respect to wages paid  
46 in each of the three calendar years immediately preceding such year, in  
47 which case such employer's rate for the 12 months commencing July 1  
48 of any calendar year shall be determined on the basis of his record up

1 to the beginning of such calendar year. If, at the beginning of such  
2 calendar year, the total of all his contributions, paid on his own behalf,  
3 for all past years exceeds the total benefits charged to his account for  
4 all such years, his contribution rate shall be:

5 (1)  $2\frac{5}{10}\%$ , if such excess equals or exceeds 4%, but less than  
6 5%, of his average annual payroll (as defined in paragraph (2),  
7 subsection (a) of R.S.43:21-19);

8 (2)  $2\frac{2}{10}\%$ , if such excess equals or exceeds 5%, but is less than  
9 6%, of his average annual payroll;

10 (3)  $1\frac{9}{10}\%$ , if such excess equals or exceeds 6%, but is less than  
11 7%, of his average annual payroll;

12 (4)  $1\frac{6}{10}\%$ , if such excess equals or exceeds 7%, but is less than  
13 8%, of his average annual payroll;

14 (5)  $1\frac{3}{10}\%$ , if such excess equals or exceeds 8%, but is less than  
15 9%, of his average annual payroll;

16 (6) 1%, if such excess equals or exceeds 9%, but is less than 10%,  
17 of his average annual payroll;

18 (7)  $\frac{7}{10}$  of 1%, if such excess equals or exceeds 10%, but is less  
19 than 11%, of his average annual payroll;

20 (8)  $\frac{4}{10}$  of 1%, if such excess equals or exceeds 11% of his  
21 average annual payroll.

22 (B) If the total of an employer's contributions, paid on his own  
23 behalf, for all past periods for the purposes of this paragraph (4), is  
24 less than the total benefits charged against his account during the same  
25 period, his rate shall be:

26 (1) 4%, if such excess is less than 10% of his average annual  
27 payroll;

28 (2)  $4\frac{3}{10}\%$ , if such excess equals or exceeds 10%, but is less than  
29 20%, of his average annual payroll;

30 (3)  $4\frac{6}{10}\%$ , if such excess equals or exceeds 20% of his average  
31 annual payroll.

32 (C) Specially assigned rates.

33 (i) If no contributions were paid on wages for employment in any  
34 calendar year used in determining the average annual payroll of an  
35 employer eligible for an assigned rate under this paragraph (4), the  
36 employer's rate shall be specially assigned as follows:

37 if the reserve balance in its account is positive, its assigned rate  
38 shall be the highest rate in effect for positive balance accounts for that  
39 period, or 5.4%, whichever is higher, and

40 if the reserve balance in its account is negative, its assigned rate  
41 shall be the highest rate in effect for deficit accounts for that period.

42 (ii) If, following the purchase of a corporation with little or no  
43 activity, known as a corporate shell, the resulting employing unit  
44 operates a new or different business activity, the employing unit shall  
45 be assigned a new employer rate.

46 (iii) Entities operating under common ownership, management or  
47 control, when the operation of the entities is not identifiable,

1 distinguishable and severable, shall be considered a single employer  
2 for the purposes of this chapter (R.S.43:21-1 et seq.).

3 (D) The contribution rates prescribed by subparagraphs (A) and (B)  
4 of this paragraph (4) shall be increased or decreased in accordance  
5 with the provisions of paragraph (5) of this subsection (c) for  
6 experience rating periods through June 30, 1986.

7 (5) (A) Unemployment Trust Fund Reserve Ratio. If on March 31  
8 of any calendar year the balance in the unemployment trust fund  
9 equals or exceeds 4% but is less than 7% of the total taxable wages  
10 reported to the controller as of that date in respect to employment  
11 during the preceding calendar year, the contribution rate, effective July  
12 1 following, of each employer eligible for a contribution rate  
13 calculation based upon benefit experience, shall be increased by 3/10  
14 of 1% over the contribution rate otherwise established under the  
15 provisions of paragraph (3) or (4) of this subsection. If on March 31  
16 of any calendar year the balance of the unemployment trust fund  
17 exceeds 2 1/2% but is less than 4% of the total taxable wages reported  
18 to the controller as of that date in respect to employment during the  
19 preceding calendar year, the contribution rate, effective July 1  
20 following, of each employer eligible for a contribution rate calculation  
21 based upon benefit experience, shall be increased by 6/10 of 1% over  
22 the contribution rate otherwise established under the provisions of  
23 paragraph (3) or (4) of this subsection.

24 If on March 31 of any calendar year the balance of the  
25 unemployment trust fund is less than 2 1/2% of the total taxable wages  
26 reported to the controller as of that date in respect to employment  
27 during the preceding calendar year, the contribution rate, effective July  
28 1 following, of each employer: (1) eligible for a contribution rate  
29 calculation based upon benefit experience, shall be increased by (i)  
30 6/10 of 1% over the contribution rate otherwise established under the  
31 provisions of paragraph (3), (4)(A) or (4)(B) of this subsection, and (ii)  
32 an additional amount equal to 20% of the total rate established herein,  
33 provided, however, that the final contribution rate for each employer  
34 shall be computed to the nearest multiple of 1/10% if not already a  
35 multiple thereof; (2) not eligible for a contribution rate calculation  
36 based upon benefit experience, shall be increased by 6/10 of 1% over  
37 the contribution rate otherwise established under the provisions of  
38 paragraph (4) of this subsection. For the period commencing July 1,  
39 1984 and ending June 30, 1986, the contribution rate for each  
40 employer liable to pay contributions under R.S.43:21-7 shall be  
41 increased by a factor of 10% computed to the nearest multiple of  
42 1/10% if not already a multiple thereof.

43 (B) If on March 31 of any calendar year the balance in the  
44 unemployment trust fund equals or exceeds 10% but is less than 12  
45 1/2% of the total taxable wages reported to the controller as of that  
46 date in respect to employment during the preceding calendar year, the  
47 contribution rate, effective July 1 following, of each employer eligible  
48 for a contribution rate calculation based upon benefit experience, shall

1 be reduced by 3/10 of 1% under the contribution rate otherwise  
 2 established under the provisions of paragraphs (3) and (4) of this  
 3 subsection; provided that in no event shall the contribution rate of any  
 4 employer be reduced to less than 4/10 of 1%. If on March 31 of any  
 5 calendar year the balance in the unemployment trust fund equals or  
 6 exceeds 12 1/2% of the total taxable wages reported to the controller  
 7 as of that date in respect to employment during the preceding calendar  
 8 year, the contribution rate, effective July 1 following, of each  
 9 employer eligible for a contribution rate calculation based upon benefit  
 10 experience, shall be reduced by 6/10 of 1% if his account for all past  
 11 periods reflects an excess of contributions paid over total benefits  
 12 charged of 3% or more of his average annual payroll, otherwise by  
 13 3/10 of 1% under the contribution rate otherwise established under the  
 14 provisions of paragraphs (3) and (4) of this subsection; provided that  
 15 in no event shall the contribution rate of any employer be reduced to  
 16 less than 4/10 of 1%.

17 (C) The "balance" in the unemployment trust fund, as the term is  
 18 used in subparagraphs (A) and (B) above, shall not include moneys  
 19 credited to the State's account under section 903 of the Social Security  
 20 Act, as amended (42 U.S.C. s.1103), during any period in which such  
 21 moneys are appropriated for the payment of expenses incurred in the  
 22 administration of the "unemployment compensation law."

23 (D) Prior to July 1 of each calendar year the controller shall  
 24 determine the Unemployment Trust Fund Reserve Ratio, which shall  
 25 be calculated by dividing the balance of the unemployment trust fund  
 26 as of the prior March 31 by total taxable wages reported to the  
 27 controller by all employers as of March 31 with respect to their  
 28 employment during the last calendar year.

29 (E) (i) (Deleted by amendment, P.L.1997, c.263).

30 (ii) (Deleted by amendment, P.L.2001, c.152).

31 (iii) (Deleted by amendment, P.L.2003, c.107).

32 (iv) (Deleted by amendment, P.L.2004, c.45).

33 (v) (Deleted by amendment, P.L.2008, c.17).

34 (vi) (Deleted by amendment, P.L.2013, c.75).

35 (vii) With respect to experience rating years beginning on or after  
 36 July 1, 2011, the new employer rate or the unemployment experience  
 37 rate of an employer under this section shall be the rate which appears  
 38 in the column headed by the Unemployment Trust Fund Reserve Ratio  
 39 as of the applicable calculation date and on the line with the Employer  
 40 Reserve Ratio, as defined in paragraph (4) of this subsection  
 41 (R.S.43:21-7 (c)(4)), as set forth in the following table:

42 EXPERIENCE RATING TAX TABLE

43		Fund Reserve Ratio <sup>1</sup>				
44		3.50%	3.00%	2.5%	2.0%	1.99%
45	Employer		and	to	to	and
46	Reserve	Over	3.49%	2.99%	2.49%	Under
47	Ratio <sup>2</sup>		A	B	C	D E

1	Positive Reserve Ratio:					
2	17% and over	0.3	0.4	0.5	0.6	1.2
3	16.00% to 16.99%	0.4	0.5	0.6	0.6	1.2
4	15.00% to 15.99%	0.4	0.6	0.7	0.7	1.2
5	14.00% to 14.99%	0.5	0.6	0.7	0.8	1.2
6	13.00% to 13.99%	0.6	0.7	0.8	0.9	1.2
7	12.00% to 12.99%	0.6	0.8	0.9	1.0	1.2
8	11.00% to 11.99%	0.7	0.8	1.0	1.1	1.2
9	10.00% to 10.99%	0.9	1.1	1.3	1.5	1.6
10	9.00% to 9.99%	1.0	1.3	1.6	1.7	1.9
11	8.00% to 8.99%	1.3	1.6	1.9	2.1	2.3
12	7.00% to 7.99%	1.4	1.8	2.2	2.4	2.6
13	6.00% to 6.99%	1.7	2.1	2.5	2.8	3.0
14	5.00% to 5.99%	1.9	2.4	2.8	3.1	3.4
15	4.00% to 4.99%	2.0	2.6	3.1	3.4	3.7
16	3.00% to 3.99%	2.1	2.7	3.2	3.6	3.9
17	2.00% to 2.99%	2.2	2.8	3.3	3.7	4.0
18	1.00% to 1.99%	2.3	2.9	3.4	3.8	4.1
19	0.00% to 0.99%	2.4	3.0	3.6	4.0	4.3
20	Deficit Reserve Ratio:					
21	-0.00% to -2.99%	3.4	4.3	5.1	5.6	6.1
22	-3.00% to -5.99%	3.4	4.3	5.1	5.7	6.2
23	-6.00% to -8.99%	3.5	4.4	5.2	5.8	6.3
24	-9.00% to -11.99%	3.5	4.5	5.3	5.9	6.4
25	-12.00% to -14.99%	3.6	4.6	5.4	6.0	6.5
26	-15.00% to -19.99%	3.6	4.6	5.5	6.1	6.6
27	-20.00% to -24.99%	3.7	4.7	5.6	6.2	6.7
28	-25.00% to -29.99%	3.7	4.8	5.6	6.3	6.8
29	-30.00% to -34.99%	3.8	4.8	5.7	6.3	6.9
30	-35.00% and under	5.4	5.4	5.8	6.4	7.0
31	New Employer Rate	2.8	2.8	2.8	3.1	3.4

32 1Fund balance as of March 31 as a percentage of taxable wages in  
33 the prior calendar year.

34 2Employer Reserve Ratio (Contributions minus benefits as a  
35 percentage of employer's taxable wages).

36 (F) (i) (Deleted by amendment, P.L.1997, c.263).

37 (ii) (Deleted by amendment, P.L.2008, c.17).

38 (iii) (Deleted by amendment, P.L.2013, c.75).

39 (iv) With respect to experience rating years beginning on or after  
40 July 1, 2011 and before July 1, 2013, if the fund reserve ratio, based on  
41 the fund balance as of the prior March 31, is less than 1.0%, the  
42 contribution rate for each employer liable to pay contributions, as  
43 computed under subparagraph (E) of this paragraph (5), shall be  
44 increased by a factor of 10% computed to the nearest multiple of  
45 1/10% if not already a multiple thereof.

46 (v) With respect to experience rating years beginning on or after  
47 July 1, 2014, if the fund reserve ratio, based on the fund balance as of  
48 the prior March 31, is less than 1.0%, the contribution rate for each

1 employer liable to pay contributions, as computed under subparagraph  
2 (E) of this paragraph (5), shall be increased by a factor of 10%  
3 computed to the nearest multiple of 1/10% if not already a multiple  
4 thereof.

5 (G) On or after January 1, 1993, notwithstanding any other  
6 provisions of this paragraph (5), the contribution rate for each  
7 employer liable to pay contributions, as computed under subparagraph  
8 (E) of this paragraph (5), shall be decreased by 0.1%, except that,  
9 during any experience rating year starting before January 1, 1998 in  
10 which the fund reserve ratio is equal to or greater than 7.00% or during  
11 any experience rating year starting on or after January 1, 1998, in  
12 which the fund reserve ratio is equal to or greater than 3.5%, there  
13 shall be no decrease pursuant to this subparagraph (G) in the  
14 contribution of any employer who has a deficit reserve ratio of  
15 negative 35.00% or under.

16 (H) On and after January 1, 1998 until December 31, 2000 and on  
17 or after January 1, 2002 until June 30, 2006, the contribution rate for  
18 each employer liable to pay contributions, as computed under  
19 subparagraph (E) of this paragraph (5), shall be decreased by a factor,  
20 as set out below, computed to the nearest multiple of 1/10%, except  
21 that, if an employer has a deficit reserve ratio of negative 35.0% or  
22 under, the employer's rate of contribution shall not be reduced  
23 pursuant to this subparagraph (H) to less than 5.4%:

24 From January 1, 1998 until December 31, 1998, a factor of 12%;

25 From January 1, 1999 until December 31, 1999, a factor of 10%;

26 From January 1, 2000 until December 31, 2000, a factor of 7%;

27 From January 1, 2002 until March 31, 2002, a factor of 36%;

28 From April 1, 2002 until June 30, 2002, a factor of 85%;

29 From July 1, 2002 until June 30, 2003, a factor of 15%;

30 From July 1, 2003 until June 30, 2004, a factor of 15%;

31 From July 1, 2004 until June 30, 2005, a factor of 7%;

32 From July 1, 2005 until December 31, 2005, a factor of 16%; and

33 From January 1, 2006 until June 30, 2006, a factor of 34%.

34 The amount of the reduction in the employer contributions  
35 stipulated by this subparagraph (H) shall be in addition to the amount  
36 of the reduction in the employer contributions stipulated by  
37 subparagraph (G) of this paragraph (5), except that the rate of  
38 contribution of an employer who has a deficit reserve ratio of negative  
39 35.0% or under shall not be reduced pursuant to this subparagraph (H)  
40 to less than 5.4% and the rate of contribution of any other employer  
41 shall not be reduced to less than 0.0%.

42 (I) (Deleted by amendment, P.L.2008, c.17).

43 (J) On or after July 1, 2001, notwithstanding any other provisions  
44 of this paragraph (5), the contribution rate for each employer liable to  
45 pay contributions, as computed under subparagraph (E) of this  
46 paragraph (5), shall be decreased by 0.0175%, except that, during any  
47 experience rating year starting on or after July 1, 2001, in which the  
48 fund reserve ratio is equal to or greater than 3.5%, there shall be no

1 decrease pursuant to this subparagraph (J) in the contribution of any  
2 employer who has a deficit reserve ratio of negative 35.00% or under.  
3 The amount of the reduction in the employer contributions stipulated  
4 by this subparagraph (J) shall be in addition to the amount of the  
5 reduction in the employer contributions stipulated by subparagraphs  
6 (G) and (H) of this paragraph (5), except that the rate of contribution  
7 of an employer who has a deficit reserve ratio of negative 35.0% or  
8 under shall not be reduced pursuant to this subparagraph (J) to less  
9 than 5.4% and the rate of contribution of any other employer shall not  
10 be reduced to less than 0.0%.

11 (K) With respect to experience rating years beginning on or after  
12 July 1, 2009, if the fund reserve ratio, based on the fund balance as of  
13 the prior March 31, is:

14 (i) Equal to or greater than 5.00% but less than 7.5%, the  
15 contribution rate for each employer liable to pay contributions, as  
16 computed under subparagraph (E) of this paragraph (5), shall be  
17 reduced by a factor of 25% computed to the nearest multiple of 1/10%  
18 if not already a multiple thereof except that there shall be no decrease  
19 pursuant to this subparagraph (K) in the contribution of any employer  
20 who has a deficit reserve ratio of 35.00% or under;

21 (ii) Equal to or greater than 7.5%, the contribution rate for each  
22 employer liable to pay contributions, as computed under subparagraph  
23 (E) of this paragraph (5), shall be reduced by a factor of 50%  
24 computed to the nearest multiple of 1/10% if not already a multiple  
25 thereof except that there shall be no decrease pursuant to this  
26 subparagraph (K) in the contribution of any employer who has a  
27 deficit reserve ratio of 35.00% or under.

28 (L) Notwithstanding any other provision of this paragraph (5) and  
29 notwithstanding the actual fund reserve ratio, the contribution rate for  
30 employers liable to pay contributions, as computed under  
31 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2011,  
32 the rates set by column "C" of the table in that subparagraph.

33 (M) Notwithstanding any other provision of this paragraph (5) and  
34 notwithstanding the actual fund reserve ratio, the contribution rate for  
35 employers liable to pay contributions, as computed under  
36 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2012,  
37 the rates set by column "D" of the table in that subparagraph.

38 (N) Notwithstanding any other provision of this paragraph (5) and  
39 notwithstanding the actual fund reserve ratio, the contribution rate for  
40 employers liable to pay contributions, as computed under  
41 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2013,  
42 the rates set by column "E" of the table in that subparagraph.

43 (O) Notwithstanding any other provision of this paragraph (5) and  
44 notwithstanding the actual fund reserve ratio, the contribution rate for  
45 employers liable to pay contributions, as computed under  
46 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2022,  
47 the rates set by column "C" of the table in that subparagraph.

1 (P) Notwithstanding any other provision of this paragraph (5) and  
2 notwithstanding the actual fund reserve ratio, the contribution rate for  
3 employers liable to pay contributions, as computed under  
4 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2023,  
5 the rates set by column "D" of the table in that subparagraph, unless  
6 the application of the provisions of this paragraph (5) using the actual  
7 fund reserve ratio would result in the contribution rate for employers  
8 being set by a column which has lower tax rates than the rates in  
9 column "D", in which case the employers shall be liable to pay  
10 contributions at the rates set by the column with the lower tax rates.

11 (Q) Notwithstanding any other provision of this paragraph (5) and  
12 notwithstanding the actual fund reserve ratio, the contribution rate for  
13 employers liable to pay contributions, as computed under  
14 subparagraph (E) of this paragraph (5), shall be, for fiscal year 2024,  
15 the rates set by column "E" of the table in that subparagraph, unless  
16 the application of the provisions of this paragraph (5) using the actual  
17 fund reserve ratio would result in the contribution rate for employers  
18 being set by a column which has lower tax rates than the rates in  
19 column "E", in which case the employers shall be liable to pay  
20 contributions at the rates set by the column with the lower tax rates.

21 (6) Additional contributions.

22 Notwithstanding any other provision of law, any employer who has  
23 been assigned a contribution rate pursuant to subsection (c) of this  
24 section for the year commencing July 1, 1948, and for any year  
25 commencing July 1 thereafter, may voluntarily make payment of  
26 additional contributions, and upon such payment shall receive a  
27 recomputation of the experience rate applicable to such employer,  
28 including in the calculation the additional contribution so made, except  
29 that, following a transfer as described under R.S.43:21-7(c)(7)(D),  
30 neither the predecessor nor successor in interest shall be eligible to  
31 make a voluntary payment of additional contributions during the year  
32 the transfer occurs and the next full calendar year. Any such additional  
33 contribution shall be made during the 30-day period following the  
34 notification to the employer of his contribution rate as prescribed in  
35 this section, unless, for good cause, the time for payment has been  
36 extended by the controller for not to exceed an additional 60 days;  
37 provided that in no event may such payments which are made later  
38 than 120 days after the beginning of the year for which such rates are  
39 effective be considered in determining the experience rate for the year  
40 in which the payment is made. Any employer receiving any extended  
41 period of time within which to make such additional payment and  
42 failing to make such payment timely shall be, in addition to the  
43 required amount of additional payment, liable for a penalty of 5%  
44 thereof or \$5.00, whichever is greater, not to exceed \$50.00. Any  
45 adjustment under this subsection shall be made only in the form of  
46 credits against accrued or future contributions.

47 (7) Transfers.

1 (A) Upon the transfer of the organization, trade or business, or  
2 substantially all the assets of an employer to a successor in interest,  
3 whether by merger, consolidation, sale, transfer, descent or otherwise,  
4 the controller shall transfer the employment experience of the  
5 predecessor employer to the successor in interest, including credit for  
6 past years, contributions paid, annual payrolls, benefit charges, et  
7 cetera, applicable to such predecessor employer, pursuant to  
8 regulation, if it is determined that the employment experience of the  
9 predecessor employer with respect to the organization, trade, assets or  
10 business which has been transferred may be considered indicative of  
11 the future employment experience of the successor in interest. The  
12 successor in interest may, within four months of the date of such  
13 transfer of the organization, trade, assets or business, or thereafter  
14 upon good cause shown, request a reconsideration of the transfer of  
15 employment experience of the predecessor employer. The request for  
16 reconsideration shall demonstrate, to the satisfaction of the controller,  
17 that the employment experience of the predecessor is not indicative of  
18 the future employment experience of the successor.

19 (B) An employer who transfers part of his or its organization, trade,  
20 assets or business to a successor in interest, whether by merger,  
21 consolidation, sale, transfer, descent or otherwise, may jointly make  
22 application with such successor in interest for transfer of that portion  
23 of the employment experience of the predecessor employer relating to  
24 the portion of the organization, trade, assets or business transferred to  
25 the successor in interest, including credit for past years, contributions  
26 paid, annual payrolls, benefit charges, et cetera, applicable to such  
27 predecessor employer. The transfer of employment experience may be  
28 allowed pursuant to regulation only if it is found that the employment  
29 experience of the predecessor employer with respect to the portion of  
30 the organization, trade, assets or business which has been transferred  
31 may be considered indicative of the future employment experience of  
32 the successor in interest. Credit shall be given to the successor in  
33 interest only for the years during which contributions were paid by the  
34 predecessor employer with respect to that part of the organization,  
35 trade, assets or business transferred.

36 (C) A transfer of the employment experience in whole or in part  
37 having become final, the predecessor employer thereafter shall not be  
38 entitled to consideration for an adjusted rate based upon his or its  
39 experience or the part thereof, as the case may be, which has thus been  
40 transferred. A successor in interest to whom employment experience  
41 or a part thereof is transferred pursuant to this subsection shall, as of  
42 the date of the transfer of the organization, trade, assets or business, or  
43 part thereof, immediately become an employer if not theretofore an  
44 employer subject to this chapter (R.S.43:21-1 et seq.).

45 (D) If an employer transfers in whole or in part his or its  
46 organization, trade, assets or business to a successor in interest,  
47 whether by merger, consolidation, sale, transfer, descent or otherwise  
48 and both the employer and successor in interest are at the time of the

1 transfer under common ownership, management or control, then the  
2 employment experience attributable to the transferred business shall  
3 also be transferred to and combined with the employment experience  
4 of the successor in interest. The transfer of the employment  
5 experience is mandatory and not subject to appeal or protest.

6 (E) The transfer of part of an employer's employment experience to  
7 a successor in interest shall become effective as of the first day of the  
8 calendar quarter following the acquisition by the successor in interest.  
9 As of the effective date, the successor in interest shall have its  
10 employer rate recalculated by merging its existing employment  
11 experience, if any, with the employment experience acquired. If the  
12 successor in interest is not an employer as of the date of acquisition, it  
13 shall be assigned the new employer rate until the effective date of the  
14 transfer of employment experience.

15 (F) Upon the transfer in whole or in part of the organization, trade,  
16 assets or business to a successor in interest, the employment  
17 experience shall not be transferred if the successor in interest is not an  
18 employer at the time of the acquisition and the controller finds that the  
19 successor in interest acquired the business solely or primarily for the  
20 purpose of obtaining a lower rate of contributions.

21 (d) Contributions of workers to the unemployment compensation  
22 fund and the State disability benefits fund.

23 (1) (A) For periods after January 1, 1975, each worker shall  
24 contribute to the fund 1% of his wages with respect to his employment  
25 with an employer, which occurs on and after January 1, 1975, after  
26 such employer has satisfied the condition set forth in subsection (h) of  
27 R.S.43:21-19 with respect to becoming an employer; provided,  
28 however, that such contributions shall be at the rate of 1/2 of 1% of  
29 wages paid with respect to employment while the worker is in the  
30 employ of the State of New Jersey, or any governmental entity or  
31 instrumentality which is an employer as defined under R.S.43:21-  
32 19(h)(5), or is covered by an approved private plan under the  
33 "Temporary Disability Benefits Law" or while the worker is exempt  
34 from the provisions of the "Temporary Disability Benefits Law" under  
35 section 7 of that law, P.L.1948, c.110 (C.43:21-31).

36 (B) Effective January 1, 1978 there shall be no contributions by  
37 workers in the employ of any governmental or nongovernmental  
38 employer electing or required to make payments in lieu of  
39 contributions unless the employer is covered by the State plan under  
40 the "Temporary Disability Benefits Law" (C.43:21-25 et al.), and in  
41 that case contributions shall be at the rate of 1/2 of 1%, except that  
42 commencing July 1, 1986, workers in the employ of any  
43 nongovernmental employer electing or required to make payments in  
44 lieu of contributions shall be required to make contributions to the  
45 fund at the same rate prescribed for workers of other nongovernmental  
46 employers.

47 (C) (i) Notwithstanding the above provisions of this paragraph (1),  
48 during the period starting July 1, 1986 and ending December 31, 1992,

1 each worker shall contribute to the fund 1.125% of wages paid with  
2 respect to his employment with a governmental employer electing or  
3 required to pay contributions or nongovernmental employer, including  
4 a nonprofit organization which is an employer as defined under  
5 R.S.43:21-19(h)(6), regardless of whether that nonprofit organization  
6 elects or is required to finance its benefit costs with contributions to  
7 the fund or by payments in lieu of contributions, after that employer  
8 has satisfied the conditions set forth in subsection R.S.43:21-19(h)  
9 with respect to becoming an employer. Contributions, however, shall  
10 be at the rate of 0.625% while the worker is covered by an approved  
11 private plan under the "Temporary Disability Benefits Law" or while  
12 the worker is exempt under section 7 of that law, P.L.1948, c.110  
13 (C.43:21-31) or any other provision of that law; provided that such  
14 contributions shall be at the rate of 0.625% of wages paid with respect  
15 to employment with the State of New Jersey or any other  
16 governmental entity or instrumentality electing or required to make  
17 payments in lieu of contributions and which is covered by the State  
18 plan under the "Temporary Disability Benefits Law," except that,  
19 while the worker is exempt from the provisions of the "Temporary  
20 Disability Benefits Law" under section 7 of that law, P.L.1948, c.110  
21 (C.43:21-31) or any other provision of that law, or is covered for  
22 disability benefits by an approved private plan of the employer, the  
23 contributions to the fund shall be 0.125%.

24 (ii) (Deleted by amendment, P.L.1995, c.422.)

25 (D) Notwithstanding any other provisions of this paragraph (1),  
26 during the period starting January 1, 1993 and ending June 30, 1994,  
27 each worker shall contribute to the unemployment compensation fund  
28 0.5% of wages paid with respect to the worker's employment with a  
29 governmental employer electing or required to pay contributions or  
30 nongovernmental employer, including a nonprofit organization which  
31 is an employer as defined under paragraph (6) of subsection (h) of  
32 R.S.43:21-19, regardless of whether that nonprofit organization elects  
33 or is required to finance its benefit costs with contributions to the fund  
34 or by payments in lieu of contributions, after that employer has  
35 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
36 respect to becoming an employer. No contributions, however, shall be  
37 made by the worker while the worker is covered by an approved  
38 private plan under the "Temporary Disability Benefits Law," P.L.1948,  
39 c.110 (C.43:21-25 et al.) or while the worker is exempt under section 7  
40 of P.L.1948, c.110 (C.43:21-31) or any other provision of that law;  
41 provided that the contributions shall be at the rate of 0.50% of wages  
42 paid with respect to employment with the State of New Jersey or any  
43 other governmental entity or instrumentality electing or required to  
44 make payments in lieu of contributions and which is covered by the  
45 State plan under the "Temporary Disability Benefits Law," except that,  
46 while the worker is exempt from the provisions of the "Temporary  
47 Disability Benefits Law" under section 7 of that law, P.L.1948, c.110  
48 (C.43:21-31) or any other provision of that law, or is covered for

1 disability benefits by an approved private plan of the employer, no  
2 contributions shall be made to the fund.

3 Each worker shall, starting on January 1, 1996 and ending March  
4 31, 1996, contribute to the unemployment compensation fund 0.60%  
5 of wages paid with respect to the worker's employment with a  
6 governmental employer electing or required to pay contributions or  
7 nongovernmental employer, including a nonprofit organization which  
8 is an employer as defined under paragraph (6) of subsection (h) of  
9 R.S.43:21-19, regardless of whether that nonprofit organization elects  
10 or is required to finance its benefit costs with contributions to the fund  
11 or by payments in lieu of contributions, after that employer has  
12 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
13 respect to becoming an employer, provided that the contributions shall  
14 be at the rate of 0.10% of wages paid with respect to employment with  
15 the State of New Jersey or any other governmental entity or  
16 instrumentality electing or required to make payments in lieu of  
17 contributions.

18 Each worker shall, starting on January 1, 1998 and ending  
19 December 31, 1998, contribute to the unemployment compensation  
20 fund 0.10% of wages paid with respect to the worker's employment  
21 with a governmental employer electing or required to pay  
22 contributions or nongovernmental employer, including a nonprofit  
23 organization which is an employer as defined under paragraph (6) of  
24 subsection (h) of R.S.43:21-19, regardless of whether that nonprofit  
25 organization elects or is required to finance its benefit costs with  
26 contributions to the fund or by payments in lieu of contributions, after  
27 that employer has satisfied the conditions set forth in subsection (h) of  
28 R.S.43:21-19 with respect to becoming an employer, provided that the  
29 contributions shall be at the rate of 0.10% of wages paid with respect  
30 to employment with the State of New Jersey or any other  
31 governmental entity or instrumentality electing or required to make  
32 payments in lieu of contributions.

33 Each worker shall, starting on January 1, 1999 until December 31,  
34 1999, contribute to the unemployment compensation fund 0.15% of  
35 wages paid with respect to the worker's employment with a  
36 governmental employer electing or required to pay contributions or  
37 nongovernmental employer, including a nonprofit organization which  
38 is an employer as defined under paragraph (6) of subsection (h) of  
39 R.S.43:21-19, regardless of whether that nonprofit organization elects  
40 or is required to finance its benefit costs with contributions to the fund  
41 or by payments in lieu of contributions, after that employer has  
42 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
43 respect to becoming an employer, provided that the contributions shall  
44 be at the rate of 0.10% of wages paid with respect to employment with  
45 the State of New Jersey or any other governmental entity or  
46 instrumentality electing or required to make payments in lieu of  
47 contributions.

1 Each worker shall, starting on January 1, 2000 until December 31,  
2 2001, contribute to the unemployment compensation fund 0.20% of  
3 wages paid with respect to the worker's employment with a  
4 governmental employer electing or required to pay contributions or  
5 nongovernmental employer, including a nonprofit organization which  
6 is an employer as defined under paragraph (6) of subsection (h) of  
7 R.S.43:21-19, regardless of whether that nonprofit organization elects  
8 or is required to finance its benefit costs with contributions to the fund  
9 or by payments in lieu of contributions, after that employer has  
10 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
11 respect to becoming an employer, provided that the contributions shall  
12 be at the rate of 0.10% of wages paid with respect to employment with  
13 the State of New Jersey or any other governmental entity or  
14 instrumentality electing or required to make payments in lieu of  
15 contributions.

16 Each worker shall, starting on January 1, 2002 until June 30, 2004,  
17 contribute to the unemployment compensation fund 0.1825% of wages  
18 paid with respect to the worker's employment with a governmental  
19 employer electing or required to pay contributions or a  
20 nongovernmental employer, including a nonprofit organization which  
21 is an employer as defined under paragraph (6) of subsection (h) of  
22 R.S.43:21-19, regardless of whether that nonprofit organization elects  
23 or is required to finance its benefit costs with contributions to the fund  
24 or by payments in lieu of contributions, after that employer has  
25 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
26 respect to becoming an employer, provided that the contributions shall  
27 be at the rate of 0.0825% of wages paid with respect to employment  
28 with the State of New Jersey or any other governmental entity or  
29 instrumentality electing or required to make payments in lieu of  
30 contributions.

31 Each worker shall, starting on **[and after]** July 1, 2004 until  
32 December 31, 2023, contribute to the unemployment compensation  
33 fund 0.3825% of wages paid with respect to the worker's employment  
34 with a governmental employer electing or required to pay  
35 contributions or nongovernmental employer, including a nonprofit  
36 organization which is an employer as defined under paragraph (6) of  
37 subsection (h) of R.S.43:21-19, regardless of whether that nonprofit  
38 organization elects or is required to finance its benefit costs with  
39 contributions to the fund or by payments in lieu of contributions, after  
40 that employer has satisfied the conditions set forth in subsection (h) of  
41 R.S.43:21-19 with respect to becoming an employer, provided that the  
42 contributions shall be at the rate of 0.0825% of wages paid with  
43 respect to employment with the State of New Jersey or any other  
44 governmental entity or instrumentality electing or required to make  
45 payments in lieu of contributions.

46 Each worker shall, starting on and after January 1, 2024, contribute  
47 to the unemployment compensation fund 0.3625% of wages paid with  
48 respect to the worker's employment with a governmental employer

1 electing or required to pay contributions or nongovernmental  
2 employer, including a nonprofit organization which is an employer as  
3 defined under paragraph (6) of subsection (h) of R.S.43:21-19,  
4 regardless of whether that nonprofit organization elects or is required  
5 to finance its benefit costs with contributions to the fund or by  
6 payments in lieu of contributions, after that employer has satisfied the  
7 conditions set forth in subsection (h) of R.S.43:21-19 with respect to  
8 becoming an employer, provided that the contributions shall be at the  
9 rate of ~~1~~0.0825%<sup>1</sup> 0.0625%<sup>1</sup> of wages paid with respect to  
10 employment with the State of New Jersey or any other governmental  
11 entity or instrumentality electing or required to make payments in lieu  
12 of contributions.

13 Each worker shall, starting on and after January 1, 2024, contribute  
14 to the unemployment compensation administration fund, established  
15 pursuant to R.S.43:21-13, 0.0200% of wages paid with respect to the  
16 worker's employment with a governmental employer electing or  
17 required to pay contributions<sup>1</sup>, the State of New Jersey or any other  
18 governmental entity or instrumentality electing or required to make  
19 payments in lieu of contributions,<sup>1</sup> or nongovernmental employer,  
20 including a nonprofit organization which is an employer as defined  
21 under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of  
22 whether that nonprofit organization elects or is required to finance its  
23 benefit costs with contributions to the fund or by payments in lieu of  
24 contributions, after that employer has satisfied the conditions set forth  
25 in subsection (h) of R.S.43:21-19 with respect to becoming an  
26 employer.

27 (E) Each employer shall, notwithstanding any provision of law in  
28 this State to the contrary, withhold in trust the amount of his workers'  
29 contributions from their wages at the time such wages are paid, shall  
30 show such deduction on his payroll records, shall furnish such  
31 evidence thereof to his workers as the division or controller may  
32 prescribe, and shall transmit all such contributions, in addition to his  
33 own contributions, to the office of the controller in such manner and at  
34 such times as may be prescribed. If any employer fails to deduct the  
35 contributions of any of his workers at the time their wages are paid, or  
36 fails to make a deduction therefor at the time wages are paid for the  
37 next succeeding payroll period, he alone shall thereafter be liable for  
38 such contributions, and for the purpose of R.S.43:21-14, such  
39 contributions shall be treated as employer's contributions required  
40 from him.

41 (F) As used in this chapter (R.S.43:21-1 et seq.), except when the  
42 context clearly requires otherwise, the term "contributions" shall  
43 include the contributions of workers pursuant to this section.

44 (G) (i) Each worker, with respect to the worker's employment  
45 with a government employer electing or required to pay contributions  
46 to the State disability benefits fund or nongovernmental employer,  
47 including a nonprofit organization which is an employer as defined  
48 under paragraph (6) of subsection (h) of R.S.43:21-19, unless the

1 employer is covered by an approved private disability plan or is  
2 exempt from the provisions of the "Temporary Disability Benefits  
3 Law," P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law  
4 (C.43:21-31) or any other provision of that law, shall, for calendar year  
5 2012 and each subsequent calendar year, make contributions to the  
6 State disability benefits fund at the annual rate of contribution  
7 necessary to obtain a total amount of contributions, which, when added  
8 to employer contributions made to the State disability benefits fund  
9 pursuant to subsection (e) of this section, is, for calendar years prior to  
10 calendar year 2018, equal to 120% of the benefits paid for periods of  
11 disability, excluding periods of family temporary disability, during the  
12 immediately preceding calendar year plus an amount equal to 100% of  
13 the cost of administration of the payment of those benefits during the  
14 immediately preceding calendar year, less the amount of net assets  
15 remaining in the State disability benefits fund, excluding net assets  
16 remaining in the "Family Temporary Disability Leave Account" of  
17 that fund, as of December 31 of the immediately preceding year, and  
18 is, for calendar year 2018 and year 2019, equal to 120% of the benefits  
19 paid for periods of disability, excluding periods of family temporary  
20 disability, during the last preceding full fiscal year plus an amount  
21 equal to 100% of the cost of administration of the payment of those  
22 benefits during the last preceding full fiscal year, less the amount of  
23 net assets anticipated to be remaining in the "Family Temporary  
24 Disability Leave Account" of that fund, as of December 31 of the  
25 immediately preceding calendar year, and is, for each of calendar years  
26 2020 and 2021, equal to 120% of the benefits which the department  
27 anticipates will be paid for periods of disability, excluding periods of  
28 family temporary disability, during the respective calendar year plus  
29 an amount equal to 100% of the cost of administration of the payment  
30 of those benefits which the department anticipates during the  
31 respective calendar year, less the amount of net assets anticipated to be  
32 remaining in the State disability benefits fund, excluding net assets  
33 remaining in the "Family Temporary Disability Leave Account" of  
34 that fund, as of December 31 of the immediately preceding calendar  
35 year, and is, for calendar year 2022 and any subsequent calendar year,  
36 equal to 120% of the benefits paid for periods of disability, excluding  
37 periods of family temporary disability, during the last preceding full  
38 fiscal year plus an amount equal to 100% of the cost of administration  
39 of the payment of those benefits during the last preceding full fiscal  
40 year, less the amount of net assets anticipated to be remaining in the  
41 State disability benefits fund, excluding net assets remaining in the  
42 "Family Temporary Disability Leave Account" of that fund, as of  
43 December 31 of the immediately preceding calendar year. All  
44 increases in the cost of benefits for periods of disability caused by the  
45 increases in the weekly benefit rate commencing July 1, 2020,  
46 pursuant to section 16 of P.L.1948, c.110 (C.43:21-40), shall be  
47 funded by contributions made by workers pursuant to this paragraph  
48 (i) and none of those increases shall be funded by employer

1 contributions. The estimated rates for the next calendar year shall be  
2 made available on the department's website no later than 60 days after  
3 the end of the last preceding full fiscal year. The rates of employer  
4 contributions determined pursuant to subsection (e) of this section for  
5 any year shall be determined prior to the determination of the rate of  
6 employee contributions pursuant to this subparagraph (i) and any  
7 consideration of employee contributions in determining employer rates  
8 for any year shall be based on amounts of employee contributions  
9 made prior to the year to which the rate of employee contributions  
10 applies and shall not be based on any projection or estimate of the  
11 amount of employee contributions for the year to which that rate  
12 applies.

13 (ii) Each worker shall contribute to the State disability benefits  
14 fund, in addition to any amount contributed pursuant to subparagraph  
15 (i) of this paragraph (1)(G), an amount equal to, during calendar year  
16 2009, 0.09%, and during calendar year 2010 0.12%, of wages paid  
17 with respect to the worker's employment with any covered employer,  
18 including a governmental employer which is an employer as defined  
19 under R.S.43:21-19(h)(5), unless the employer is covered by an  
20 approved private disability plan for benefits during periods of family  
21 temporary disability leave. The contributions made pursuant to this  
22 subparagraph (ii) to the State disability benefits fund shall be deposited  
23 into an account of that fund reserved for the payment of benefits  
24 during periods of family temporary disability leave as defined in  
25 section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110  
26 (C.43:21-27) and for the administration of those payments and shall  
27 not be used for any other purpose. This account shall be known as the  
28 "Family Temporary Disability Leave Account." For calendar year  
29 2011 and each subsequent calendar year until 2018, the annual rate of  
30 contribution to be paid by workers pursuant to this subparagraph (ii)  
31 shall be, for calendar years prior to calendar year 2018, the rate  
32 necessary to obtain a total amount of contributions equal to 125% of  
33 the benefits paid for periods of family temporary disability leave  
34 during the immediately preceding calendar year plus an amount equal  
35 to 100% of the cost of administration of the payment of those benefits  
36 during the immediately preceding calendar year, less the amount of net  
37 assets remaining in the account as of December 31 of the immediately  
38 preceding year, and shall be, for calendar year 2018 and calendar year  
39 2019, the rate necessary to obtain a total amount of contributions equal  
40 to 125% of the benefits paid for periods of family temporary disability  
41 leave during the last preceding full fiscal year plus an amount equal to  
42 100% of the cost of administration of the payment of those benefits  
43 during the last preceding full fiscal year, less the amount of net assets  
44 anticipated to be remaining in the account as of December 31 of the  
45 immediately preceding calendar year. For each of calendar years 2020  
46 and 2021, the annual rate of contribution to be paid by workers  
47 pursuant to this subparagraph (ii) shall be the rate necessary to obtain a  
48 total amount of contributions equal to 125% of the benefits which the

1 department anticipates will be paid for periods of family temporary  
2 disability leave during the respective calendar year plus an amount  
3 equal to 100% of the cost of administration of the payment of those  
4 benefits which the department anticipates during the respective  
5 calendar year, less the amount of net assets remaining in the account as  
6 of December 31 of the immediately preceding calendar year. For 2022  
7 and any subsequent calendar year, the annual rate of contribution to be  
8 paid by workers pursuant to this subparagraph (ii) shall be the rate  
9 necessary to obtain a total amount of contributions equal to 125% of  
10 the benefits which were paid for periods of family temporary disability  
11 leave during the last preceding full fiscal year plus an amount equal to  
12 100% of the cost of administration of the payment of those benefits  
13 during the last preceding full fiscal year, less the amount of net assets  
14 remaining in the account as of December 31 of the immediately  
15 preceding calendar year. All increases in the cost of benefits for  
16 periods of family temporary disability leave caused by the increases in  
17 the weekly benefit rate commencing July 1, 2020 pursuant to section  
18 16 of P.L.1948, c.110 (C.43:21-40) and increases in the maximum  
19 duration of benefits commencing July 1, 2020 pursuant to sections 14  
20 and 15 of P.L.1948, c.110 (C.43:21-38 and 43:21-39) shall be funded  
21 by contributions made by workers pursuant to this paragraph (ii) and  
22 none of those increases shall be funded by employer contributions.  
23 The estimated rates for the next calendar year shall be made available  
24 on the department's website no later than 60 days after the end of the  
25 last preceding full fiscal year. Necessary administrative costs shall  
26 include the cost of an outreach program to inform employees of the  
27 availability of the benefits and the cost of issuing the reports required  
28 or permitted pursuant to section 13 of P.L.2008, c.17 (C.43:21-39.4).  
29 No monies, other than the funds in the "Family Temporary Disability  
30 Leave Account," shall be used for the payment of benefits during  
31 periods of family temporary disability leave or for the administration  
32 of those payments, with the sole exception that, during calendar years  
33 2008 and 2009, a total amount not exceeding \$25 million may be  
34 transferred to that account from the revenues received in the State  
35 disability benefits fund pursuant to subparagraph (i) of this paragraph  
36 (1)(G) and be expended for those payments and their administration,  
37 including the administration of the collection of contributions made  
38 pursuant to this subparagraph (ii) and any other necessary  
39 administrative costs. Any amount transferred to the account pursuant  
40 to this subparagraph (ii) shall be repaid during a period beginning not  
41 later than January 1, 2011 and ending not later than December 31,  
42 2015. No monies, other than the funds in the "Family Temporary  
43 Disability Leave Account," shall be used under any circumstances  
44 after December 31, 2009, for the payment of benefits during periods of  
45 family temporary disability leave or for the administration of those  
46 payments, including for the administration of the collection of  
47 contributions made pursuant to this subparagraph (ii).

48 (2) (A) (Deleted by amendment, P.L.1984, c.24.)

1 (B) (Deleted by amendment, P.L.1984, c.24.)  
2 (C) (Deleted by amendment, P.L.1994, c.112.)  
3 (D) (Deleted by amendment, P.L.1994, c.112.)  
4 (E) (i) (Deleted by amendment, P.L.1994, c.112.)  
5 (ii) (Deleted by amendment, P.L.1996, c.28.)  
6 (iii) (Deleted by amendment, P.L.1994, c.112.)  
7 (3) (A) If an employee receives wages from more than one  
8 employer during any calendar year, and either the sum of his  
9 contributions deposited in and credited to the State disability benefits  
10 fund plus the amount of his contributions, if any, required towards the  
11 costs of benefits under one or more approved private plans under the  
12 provisions of section 9 of the "Temporary Disability Benefits Law"  
13 (C.43:21-33) and deducted from his wages, or the sum of such latter  
14 contributions, if the employee is covered during such calendar year  
15 only by two or more private plans, exceeds an amount equal to 1/2 of  
16 1% of the "wages" determined in accordance with the provisions of  
17 R.S.43:21-7(b)(3) during the calendar years beginning on or after  
18 January 1, 1976 or, during calendar year 2012 or any subsequent  
19 calendar year, the total amount of his contributions for the year  
20 exceeds the amount set by the annual rate of contribution determined  
21 by the Commissioner of Labor and Workforce Development pursuant  
22 to subparagraph (i) of paragraph (1)(G) of this subsection (d), the  
23 employee shall be entitled to a refund of the excess if he makes a claim  
24 to the controller within two years after the end of the calendar year in  
25 which the wages are received with respect to which the refund is  
26 claimed and establishes his right to such refund. Such refund shall be  
27 made by the controller from the State disability benefits fund. No  
28 interest shall be allowed or paid with respect to any such refund. The  
29 controller shall, in accordance with prescribed regulations, determine  
30 the portion of the aggregate amount of such refunds made during any  
31 calendar year which is applicable to private plans for which deductions  
32 were made under section 9 of the "Temporary Disability Benefits  
33 Law" (C.43:21-33) such determination to be based upon the ratio of  
34 the amount of such wages exempt from contributions to such fund, as  
35 provided in subparagraph (B) of paragraph (1) of this subsection with  
36 respect to coverage under private plans, to the total wages so exempt  
37 plus the amount of such wages subject to contributions to the disability  
38 benefits fund, as provided in subparagraph (G) of paragraph (1) of this  
39 subsection. The controller shall, in accordance with prescribed  
40 regulations, prorate the amount so determined among the applicable  
41 private plans in the proportion that the wages covered by each plan  
42 bear to the total private plan wages involved in such refunds, and shall  
43 assess against and recover from the employer, or the insurer if the  
44 insurer has indemnified the employer with respect thereto, the amount  
45 so prorated. The provisions of R.S.43:21-14 with respect to collection  
46 of employer contributions shall apply to such assessments. The amount  
47 so recovered by the controller shall be paid into the State disability  
48 benefits fund.

1 (B) If an employee receives wages from more than one employer  
2 during any calendar year, and the sum of his contributions deposited in  
3 the "Family Temporary Disability Leave Account" of the State  
4 disability benefits fund plus the amount of his contributions, if any,  
5 required towards the costs of family temporary disability leave  
6 benefits under one or more approved private plans under the  
7 provisions of the "Temporary Disability Benefits Law" (C.43:21-25 et  
8 al.) and deducted from his wages, exceeds an amount equal to, during  
9 calendar year 2009, 0.09% of the "wages" determined in accordance  
10 with the provisions of R.S.43:21-7(b)(3), or during calendar year 2010,  
11 0.12% of those wages, or, during calendar year 2011 or any  
12 subsequent calendar year, the percentage of those wages set by the  
13 annual rate of contribution determined by the Commissioner of Labor  
14 and Workforce Development pursuant to subparagraph (ii) of  
15 paragraph (1)(G) of this subsection (d), the employee shall be entitled  
16 to a refund of the excess if he makes a claim to the controller within  
17 two years after the end of the calendar year in which the wages are  
18 received with respect to which the refund is claimed and establishes  
19 his right to the refund. The refund shall be made by the controller from  
20 the "Family Temporary Disability Leave Account" of the State  
21 disability benefits fund. No interest shall be allowed or paid with  
22 respect to any such refund. The controller shall, in accordance with  
23 prescribed regulations, determine the portion of the aggregate amount  
24 of the refunds made during any calendar year which is applicable to  
25 private plans for which deductions were made under section 9 of the  
26 "Temporary Disability Benefits Law" (C.43:21-33), with that  
27 determination based upon the ratio of the amount of such wages  
28 exempt from contributions to the fund, as provided in paragraph (1)(B)  
29 of this subsection (d) with respect to coverage under private plans, to  
30 the total wages so exempt plus the amount of such wages subject to  
31 contributions to the "Family Temporary Disability Leave Account" of  
32 the State disability benefits fund, as provided in subparagraph (ii) of  
33 paragraph (1)(G) of this subsection (d). The controller shall, in  
34 accordance with prescribed regulations, prorate the amount so  
35 determined among the applicable private plans in the proportion that  
36 the wages covered by each plan bear to the total private plan wages  
37 involved in such refunds, and shall assess against and recover from the  
38 employer, or the insurer if the insurer has indemnified the employer  
39 with respect thereto, the prorated amount. The provisions of  
40 R.S.43:21-14 with respect to collection of employer contributions shall  
41 apply to such assessments. The amount so recovered by the controller  
42 shall be paid into the "Family Temporary Disability Leave Account"  
43 of the State disability benefits fund.

44 (4) If an individual does not receive any wages from the  
45 employing unit which for the purposes of this chapter (R.S.43:21-1 et  
46 seq.) is treated as his employer, or receives his wages from some other  
47 employing unit, such employer shall nevertheless be liable for such  
48 individual's contributions in the first instance; and after payment

1 thereof such employer may deduct the amount of such contributions  
2 from any sums payable by him to such employing unit, or may recover  
3 the amount of such contributions from such employing unit, or, in the  
4 absence of such an employing unit, from such individual, in a civil  
5 action; provided proceedings therefor are instituted within three  
6 months after the date on which such contributions are payable. General  
7 rules shall be prescribed whereby such an employing unit may recover  
8 the amount of such contributions from such individuals in the same  
9 manner as if it were the employer.

10 (5) Every employer who has elected to become an employer  
11 subject to this chapter (R.S.43:21-1 et seq.), or to cease to be an  
12 employer subject to this chapter (R.S.43:21-1 et seq.), pursuant to the  
13 provisions of R.S.43:21-8, shall post and maintain printed notices of  
14 such election on his premises, of such design, in such numbers, and at  
15 such places as the director may determine to be necessary to give  
16 notice thereof to persons in his service.

17 (6) Contributions by workers, payable to the controller as herein  
18 provided, shall be exempt from garnishment, attachment, execution, or  
19 any other remedy for the collection of debts.

20 (e) Contributions by employers to the State disability benefits  
21 fund.

22 (1) Except as hereinafter provided, each employer shall, in  
23 addition to the contributions required by subsections (a), (b), and (c) of  
24 this section, contribute 1/2 of 1% of the wages paid by such employer  
25 to workers with respect to employment unless he is not a covered  
26 employer as defined in subsection (a) of section 3 of the "Temporary  
27 Disability Benefits Law" (C.43:21-27 (a)), except that the rate for the  
28 State of New Jersey shall be 1/10 of 1% for the calendar year 1980 and  
29 for the first six months of 1981. Prior to July 1, 1981 and prior to July  
30 1 each year thereafter, the controller shall review the experience  
31 accumulated in the account of the State of New Jersey and establish a  
32 rate for the next following fiscal year which, in combination with  
33 worker contributions, will produce sufficient revenue to keep the  
34 account in balance; except that the rate so established shall not be less  
35 than 1/10 of 1%. Such contributions shall become due and be paid by  
36 the employer to the controller for the State disability benefits fund as  
37 established by law, in accordance with such regulations as may be  
38 prescribed, and shall not be deducted, in whole or in part, from the  
39 remuneration of individuals in his employ. In the payment of any  
40 contributions, a fractional part of a cent shall be disregarded unless it  
41 amounts to \$0.005 or more, in which case it shall be increased to  
42 \$0.01.

43 (2) During the continuance of coverage of a worker by an  
44 approved private plan of disability benefits under the "Temporary  
45 Disability Benefits Law," the employer shall be exempt from the  
46 contributions required by paragraph (1) above with respect to wages  
47 paid to such worker.

1 (3) (A) The rates of contribution as specified in paragraph (1)  
2 above shall be subject to modification as provided herein with respect  
3 to employer contributions due on and after July 1, 1951.

4 (B) A separate disability benefits account shall be maintained for  
5 each employer required to contribute to the State disability benefits  
6 fund and such account shall be credited with contributions deposited in  
7 and credited to such fund with respect to employment occurring on  
8 and after January 1, 1949. Each employer's account shall be credited  
9 with all contributions paid on or before January 31 of any calendar  
10 year on his own behalf and on behalf of individuals in his service with  
11 respect to employment occurring in preceding calendar years;  
12 provided, however, that if January 31 of any calendar year falls on a  
13 Saturday or Sunday an employer's account shall be credited as of  
14 January 31 of such calendar year with all the contributions which he  
15 has paid on or before the next succeeding day which is not a Saturday  
16 or Sunday. But nothing in this act shall be construed to grant any  
17 employer or individuals in his service prior claims or rights to the  
18 amounts paid by him to the fund either on his own behalf or on behalf  
19 of such individuals. Benefits paid to any covered individual in  
20 accordance with Article III of the "Temporary Disability Benefits  
21 Law" on or before December 31 of any calendar year with respect to  
22 disability in such calendar year and in preceding calendar years shall  
23 be charged against the account of the employer by whom such  
24 individual was employed at the commencement of such disability or  
25 by whom he was last employed, if out of employment.

26 (C) The controller may prescribe regulations for the establishment,  
27 maintenance, and dissolution of joint accounts by two or more  
28 employers, and shall, in accordance with such regulations and upon  
29 application by two or more employers to establish such an account, or  
30 to merge their several individual accounts in a joint account, maintain  
31 such joint account as if it constituted a single employer's account.

32 (D) Prior to July 1 of each calendar year, the controller shall make  
33 a preliminary determination of the rate of contribution for the 12  
34 months commencing on such July 1 for each employer subject to the  
35 contribution requirements of this subsection (e).

36 (1) Such preliminary rate shall be  $\frac{1}{2}$  of 1% unless on the  
37 preceding January 31 of such year such employer shall have been a  
38 covered employer who has paid contributions to the State disability  
39 benefits fund with respect to employment in the three calendar years  
40 immediately preceding such year.

41 (2) If the minimum requirements in subparagraph (D) (1) above  
42 have been fulfilled and the credited contributions exceed the benefits  
43 charged by more than \$500.00, such preliminary rate shall be as  
44 follows:

45 (i)  $\frac{2}{10}$  of 1% if such excess over \$500.00 exceeds 1% but is less  
46 than  $1\frac{1}{4}\%$  of his average annual payroll as defined in this chapter  
47 (R.S.43:21-1 et seq.);

1 (ii) 15/100 of 1% if such excess over \$500.00 equals or exceeds 1  
2 1/4% but is less than 1 1/2% of his average annual payroll;

3 (iii) 1/10 of 1% if such excess over \$500.00 equals or exceeds 1  
4 1/2% of his average annual payroll.

5 (3) If the minimum requirements in subparagraph (D) (1) above  
6 have been fulfilled and the contributions credited exceed the benefits  
7 charged but by not more than \$500.00 plus 1% of his average annual  
8 payroll, or if the benefits charged exceed the contributions credited but  
9 by not more than \$500.00, the preliminary rate shall be 1/4 of 1%.

10 (4) If the minimum requirements in subparagraph (D) (1) above  
11 have been fulfilled and the benefits charged exceed the contributions  
12 credited by more than \$500.00, such preliminary rate shall be as  
13 follows:

14 (i) 35/100 of 1% if such excess over \$500.00 is less than 1/4 of  
15 1% of his average annual payroll;

16 (ii) 45/100 of 1% if such excess over \$500.00 equals or exceeds  
17 1/4 of 1% but is less than 1/2 of 1% of his average annual payroll;

18 (iii) 55/100 of 1% if such excess over \$500.00 equals or exceeds  
19 1/2 of 1% but is less than 3/4 of 1% of his average annual payroll;

20 (iv) 65/100 of 1% if such excess over \$500.00 equals or exceeds  
21 3/4 of 1% but is less than 1% of his average annual payroll;

22 (v) 75/100 of 1% if such excess over \$500.00 equals or exceeds  
23 1% of his average annual payroll.

24 (5) Determination of the preliminary rate as specified in  
25 subparagraphs (D)(2), (3) and (4) above shall be subject, however, to  
26 the condition that it shall in no event be decreased by more than 1/10  
27 of 1% of wages or increased by more than 2/10 of 1% of wages from  
28 the preliminary rate determined for the preceding year in accordance  
29 with subparagraph (D) (1), (2), (3) or (4), whichever shall have been  
30 applicable.

31 (E) (1) Prior to July 1 of each calendar year the controller shall  
32 determine the amount of the State disability benefits fund as of  
33 December 31 of the preceding calendar year, increased by the  
34 contributions paid thereto during January of the current calendar year  
35 with respect to employment occurring in the preceding calendar year.  
36 If such amount exceeds the net amount withdrawn from the  
37 unemployment trust fund pursuant to section 23 of the "Temporary  
38 Disability Benefits Law," P.L.1948, c.110 (C.43:21-47) plus the  
39 amount at the end of such preceding calendar year of the  
40 unemployment disability account as defined in section 22 of said law  
41 (C.43:21-46), such excess shall be expressed as a percentage of the  
42 wages on which contributions were paid to the State disability benefits  
43 fund on or before January 31 with respect to employment in the  
44 preceding calendar year.

45 (2) The controller shall then make a final determination of the rates  
46 of contribution for the 12 months commencing July 1 of such year for  
47 employers whose preliminary rates are determined as provided in  
48 subparagraph (D) hereof, as follows:

1 (i) If the percentage determined in accordance with subparagraph  
2 (E)(1) of this paragraph equals or exceeds  $1\frac{1}{4}\%$ , the final employer  
3 rates shall be the preliminary rates determined as provided in  
4 subparagraph (D) hereof, except that if the employer's preliminary rate  
5 is determined as provided in subparagraph (D)(2) or subparagraph  
6 (D)(3) hereof, the final employer rate shall be the preliminary  
7 employer rate decreased by such percentage of excess taken to the  
8 nearest  $\frac{5}{100}$  of 1%, but in no case shall such final rate be less than  
9  $\frac{1}{10}$  of 1%.

10 (ii) If the percentage determined in accordance with subparagraph  
11 (E)(1) of this paragraph equals or exceeds  $\frac{3}{4}$  of 1% and is less than  $\frac{1}{4}$   
12 of 1%, the final employer rates shall be the preliminary employer  
13 rates.

14 (iii) If the percentage determined in accordance with subparagraph  
15 (E)(1) of this paragraph is less than  $\frac{3}{4}$  of 1%, but in excess of  $\frac{1}{4}$  of  
16 1%, the final employer rates shall be the preliminary employer rates  
17 determined as provided in subparagraph (D) hereof increased by the  
18 difference between  $\frac{3}{4}$  of 1% and such percentage taken to the nearest  
19  $\frac{5}{100}$  of 1%; provided, however, that no such final rate shall be more  
20 than  $\frac{1}{4}$  of 1% in the case of an employer whose preliminary rate is  
21 determined as provided in subparagraph (D)(2) hereof, more than  $\frac{1}{2}$   
22 of 1% in the case of an employer whose preliminary rate is determined  
23 as provided in subparagraph (D)(1) and subparagraph (D)(3) hereof,  
24 nor more than  $\frac{3}{4}$  of 1% in the case of an employer whose preliminary  
25 rate is determined as provided in subparagraph (D)(4) hereof.

26 (iv) If the amount of the State disability benefits fund determined  
27 as provided in subparagraph (E)(1) of this paragraph is equal to or less  
28 than  $\frac{1}{4}$  of 1%, then the final rate shall be  $\frac{2}{5}$  of 1% in the case of an  
29 employer whose preliminary rate is determined as provided in  
30 subparagraph (D)(2) hereof,  $\frac{7}{10}$  of 1% in the case of an employer  
31 whose preliminary rate is determined as provided in subparagraph  
32 (D)(1) and subparagraph (D)(3) hereof, and 1.1% in the case of an  
33 employer whose preliminary rate is determined as provided in  
34 subparagraph (D)(4) hereof. Notwithstanding any other provision of  
35 law or any determination made by the controller with respect to any  
36 12-month period commencing on July 1, 1970, the final rates for all  
37 employers for the period beginning January 1, 1971, shall be as set  
38 forth herein.

39 (F) Notwithstanding any other provisions of this subsection (e),  
40 the rate of contribution paid to the State disability benefits fund by  
41 each covered employer as defined in paragraph (1) of subsection (a) of  
42 section 3 of P.L.1948, c.110 (C.43:21-27), shall be determined as if:

43 (i) No disability benefits have been paid with respect to periods of  
44 family temporary disability leave;

45 (ii) No worker paid any contributions to the State disability  
46 benefits fund pursuant to paragraph (1)(G)(ii) of subsection (d) of this  
47 section;

1       (iii) No amounts were transferred from the State disability benefits  
2 fund to the "Family Temporary Disability Leave Account" pursuant to  
3 paragraph (1)(G)(ii) of subsection (d) of this section; and

4       (iv) The total amount of benefits paid for periods of disability  
5 were not subject to the increases in the weekly benefit rate for those  
6 benefits commencing July 1, 2020 pursuant to section 16 of P.L.1948,  
7 c.110 (C.43:21-40).

8 (cf: P.L.2020, c.150, s.2)

9

10       2. This act shall take effect immediately, and shall apply to all  
11 wages paid on or after January 1, 2024.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4043**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 11, 2024

The Assembly Labor Committee adopts amendments to Assembly Bill No. 4043.

As amended, this bill requires that a portion of what would have been the worker contribution to the unemployment compensation trust fund instead be collected and deposited directly into the unemployment compensation administration fund. Under current law, workers who are either employed by nongovernmental employers, including non-profit employers, or who are employed by governmental employers that elect or are required to pay contributions, contribute 0.3825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.3625 percent of wages and requires that 0.0200 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are employed by the State of New Jersey or any other governmental entity or instrumentality that elects or is required to make payments in lieu of contributions, contribute 0.0825 percent of their wages to the unemployment compensation trust fund. As amended, the bill reduces this worker contribution to the unemployment compensation trust fund to 0.0625 percent of wages and requires that 0.0200 percent of wages be collected and deposited directly into the unemployment compensation administration fund. The bill's redirection of funds is less than the amount that is not committed to separate trust funds of self-insured employers, so the amount that goes to the separate funds, and consequently employer contributions, will not be affected by the bill's provisions.

The unemployment compensation trust fund provides the funding for unemployment benefits for workers. While the unemployment compensation trust fund is adequately funded, the unemployment compensation administration fund does not have adequate funding to maintain efficient operations of the unemployment compensation system.

The unemployment compensation administration fund is funded by contributions from the federal government, but these

contributions do not provide sufficient resources to maintain the State system. This redirection of contributions from the unemployment compensation trust fund to unemployment compensation administration fund will provide needed resources to the unemployment compensation administration fund.

COMMITTEE AMENDMENTS:

The committee amended the bill to include governmental employers in the redirection of contributions from the unemployment compensation trust fund to the unemployment compensation administration fund.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 4043**

# **STATE OF NEW JERSEY**

DATED: MAY 16, 2024

The Assembly Labor Committee reports favorably Assembly Bill No. 4043 (1R).

This bill requires that a portion of what would have been the worker contribution to the unemployment compensation trust fund instead be collected and deposited directly into the unemployment compensation administration fund. Under current law, workers who are either employed by nongovernmental employers, including non-profit employers, or who are employed by governmental employers that elect or are required to pay contributions, contribute 0.3825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.3625 percent of wages and requires that 0.0200 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are employed by the State of New Jersey or any other governmental entity or instrumentality that elects or is required to make payments in lieu of contributions, contribute 0.0825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.0625 percent of wages and requires that 0.0200 percent of wages be collected and deposited directly into the unemployment compensation administration fund. The bill's redirection of funds is less than the amount that is not committed to separate trust funds of self-insured employers, so the amount that goes to the separate funds, and consequently employer contributions, will not be affected by the bill's provisions.

The unemployment compensation trust fund provides the funding for unemployment benefits for workers. While the unemployment compensation trust fund is adequately funded, the unemployment compensation administration fund does not have adequate funding to maintain efficient operations of the unemployment compensation system.

The unemployment compensation administration fund is funded by contributions from the federal government, but these

contributions do not provide sufficient resources to maintain the State system. This redirection of contributions from the unemployment compensation trust fund to unemployment compensation administration fund will provide needed resources to the unemployment compensation administration fund.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 4043

### STATE OF NEW JERSEY 221st LEGISLATURE

DATED: JUNE 25, 2024

#### SUMMARY

- Synopsis:** Redirects portion of worker’s unemployment compensation trust fund contribution to unemployment compensation administration fund.
- Type of Impact:** No impact on State revenues or expenditures.
- Agencies Affected:** Department of Labor and Workforce Development.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>Unemployment Compensation Fund</b>	Decreases by \$25.7 to \$27.3 million
<b>Unemployment Compensation Administration Fund</b>	Increases by \$25.7 to \$27.3 million

- The Office of Legislative Services (OLS) notes that the bill will have no impact on State revenues or expenditures, as the bill dedicates a portion of the employee unemployment withholdings from the unemployment compensation fund into the unemployment compensation administration fund.
- The OLS notes the estimated redirection of funds in the range of \$25.7 million to \$27.3 million over the next three years is unlikely to have any significant impact on the solvency of the unemployment compensation fund, which the Department of Labor and Workforce Development projects to have a balance of \$3.1 billion at the end of FY 2024.

#### BILL DESCRIPTION

This bill requires that a portion of what would have been the worker contribution to the unemployment compensation trust fund instead be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are either employed by nongovernmental employers, including non-profit employers, or who are employed by governmental employers that elect or are required to pay contributions, contribute 0.3825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.3625 percent of wages and requires that 0.02 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are employed by the State of New Jersey or any governmental entity or instrumentality that elects to make payments in lieu of contributions, contribute 0.0825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.0625 percent of wages and requires that 0.02 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

The bill's redirection of funds, which applies to contributions made after December 31, 2023, is less than the amount that is not committed to separate trust funds of self-insured employers, so the amount that goes to the separate funds, and consequently employer contributions, will not be affected by the bill's provisions.

The unemployment compensation administration fund is funded by contributions from the federal government, but these contributions may not provide sufficient resources to maintain the State system. This redirection of contributions from the unemployment compensation trust fund to the unemployment compensation administration fund will increase the resources available for the unemployment compensation administration fund.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS used data provided by the department during the FY 2025 budget process to estimate the impact of moving 0.02 percent of employee contributions to the unemployment compensation administrative fund. The department forecasts employee contributions of \$545.4 million in calendar year 2024, \$559.4 million in calendar year 2025, and \$581.0 million in calendar year 2026. Applying the proportionate factors to each of these numbers will result in a redirection of \$25.7 million, \$26.3 million, and \$27.3 million in the respective calendar years.

The OLS notes that the annual diversion of \$25.7 to \$27.3 million only represents approximately 0.7 percent of the total anticipated total annual assessments paid by employers and employees. As such, it is not anticipated to have any material long-term effect on employee or employer withholdings. It is possible that over a long horizon, these diversions to the administration fund could lead to a requirement for increased withholdings to maintain the adequate trust fund balances; however, there are multiple factors which have a more significant impact on withholding requirements, such as unemployment rates, duration of claims, increases to maximum benefits, and changes in federal requirements. In addition, this increase in the administration allocation and spending does not account for the potential benefits that may be derived over time from improved infrastructure, staffing, and processes. It is difficult to say with

certainty what, if any, direct effect the increase in administrative spending will have on future withholding requirements.

The projected balance in the unemployment compensation fund is \$3.1 billion at the end of FY 2024, and \$3.7 billion at the end of FY 2025. The health of the fund and withholding requirements are not likely to be significantly impacted by the proposed diversion of employee withholdings to the administration fund.

*Section: Commerce, Labor and Industry*  
*Analyst: John Gaudio*  
*Assistant Fiscal Analyst*  
*Approved: Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 3310

## STATE OF NEW JERSEY 221st LEGISLATURE

INTRODUCED JUNE 3, 2024

**Sponsored by:**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senator McKnight**

**SYNOPSIS**

Redirects portion of worker's unemployment compensation trust fund contribution to unemployment compensation administration fund.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/28/2024)**

1 AN ACT concerning worker contributions for unemployment  
2 insurance and amending R.S.43:21-7.

3

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

6

7 1. R.S.43:21-7 is amended to read as follows:

8 43:21-7. Employers other than governmental entities, whose benefit  
9 financing provisions are set forth in section 4 of P.L.1971, c.346  
10 (C.43:21-7.3), and those nonprofit organizations liable for payment in  
11 lieu of contributions on the basis set forth in section 3 of P.L.1971, c.346  
12 (C.43:21-7.2), shall pay to the controller for the unemployment  
13 compensation fund, contributions as set forth in subsections (a), (b) and  
14 (c) hereof, and the provisions of subsections (d) and (e) shall be  
15 applicable to all employers, consistent with the provisions of the  
16 "unemployment compensation law" and the "Temporary Disability  
17 Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

18 (a) Payment.

19 (1) Contributions shall accrue and become payable by each  
20 employer for each calendar year in which he is subject to this chapter  
21 (R.S.43:21-1 et seq.), with respect to having individuals in his employ  
22 during that calendar year, at the rates and on the basis hereinafter set  
23 forth. Such contributions shall become due and be paid by each  
24 employer to the controller for the fund, in accordance with such  
25 regulations as may be prescribed, and shall not be deducted, in whole or  
26 in part, from the remuneration of individuals in his employ.

27 (2) In the payment of any contributions, a fractional part of a cent  
28 shall be disregarded unless it amounts to \$0.005 or more, in which case  
29 it shall be increased to \$0.01.

30 (b) Rate of contributions. Each employer shall pay the following  
31 contributions:

32 (1) For the calendar year 1947, and each calendar year thereafter, 2  
33 7/10% of wages paid by him during each such calendar year, except as  
34 otherwise prescribed by subsection (c) of this section.

35 (2) The "wages" of any individual, with respect to any one  
36 employer, as the term is used in this subsection (b) and in subsections  
37 (c), (d) and (e) of this section 7, shall include the first \$4,800.00 paid  
38 during calendar year 1975, for services performed either within or  
39 without this State; provided that no contribution shall be required by this  
40 State with respect to services performed in another state if such other  
41 state imposes contribution liability with respect thereto. If an employer  
42 (hereinafter referred to as a successor employer) during any calendar  
43 year acquires substantially all the property used in a trade or business of  
44 another employer (hereinafter referred to as a predecessor), or used in a  
45 separate unit of a trade or business of a predecessor, and immediately

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

**Matter underlined thus is new matter.**

1 after the acquisition employs in his trade or business an individual who  
2 immediately prior to the acquisition was employed in the trade or  
3 business of such predecessors, then, for the purpose of determining  
4 whether the successor employer has paid wages with respect to  
5 employment equal to the first \$4,800.00 paid during calendar year 1975,  
6 any wages paid to such individual by such predecessor during such  
7 calendar year and prior to such acquisition shall be considered as having  
8 been paid by such successor employer.

9 (3) For calendar years beginning on and after January 1, 1976, the  
10 "wages" of any individual, as defined in the preceding paragraph (2) of  
11 this subsection (b), shall be established and promulgated by the  
12 Commissioner of Labor and Workforce Development on or before  
13 September 1 of the preceding year and, except as provided in paragraph  
14 (4) of this subsection (b), shall be, 28 times the Statewide average  
15 weekly remuneration paid to workers by employers, as determined  
16 under R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if  
17 not already a multiple thereof, provided that if the amount of wages so  
18 determined for a calendar year is less than the amount similarly  
19 determined for the preceding year, the greater amount will be used;  
20 provided, further, that if the amount of such wages so determined does  
21 not equal or exceed the amount of wages as defined in subsection (b) of  
22 section 3306 of the Internal Revenue Code of 1986 (26 U.S.C.  
23 s.3306(b)), the wages as determined in this paragraph in any calendar  
24 year shall be raised to equal the amount established under the "Federal  
25 Unemployment Tax Act," chapter 23 of the Internal Revenue Code of  
26 1986 (26 U.S.C. s.3301 et seq.), for that calendar year.

27 (4) For calendar years beginning on and after January 1, 2020, the  
28 "wages" of any individual, as defined in the preceding paragraph (2) of  
29 this subsection (b) for purposes of contributions of workers to the State  
30 disability benefits fund, including the "Family Temporary Disability  
31 Leave Account" pursuant to subsection (d) of this section, shall be  
32 established and promulgated by the Commissioner of Labor and  
33 Workforce Development on or before September 1 of the preceding year  
34 and shall be 107 times the Statewide average weekly remuneration paid  
35 to workers by employers, as determined under R.S.43:21-3(c), raised to  
36 the next higher multiple of \$100.00 if not already a multiple thereof,  
37 provided that if the amount of wages so determined for a calendar year  
38 is less than the amount similarly determined for the preceding year, the  
39 greater amount will be used.

40 (c) Future rates based on benefit experience.

41 (1) A separate account for each employer shall be maintained and  
42 this shall be credited with all the contributions which he has paid on his  
43 own behalf on or before January 31 of any calendar year with respect to  
44 employment occurring in the preceding calendar year; provided,  
45 however, that if January 31 of any calendar year falls on a Saturday or  
46 Sunday, an employer's account shall be credited as of January 31 of such  
47 calendar year with all the contributions which he has paid on or before  
48 the next succeeding day which is not a Saturday or Sunday. But nothing

1 in this chapter (R.S.43:21-1 et seq.) shall be construed to grant any  
2 employer or individuals in his service prior claims or rights to the  
3 amounts paid by him into the fund either on his own behalf or on behalf  
4 of such individuals. Benefits paid with respect to benefit years  
5 commencing on and after January 1, 1953, to any individual on or before  
6 December 31 of any calendar year with respect to unemployment in  
7 such calendar year and in preceding calendar years shall be charged  
8 against the account or accounts of the employer or employers in whose  
9 employment such individual established base weeks constituting the  
10 basis of such benefits, except that, with respect to benefit years  
11 commencing after January 4, 1998, an employer's account shall not be  
12 charged for benefits paid to a claimant if the claimant's employment by  
13 that employer was ended in any way which, pursuant to subsection (a),  
14 (b), (c), (f), (g) or (h) of R.S.43:21-5, would have disqualified the  
15 claimant for benefits if the claimant had applied for benefits at the time  
16 when that employment ended. Benefits paid under a given benefit  
17 determination shall be charged against the account of the employer to  
18 whom such determination relates. When each benefit payment is made,  
19 notification shall be promptly provided to each employer included in the  
20 unemployment insurance monetary calculation of benefits. Such  
21 notification shall identify the employer against whose account the  
22 amount of such payment is being charged, shall show at least the name  
23 and social security account number of the claimant and shall specify the  
24 period of unemployment to which said benefit payment applies.

25 An annual summary statement of unemployment benefits charged  
26 to the employer's account shall be provided.

27 (2) Regulations may be prescribed for the establishment,  
28 maintenance, and dissolution of joint accounts by two or more  
29 employers, and shall, in accordance with such regulations and upon  
30 application by two or more employers to establish such an account, or  
31 to merge their several individual accounts in a joint account, maintain  
32 such joint account as if it constituted a single employer's account.

33 (3) No employer's rate shall be lower than 5.4% unless assignment  
34 of such lower rate is consistent with the conditions applicable to  
35 additional credit allowance for such year under section 3303(a)(1) of the  
36 Internal Revenue Code of 1986 (26 U.S.C. s.3303(a)(1)), any other  
37 provision of this section to the contrary notwithstanding.

38 (4) Employer Reserve Ratio. (A) Each employer's rate shall be 2  
39 8/10%, except as otherwise provided in the following provisions. No  
40 employer's rate for the 12 months commencing July 1 of any calendar  
41 year shall be other than 2 8/10%, unless as of the preceding January 31  
42 such employer shall have paid contributions with respect to wages paid  
43 in each of the three calendar years immediately preceding such year, in  
44 which case such employer's rate for the 12 months commencing July 1  
45 of any calendar year shall be determined on the basis of his record up to  
46 the beginning of such calendar year. If, at the beginning of such calendar  
47 year, the total of all his contributions, paid on his own behalf, for all past

1 years exceeds the total benefits charged to his account for all such years,  
2 his contribution rate shall be:

3 (1)  $2\frac{5}{10}\%$ , if such excess equals or exceeds 4%, but less than 5%,  
4 of his average annual payroll (as defined in paragraph (2), subsection  
5 (a) of R.S.43:21-19);

6 (2)  $2\frac{2}{10}\%$ , if such excess equals or exceeds 5%, but is less than  
7 6%, of his average annual payroll;

8 (3)  $1\frac{9}{10}\%$ , if such excess equals or exceeds 6%, but is less than  
9 7%, of his average annual payroll;

10 (4)  $1\frac{6}{10}\%$ , if such excess equals or exceeds 7%, but is less than  
11 8%, of his average annual payroll;

12 (5)  $1\frac{3}{10}\%$ , if such excess equals or exceeds 8%, but is less than  
13 9%, of his average annual payroll;

14 (6) 1%, if such excess equals or exceeds 9%, but is less than 10%,  
15 of his average annual payroll;

16 (7)  $\frac{7}{10}$  of 1%, if such excess equals or exceeds 10%, but is less  
17 than 11%, of his average annual payroll;

18 (8)  $\frac{4}{10}$  of 1%, if such excess equals or exceeds 11% of his average  
19 annual payroll.

20 (B) If the total of an employer's contributions, paid on his own  
21 behalf, for all past periods for the purposes of this paragraph (4), is less  
22 than the total benefits charged against his account during the same  
23 period, his rate shall be:

24 (1) 4%, if such excess is less than 10% of his average annual payroll;

25 (2)  $4\frac{3}{10}\%$ , if such excess equals or exceeds 10%, but is less than  
26 20%, of his average annual payroll;

27 (3)  $4\frac{6}{10}\%$ , if such excess equals or exceeds 20% of his average  
28 annual payroll.

29 (C) Specially assigned rates.

30 (i) If no contributions were paid on wages for employment in any  
31 calendar year used in determining the average annual payroll of an  
32 employer eligible for an assigned rate under this paragraph (4), the  
33 employer's rate shall be specially assigned as follows:

34 if the reserve balance in its account is positive, its assigned rate shall  
35 be the highest rate in effect for positive balance accounts for that period,  
36 or 5.4%, whichever is higher, and

37 if the reserve balance in its account is negative, its assigned rate shall  
38 be the highest rate in effect for deficit accounts for that period.

39 (ii) If, following the purchase of a corporation with little or no  
40 activity, known as a corporate shell, the resulting employing unit  
41 operates a new or different business activity, the employing unit shall  
42 be assigned a new employer rate.

43 (iii) Entities operating under common ownership, management or  
44 control, when the operation of the entities is not identifiable,  
45 distinguishable and severable, shall be considered a single employer for  
46 the purposes of this chapter (R.S.43:21-1 et seq.).

47 (D) The contribution rates prescribed by subparagraphs (A) and (B)  
48 of this paragraph (4) shall be increased or decreased in accordance with

1 the provisions of paragraph (5) of this subsection (c) for experience  
2 rating periods through June 30, 1986.

3 (5) (A) Unemployment Trust Fund Reserve Ratio. If on March 31  
4 of any calendar year the balance in the unemployment trust fund equals  
5 or exceeds 4% but is less than 7% of the total taxable wages reported to  
6 the controller as of that date in respect to employment during the  
7 preceding calendar year, the contribution rate, effective July 1  
8 following, of each employer eligible for a contribution rate calculation  
9 based upon benefit experience, shall be increased by 3/10 of 1% over  
10 the contribution rate otherwise established under the provisions of  
11 paragraph (3) or (4) of this subsection. If on March 31 of any calendar  
12 year the balance of the unemployment trust fund exceeds 2 1/2% but is  
13 less than 4% of the total taxable wages reported to the controller as of  
14 that date in respect to employment during the preceding calendar year,  
15 the contribution rate, effective July 1 following, of each employer  
16 eligible for a contribution rate calculation based upon benefit  
17 experience, shall be increased by 6/10 of 1% over the contribution rate  
18 otherwise established under the provisions of paragraph (3) or (4) of this  
19 subsection.

20 If on March 31 of any calendar year the balance of the  
21 unemployment trust fund is less than 2 1/2% of the total taxable wages  
22 reported to the controller as of that date in respect to employment during  
23 the preceding calendar year, the contribution rate, effective July 1  
24 following, of each employer: (1) eligible for a contribution rate  
25 calculation based upon benefit experience, shall be increased by (i) 6/10  
26 of 1% over the contribution rate otherwise established under the  
27 provisions of paragraph (3), (4)(A) or (4)(B) of this subsection, and (ii)  
28 an additional amount equal to 20% of the total rate established herein,  
29 provided, however, that the final contribution rate for each employer  
30 shall be computed to the nearest multiple of 1/10% if not already a  
31 multiple thereof; (2) not eligible for a contribution rate calculation based  
32 upon benefit experience, shall be increased by 6/10 of 1% over the  
33 contribution rate otherwise established under the provisions of  
34 paragraph (4) of this subsection. For the period commencing July 1,  
35 1984 and ending June 30, 1986, the contribution rate for each employer  
36 liable to pay contributions under R.S.43:21-7 shall be increased by a  
37 factor of 10% computed to the nearest multiple of 1/10% if not already  
38 a multiple thereof.

39 (B) If on March 31 of any calendar year the balance in the  
40 unemployment trust fund equals or exceeds 10% but is less than 12  
41 1/2% of the total taxable wages reported to the controller as of that date  
42 in respect to employment during the preceding calendar year, the  
43 contribution rate, effective July 1 following, of each employer eligible  
44 for a contribution rate calculation based upon benefit experience, shall  
45 be reduced by 3/10 of 1% under the contribution rate otherwise  
46 established under the provisions of paragraphs (3) and (4) of this  
47 subsection; provided that in no event shall the contribution rate of any  
48 employer be reduced to less than 4/10 of 1%. If on March 31 of any

1 calendar year the balance in the unemployment trust fund equals or  
 2 exceeds 12 1/2% of the total taxable wages reported to the controller as  
 3 of that date in respect to employment during the preceding calendar  
 4 year, the contribution rate, effective July 1 following, of each employer  
 5 eligible for a contribution rate calculation based upon benefit  
 6 experience, shall be reduced by 6/10 of 1% if his account for all past  
 7 periods reflects an excess of contributions paid over total benefits  
 8 charged of 3% or more of his average annual payroll, otherwise by 3/10  
 9 of 1% under the contribution rate otherwise established under the  
 10 provisions of paragraphs (3) and (4) of this subsection; provided that in  
 11 no event shall the contribution rate of any employer be reduced to less  
 12 than 4/10 of 1%.

13 (C) The "balance" in the unemployment trust fund, as the term is  
 14 used in subparagraphs (A) and (B) above, shall not include moneys  
 15 credited to the State's account under section 903 of the Social Security  
 16 Act, as amended (42 U.S.C. s.1103), during any period in which such  
 17 moneys are appropriated for the payment of expenses incurred in the  
 18 administration of the "unemployment compensation law."

19 (D) Prior to July 1 of each calendar year the controller shall  
 20 determine the Unemployment Trust Fund Reserve Ratio, which shall be  
 21 calculated by dividing the balance of the unemployment trust fund as of  
 22 the prior March 31 by total taxable wages reported to the controller by  
 23 all employers as of March 31 with respect to their employment during  
 24 the last calendar year.

25 (E) (i) (Deleted by amendment, P.L.1997, c.263).

26 (ii) (Deleted by amendment, P.L.2001, c.152).

27 (iii) (Deleted by amendment, P.L.2003, c.107).

28 (iv) (Deleted by amendment, P.L.2004, c.45).

29 (v) (Deleted by amendment, P.L.2008, c.17).

30 (vi) (Deleted by amendment, P.L.2013, c.75).

31 (vii) With respect to experience rating years beginning on or after  
 32 July 1, 2011, the new employer rate or the unemployment experience  
 33 rate of an employer under this section shall be the rate which appears in  
 34 the column headed by the Unemployment Trust Fund Reserve Ratio as  
 35 of the applicable calculation date and on the line with the Employer  
 36 Reserve Ratio, as defined in paragraph (4) of this subsection (R.S.43:21-  
 37 7 (c)(4)), as set forth in the following table:

38 EXPERIENCE RATING TAX TABLE

	Fund Reserve Ratio <sup>1</sup>					
	3.50%	3.00%	2.5%	2.0%	1.99%	
Employer		and	to	to	to	and
Reserve	Over	3.49%	2.99%	2.49%	Under	
Ratio <sup>2</sup>		A	B	C	D	E
Positive Reserve Ratio:						
17% and over		0.3	0.4	0.5	0.6	1.2
16.00% to 16.99%		0.4	0.5	0.6	0.6	1.2
15.00% to 15.99%		0.4	0.6	0.7	0.7	1.2
14.00% to 14.99%		0.5	0.6	0.7	0.8	1.2

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1	13.00% to 13.99%	0.6	0.7	0.8	0.9	1.2
2	12.00% to 12.99%	0.6	0.8	0.9	1.0	1.2
3	11.00% to 11.99%	0.7	0.8	1.0	1.1	1.2
4	10.00% to 10.99%	0.9	1.1	1.3	1.5	1.6
5	9.00% to 9.99%	1.0	1.3	1.6	1.7	1.9
6	8.00% to 8.99%	1.3	1.6	1.9	2.1	2.3
7	7.00% to 7.99%	1.4	1.8	2.2	2.4	2.6
8	6.00% to 6.99%	1.7	2.1	2.5	2.8	3.0
9	5.00% to 5.99%	1.9	2.4	2.8	3.1	3.4
10	4.00% to 4.99%	2.0	2.6	3.1	3.4	3.7
11	3.00% to 3.99%	2.1	2.7	3.2	3.6	3.9
12	2.00% to 2.99%	2.2	2.8	3.3	3.7	4.0
13	1.00% to 1.99%	2.3	2.9	3.4	3.8	4.1
14	0.00% to 0.99%	2.4	3.0	3.6	4.0	4.3
15	Deficit Reserve Ratio:					
16	-0.00% to -2.99%	3.4	4.3	5.1	5.6	6.1
17	-3.00% to -5.99%	3.4	4.3	5.1	5.7	6.2
18	-6.00% to -8.99%	3.5	4.4	5.2	5.8	6.3
19	-9.00% to-11.99%	3.5	4.5	5.3	5.9	6.4
20	-12.00% to-14.99%	3.6	4.6	5.4	6.0	6.5
21	-15.00% to-19.99%	3.6	4.6	5.5	6.1	6.6
22	-20.00% to-24.99%	3.7	4.7	5.6	6.2	6.7
23	-25.00% to-29.99%	3.7	4.8	5.6	6.3	6.8
24	-30.00% to-34.99%	3.8	4.8	5.7	6.3	6.9
25	-35.00% and under	5.4	5.4	5.8	6.4	7.0
26	New Employer Rate	2.8	2.8	2.8	3.1	3.4

27 1Fund balance as of March 31 as a percentage of taxable wages in  
28 the prior calendar year.

29 2Employer Reserve Ratio (Contributions minus benefits as a  
30 percentage of employer's taxable wages).

31 (F) (i) (Deleted by amendment, P.L.1997, c.263).

32 (ii) (Deleted by amendment, P.L.2008, c.17).

33 (iii) (Deleted by amendment, P.L.2013, c.75).

34 (iv) With respect to experience rating years beginning on or after  
35 July 1, 2011 and before July 1, 2013, if the fund reserve ratio, based on  
36 the fund balance as of the prior March 31, is less than 1.0%, the  
37 contribution rate for each employer liable to pay contributions, as  
38 computed under subparagraph (E) of this paragraph (5), shall be  
39 increased by a factor of 10% computed to the nearest multiple of 1/10%  
40 if not already a multiple thereof.

41 (v) With respect to experience rating years beginning on or after  
42 July 1, 2014, if the fund reserve ratio, based on the fund balance as of  
43 the prior March 31, is less than 1.0%, the contribution rate for each  
44 employer liable to pay contributions, as computed under subparagraph  
45 (E) of this paragraph (5), shall be increased by a factor of 10% computed  
46 to the nearest multiple of 1/10% if not already a multiple thereof.

47 (G) On or after January 1, 1993, notwithstanding any other  
48 provisions of this paragraph (5), the contribution rate for each employer

1 liable to pay contributions, as computed under subparagraph (E) of this  
2 paragraph (5), shall be decreased by 0.1%, except that, during any  
3 experience rating year starting before January 1, 1998 in which the fund  
4 reserve ratio is equal to or greater than 7.00% or during any experience  
5 rating year starting on or after January 1, 1998, in which the fund reserve  
6 ratio is equal to or greater than 3.5%, there shall be no decrease pursuant  
7 to this subparagraph (G) in the contribution of any employer who has a  
8 deficit reserve ratio of negative 35.00% or under.

9 (H) On and after January 1, 1998 until December 31, 2000 and on or  
10 after January 1, 2002 until June 30, 2006, the contribution rate for each  
11 employer liable to pay contributions, as computed under subparagraph  
12 (E) of this paragraph (5), shall be decreased by a factor, as set out below,  
13 computed to the nearest multiple of 1/10%, except that, if an employer  
14 has a deficit reserve ratio of negative 35.0% or under, the employer's  
15 rate of contribution shall not be reduced pursuant to this subparagraph  
16 (H) to less than 5.4%:

17 From January 1, 1998 until December 31, 1998, a factor of 12%;

18 From January 1, 1999 until December 31, 1999, a factor of 10%;

19 From January 1, 2000 until December 31, 2000, a factor of 7%;

20 From January 1, 2002 until March 31, 2002, a factor of 36%;

21 From April 1, 2002 until June 30, 2002, a factor of 85%;

22 From July 1, 2002 until June 30, 2003, a factor of 15%;

23 From July 1, 2003 until June 30, 2004, a factor of 15%;

24 From July 1, 2004 until June 30, 2005, a factor of 7%;

25 From July 1, 2005 until December 31, 2005, a factor of 16%; and

26 From January 1, 2006 until June 30, 2006, a factor of 34%.

27 The amount of the reduction in the employer contributions  
28 stipulated by this subparagraph (H) shall be in addition to the amount of  
29 the reduction in the employer contributions stipulated by subparagraph  
30 (G) of this paragraph (5), except that the rate of contribution of an  
31 employer who has a deficit reserve ratio of negative 35.0% or under  
32 shall not be reduced pursuant to this subparagraph (H) to less than 5.4%  
33 and the rate of contribution of any other employer shall not be reduced  
34 to less than 0.0%.

35 (I) (Deleted by amendment, P.L.2008, c.17).

36 (J) On or after July 1, 2001, notwithstanding any other provisions  
37 of this paragraph (5), the contribution rate for each employer liable to  
38 pay contributions, as computed under subparagraph (E) of this  
39 paragraph (5), shall be decreased by 0.0175%, except that, during any  
40 experience rating year starting on or after July 1, 2001, in which the  
41 fund reserve ratio is equal to or greater than 3.5%, there shall be no  
42 decrease pursuant to this subparagraph (J) in the contribution of any  
43 employer who has a deficit reserve ratio of negative 35.00% or under.  
44 The amount of the reduction in the employer contributions stipulated by  
45 this subparagraph (J) shall be in addition to the amount of the reduction  
46 in the employer contributions stipulated by subparagraphs (G) and (H)  
47 of this paragraph (5), except that the rate of contribution of an employer  
48 who has a deficit reserve ratio of negative 35.0% or under shall not be

1 reduced pursuant to this subparagraph (J) to less than 5.4% and the rate  
2 of contribution of any other employer shall not be reduced to less than  
3 0.0%.

4 (K) With respect to experience rating years beginning on or after  
5 July 1, 2009, if the fund reserve ratio, based on the fund balance as of  
6 the prior March 31, is:

7 (i) Equal to or greater than 5.00% but less than 7.5%, the  
8 contribution rate for each employer liable to pay contributions, as  
9 computed under subparagraph (E) of this paragraph (5), shall be reduced  
10 by a factor of 25% computed to the nearest multiple of 1/10% if not  
11 already a multiple thereof except that there shall be no decrease pursuant  
12 to this subparagraph (K) in the contribution of any employer who has a  
13 deficit reserve ratio of 35.00% or under;

14 (ii) Equal to or greater than 7.5%, the contribution rate for each  
15 employer liable to pay contributions, as computed under subparagraph  
16 (E) of this paragraph (5), shall be reduced by a factor of 50% computed  
17 to the nearest multiple of 1/10% if not already a multiple thereof except  
18 that there shall be no decrease pursuant to this subparagraph (K) in the  
19 contribution of any employer who has a deficit reserve ratio of 35.00%  
20 or under.

21 (L) Notwithstanding any other provision of this paragraph (5) and  
22 notwithstanding the actual fund reserve ratio, the contribution rate for  
23 employers liable to pay contributions, as computed under subparagraph  
24 (E) of this paragraph (5), shall be, for fiscal year 2011, the rates set by  
25 column "C" of the table in that subparagraph.

26 (M) Notwithstanding any other provision of this paragraph (5) and  
27 notwithstanding the actual fund reserve ratio, the contribution rate for  
28 employers liable to pay contributions, as computed under subparagraph  
29 (E) of this paragraph (5), shall be, for fiscal year 2012, the rates set by  
30 column "D" of the table in that subparagraph.

31 (N) Notwithstanding any other provision of this paragraph (5) and  
32 notwithstanding the actual fund reserve ratio, the contribution rate for  
33 employers liable to pay contributions, as computed under subparagraph  
34 (E) of this paragraph (5), shall be, for fiscal year 2013, the rates set by  
35 column "E" of the table in that subparagraph.

36 (O) Notwithstanding any other provision of this paragraph (5) and  
37 notwithstanding the actual fund reserve ratio, the contribution rate for  
38 employers liable to pay contributions, as computed under subparagraph  
39 (E) of this paragraph (5), shall be, for fiscal year 2022, the rates set by  
40 column "C" of the table in that subparagraph.

41 (P) Notwithstanding any other provision of this paragraph (5) and  
42 notwithstanding the actual fund reserve ratio, the contribution rate for  
43 employers liable to pay contributions, as computed under subparagraph  
44 (E) of this paragraph (5), shall be, for fiscal year 2023, the rates set by  
45 column "D" of the table in that subparagraph, unless the application of  
46 the provisions of this paragraph (5) using the actual fund reserve ratio  
47 would result in the contribution rate for employers being set by a column  
48 which has lower tax rates than the rates in column "D", in which case

1 the employers shall be liable to pay contributions at the rates set by the  
2 column with the lower tax rates.

3 (Q) Notwithstanding any other provision of this paragraph (5) and  
4 notwithstanding the actual fund reserve ratio, the contribution rate for  
5 employers liable to pay contributions, as computed under subparagraph  
6 (E) of this paragraph (5), shall be, for fiscal year 2024, the rates set by  
7 column "E" of the table in that subparagraph, unless the application of  
8 the provisions of this paragraph (5) using the actual fund reserve ratio  
9 would result in the contribution rate for employers being set by a column  
10 which has lower tax rates than the rates in column "E", in which case  
11 the employers shall be liable to pay contributions at the rates set by the  
12 column with the lower tax rates.

13 (6) Additional contributions.

14 Notwithstanding any other provision of law, any employer who has  
15 been assigned a contribution rate pursuant to subsection (c) of this  
16 section for the year commencing July 1, 1948, and for any year  
17 commencing July 1 thereafter, may voluntarily make payment of  
18 additional contributions, and upon such payment shall receive a  
19 recomputation of the experience rate applicable to such employer,  
20 including in the calculation the additional contribution so made, except  
21 that, following a transfer as described under R.S.43:21-7(c)(7)(D),  
22 neither the predecessor nor successor in interest shall be eligible to make  
23 a voluntary payment of additional contributions during the year the  
24 transfer occurs and the next full calendar year. Any such additional  
25 contribution shall be made during the 30-day period following the  
26 notification to the employer of his contribution rate as prescribed in this  
27 section, unless, for good cause, the time for payment has been extended  
28 by the controller for not to exceed an additional 60 days; provided that  
29 in no event may such payments which are made later than 120 days after  
30 the beginning of the year for which such rates are effective be  
31 considered in determining the experience rate for the year in which the  
32 payment is made. Any employer receiving any extended period of time  
33 within which to make such additional payment and failing to make such  
34 payment timely shall be, in addition to the required amount of additional  
35 payment, liable for a penalty of 5% thereof or \$5.00, whichever is  
36 greater, not to exceed \$50.00. Any adjustment under this subsection  
37 shall be made only in the form of credits against accrued or future  
38 contributions.

39 (7) Transfers.

40 (A) Upon the transfer of the organization, trade or business, or  
41 substantially all the assets of an employer to a successor in interest,  
42 whether by merger, consolidation, sale, transfer, descent or otherwise,  
43 the controller shall transfer the employment experience of the  
44 predecessor employer to the successor in interest, including credit for  
45 past years, contributions paid, annual payrolls, benefit charges, et cetera,  
46 applicable to such predecessor employer, pursuant to regulation, if it is  
47 determined that the employment experience of the predecessor  
48 employer with respect to the organization, trade, assets or business

1 which has been transferred may be considered indicative of the future  
2 employment experience of the successor in interest. The successor in  
3 interest may, within four months of the date of such transfer of the  
4 organization, trade, assets or business, or thereafter upon good cause  
5 shown, request a reconsideration of the transfer of employment  
6 experience of the predecessor employer. The request for  
7 reconsideration shall demonstrate, to the satisfaction of the controller,  
8 that the employment experience of the predecessor is not indicative of  
9 the future employment experience of the successor.

10 (B) An employer who transfers part of his or its organization, trade,  
11 assets or business to a successor in interest, whether by merger,  
12 consolidation, sale, transfer, descent or otherwise, may jointly make  
13 application with such successor in interest for transfer of that portion of  
14 the employment experience of the predecessor employer relating to the  
15 portion of the organization, trade, assets or business transferred to the  
16 successor in interest, including credit for past years, contributions paid,  
17 annual payrolls, benefit charges, et cetera, applicable to such  
18 predecessor employer. The transfer of employment experience may be  
19 allowed pursuant to regulation only if it is found that the employment  
20 experience of the predecessor employer with respect to the portion of  
21 the organization, trade, assets or business which has been transferred  
22 may be considered indicative of the future employment experience of  
23 the successor in interest. Credit shall be given to the successor in  
24 interest only for the years during which contributions were paid by the  
25 predecessor employer with respect to that part of the organization, trade,  
26 assets or business transferred.

27 (C) A transfer of the employment experience in whole or in part  
28 having become final, the predecessor employer thereafter shall not be  
29 entitled to consideration for an adjusted rate based upon his or its  
30 experience or the part thereof, as the case may be, which has thus been  
31 transferred. A successor in interest to whom employment experience or  
32 a part thereof is transferred pursuant to this subsection shall, as of the  
33 date of the transfer of the organization, trade, assets or business, or part  
34 thereof, immediately become an employer if not theretofore an  
35 employer subject to this chapter (R.S.43:21-1 et seq.).

36 (D) If an employer transfers in whole or in part his or its  
37 organization, trade, assets or business to a successor in interest, whether  
38 by merger, consolidation, sale, transfer, descent or otherwise and both  
39 the employer and successor in interest are at the time of the transfer  
40 under common ownership, management or control, then the  
41 employment experience attributable to the transferred business shall  
42 also be transferred to and combined with the employment experience of  
43 the successor in interest. The transfer of the employment experience is  
44 mandatory and not subject to appeal or protest.

45 (E) The transfer of part of an employer's employment experience to  
46 a successor in interest shall become effective as of the first day of the  
47 calendar quarter following the acquisition by the successor in interest.  
48 As of the effective date, the successor in interest shall have its employer

1 rate recalculated by merging its existing employment experience, if any,  
2 with the employment experience acquired. If the successor in interest  
3 is not an employer as of the date of acquisition, it shall be assigned the  
4 new employer rate until the effective date of the transfer of employment  
5 experience.

6 (F) Upon the transfer in whole or in part of the organization, trade,  
7 assets or business to a successor in interest, the employment experience  
8 shall not be transferred if the successor in interest is not an employer at  
9 the time of the acquisition and the controller finds that the successor in  
10 interest acquired the business solely or primarily for the purpose of  
11 obtaining a lower rate of contributions.

12 (d) Contributions of workers to the unemployment compensation  
13 fund and the State disability benefits fund.

14 (1) (A) For periods after January 1, 1975, each worker shall  
15 contribute to the fund 1% of his wages with respect to his employment  
16 with an employer, which occurs on and after January 1, 1975, after such  
17 employer has satisfied the condition set forth in subsection (h) of  
18 R.S.43:21-19 with respect to becoming an employer; provided,  
19 however, that such contributions shall be at the rate of 1/2 of 1% of  
20 wages paid with respect to employment while the worker is in the  
21 employ of the State of New Jersey, or any governmental entity or  
22 instrumentality which is an employer as defined under R.S.43:21-  
23 19(h)(5), or is covered by an approved private plan under the  
24 "Temporary Disability Benefits Law" or while the worker is exempt  
25 from the provisions of the "Temporary Disability Benefits Law" under  
26 section 7 of that law, P.L.1948, c.110 (C.43:21-31).

27 (B) Effective January 1, 1978 there shall be no contributions by  
28 workers in the employ of any governmental or nongovernmental  
29 employer electing or required to make payments in lieu of contributions  
30 unless the employer is covered by the State plan under the "Temporary  
31 Disability Benefits Law" (C.43:21-25 et al.), and in that case  
32 contributions shall be at the rate of 1/2 of 1%, except that commencing  
33 July 1, 1986, workers in the employ of any nongovernmental employer  
34 electing or required to make payments in lieu of contributions shall be  
35 required to make contributions to the fund at the same rate prescribed  
36 for workers of other nongovernmental employers.

37 (C) (i) Notwithstanding the above provisions of this paragraph (1),  
38 during the period starting July 1, 1986 and ending December 31, 1992,  
39 each worker shall contribute to the fund 1.125% of wages paid with  
40 respect to his employment with a governmental employer electing or  
41 required to pay contributions or nongovernmental employer, including  
42 a nonprofit organization which is an employer as defined under  
43 R.S.43:21-19(h)(6), regardless of whether that nonprofit organization  
44 elects or is required to finance its benefit costs with contributions to the  
45 fund or by payments in lieu of contributions, after that employer has  
46 satisfied the conditions set forth in subsection R.S.43:21-19(h) with  
47 respect to becoming an employer. Contributions, however, shall be at  
48 the rate of 0.625% while the worker is covered by an approved private

1 plan under the "Temporary Disability Benefits Law" or while the  
2 worker is exempt under section 7 of that law, P.L.1948, c.110 (C.43:21-  
3 31) or any other provision of that law; provided that such contributions  
4 shall be at the rate of 0.625% of wages paid with respect to employment  
5 with the State of New Jersey or any other governmental entity or  
6 instrumentality electing or required to make payments in lieu of  
7 contributions and which is covered by the State plan under the  
8 "Temporary Disability Benefits Law," except that, while the worker is  
9 exempt from the provisions of the "Temporary Disability Benefits Law"  
10 under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other  
11 provision of that law, or is covered for disability benefits by an approved  
12 private plan of the employer, the contributions to the fund shall be  
13 0.125%.

14 (ii) (Deleted by amendment, P.L.1995, c.422.)

15 (D) Notwithstanding any other provisions of this paragraph (1),  
16 during the period starting January 1, 1993 and ending June 30, 1994,  
17 each worker shall contribute to the unemployment compensation fund  
18 0.5% of wages paid with respect to the worker's employment with a  
19 governmental employer electing or required to pay contributions or  
20 nongovernmental employer, including a nonprofit organization which is  
21 an employer as defined under paragraph (6) of subsection (h) of  
22 R.S.43:21-19, regardless of whether that nonprofit organization elects  
23 or is required to finance its benefit costs with contributions to the fund  
24 or by payments in lieu of contributions, after that employer has satisfied  
25 the conditions set forth in subsection (h) of R.S.43:21-19 with respect  
26 to becoming an employer. No contributions, however, shall be made by  
27 the worker while the worker is covered by an approved private plan  
28 under the "Temporary Disability Benefits Law," P.L.1948, c.110  
29 (C.43:21-25 et al.) or while the worker is exempt under section 7 of  
30 P.L.1948, c.110 (C.43:21-31) or any other provision of that law;  
31 provided that the contributions shall be at the rate of 0.50% of wages  
32 paid with respect to employment with the State of New Jersey or any  
33 other governmental entity or instrumentality electing or required to  
34 make payments in lieu of contributions and which is covered by the  
35 State plan under the "Temporary Disability Benefits Law," except that,  
36 while the worker is exempt from the provisions of the "Temporary  
37 Disability Benefits Law" under section 7 of that law, P.L.1948, c.110  
38 (C.43:21-31) or any other provision of that law, or is covered for  
39 disability benefits by an approved private plan of the employer, no  
40 contributions shall be made to the fund.

41 Each worker shall, starting on January 1, 1996 and ending March  
42 31, 1996, contribute to the unemployment compensation fund 0.60% of  
43 wages paid with respect to the worker's employment with a  
44 governmental employer electing or required to pay contributions or  
45 nongovernmental employer, including a nonprofit organization which is  
46 an employer as defined under paragraph (6) of subsection (h) of  
47 R.S.43:21-19, regardless of whether that nonprofit organization elects  
48 or is required to finance its benefit costs with contributions to the fund

1 or by payments in lieu of contributions, after that employer has satisfied  
2 the conditions set forth in subsection (h) of R.S.43:21-19 with respect  
3 to becoming an employer, provided that the contributions shall be at the  
4 rate of 0.10% of wages paid with respect to employment with the State  
5 of New Jersey or any other governmental entity or instrumentality  
6 electing or required to make payments in lieu of contributions.

7 Each worker shall, starting on January 1, 1998 and ending December  
8 31, 1998, contribute to the unemployment compensation fund 0.10% of  
9 wages paid with respect to the worker's employment with a  
10 governmental employer electing or required to pay contributions or  
11 nongovernmental employer, including a nonprofit organization which is  
12 an employer as defined under paragraph (6) of subsection (h) of  
13 R.S.43:21-19, regardless of whether that nonprofit organization elects  
14 or is required to finance its benefit costs with contributions to the fund  
15 or by payments in lieu of contributions, after that employer has satisfied  
16 the conditions set forth in subsection (h) of R.S.43:21-19 with respect  
17 to becoming an employer, provided that the contributions shall be at the  
18 rate of 0.10% of wages paid with respect to employment with the State  
19 of New Jersey or any other governmental entity or instrumentality  
20 electing or required to make payments in lieu of contributions.

21 Each worker shall, starting on January 1, 1999 until December 31,  
22 1999, contribute to the unemployment compensation fund 0.15% of  
23 wages paid with respect to the worker's employment with a  
24 governmental employer electing or required to pay contributions or  
25 nongovernmental employer, including a nonprofit organization which is  
26 an employer as defined under paragraph (6) of subsection (h) of  
27 R.S.43:21-19, regardless of whether that nonprofit organization elects  
28 or is required to finance its benefit costs with contributions to the fund  
29 or by payments in lieu of contributions, after that employer has satisfied  
30 the conditions set forth in subsection (h) of R.S.43:21-19 with respect  
31 to becoming an employer, provided that the contributions shall be at the  
32 rate of 0.10% of wages paid with respect to employment with the State  
33 of New Jersey or any other governmental entity or instrumentality  
34 electing or required to make payments in lieu of contributions.

35 Each worker shall, starting on January 1, 2000 until December 31,  
36 2001, contribute to the unemployment compensation fund 0.20% of  
37 wages paid with respect to the worker's employment with a  
38 governmental employer electing or required to pay contributions or  
39 nongovernmental employer, including a nonprofit organization which is  
40 an employer as defined under paragraph (6) of subsection (h) of  
41 R.S.43:21-19, regardless of whether that nonprofit organization elects  
42 or is required to finance its benefit costs with contributions to the fund  
43 or by payments in lieu of contributions, after that employer has satisfied  
44 the conditions set forth in subsection (h) of R.S.43:21-19 with respect  
45 to becoming an employer, provided that the contributions shall be at the  
46 rate of 0.10% of wages paid with respect to employment with the State  
47 of New Jersey or any other governmental entity or instrumentality  
48 electing or required to make payments in lieu of contributions.

1 Each worker shall, starting on January 1, 2002 until June 30, 2004,  
2 contribute to the unemployment compensation fund 0.1825% of wages  
3 paid with respect to the worker's employment with a governmental  
4 employer electing or required to pay contributions or a  
5 nongovernmental employer, including a nonprofit organization which is  
6 an employer as defined under paragraph (6) of subsection (h) of  
7 R.S.43:21-19, regardless of whether that nonprofit organization elects  
8 or is required to finance its benefit costs with contributions to the fund  
9 or by payments in lieu of contributions, after that employer has satisfied  
10 the conditions set forth in subsection (h) of R.S.43:21-19 with respect  
11 to becoming an employer, provided that the contributions shall be at the  
12 rate of 0.0825% of wages paid with respect to employment with the  
13 State of New Jersey or any other governmental entity or instrumentality  
14 electing or required to make payments in lieu of contributions.

15 Each worker shall, starting on ~~July 1, 2004~~ and after July 1, 2004 until  
16 December 31, 2023, contribute to the unemployment compensation  
17 fund 0.3825% of wages paid with respect to the worker's employment  
18 with a governmental employer electing or required to pay contributions  
19 or nongovernmental employer, including a nonprofit organization  
20 which is an employer as defined under paragraph (6) of subsection (h)  
21 of R.S.43:21-19, regardless of whether that nonprofit organization  
22 elects or is required to finance its benefit costs with contributions to the  
23 fund or by payments in lieu of contributions, after that employer has  
24 satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with  
25 respect to becoming an employer, provided that the contributions shall  
26 be at the rate of 0.0825% of wages paid with respect to employment  
27 with the State of New Jersey or any other governmental entity or  
28 instrumentality electing or required to make payments in lieu of  
29 contributions.

30 Each worker shall, starting on and after January 1, 2024, contribute  
31 to the unemployment compensation fund 0.3625% of wages paid with  
32 respect to the worker's employment with a governmental employer  
33 electing or required to pay contributions or nongovernmental employer,  
34 including a nonprofit organization which is an employer as defined  
35 under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of  
36 whether that nonprofit organization elects or is required to finance its  
37 benefit costs with contributions to the fund or by payments in lieu of  
38 contributions, after that employer has satisfied the conditions set forth  
39 in subsection (h) of R.S.43:21-19 with respect to becoming an  
40 employer, provided that the contributions shall be at the rate of 0.0625%  
41 of wages paid with respect to employment with the State of New Jersey  
42 or any other governmental entity or instrumentality electing or required  
43 to make payments in lieu of contributions.

44 Each worker shall, starting on and after January 1, 2024, contribute  
45 to the unemployment compensation administration fund, established  
46 pursuant to R.S.43:21-13, 0.0200% of wages paid with respect to the  
47 worker's employment with a governmental employer electing or  
48 required to pay contributions, the State of New Jersey or any other

1 governmental entity or instrumentality electing or required to make  
2 payments in lieu of contributions, or nongovernmental employer,  
3 including a nonprofit organization which is an employer as defined  
4 under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of  
5 whether that nonprofit organization elects or is required to finance its  
6 benefit costs with contributions to the fund or by payments in lieu of  
7 contributions, after that employer has satisfied the conditions set forth  
8 in subsection (h) of R.S.43:21-19 with respect to becoming an  
9 employer.

10 (E) Each employer shall, notwithstanding any provision of law in  
11 this State to the contrary, withhold in trust the amount of his workers'  
12 contributions from their wages at the time such wages are paid, shall  
13 show such deduction on his payroll records, shall furnish such evidence  
14 thereof to his workers as the division or controller may prescribe, and  
15 shall transmit all such contributions, in addition to his own  
16 contributions, to the office of the controller in such manner and at such  
17 times as may be prescribed. If any employer fails to deduct the  
18 contributions of any of his workers at the time their wages are paid, or  
19 fails to make a deduction therefor at the time wages are paid for the next  
20 succeeding payroll period, he alone shall thereafter be liable for such  
21 contributions, and for the purpose of R.S.43:21-14, such contributions  
22 shall be treated as employer's contributions required from him.

23 (F) As used in this chapter (R.S.43:21-1 et seq.), except when the  
24 context clearly requires otherwise, the term "contributions" shall  
25 include the contributions of workers pursuant to this section.

26 (G) (i) Each worker, with respect to the worker's employment with  
27 a government employer electing or required to pay contributions to the  
28 State disability benefits fund or nongovernmental employer, including  
29 a nonprofit organization which is an employer as defined under  
30 paragraph (6) of subsection (h) of R.S.43:21-19, unless the employer is  
31 covered by an approved private disability plan or is exempt from the  
32 provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110  
33 (C.43:21-25 et al.) under section 7 of that law (C.43:21-31) or any other  
34 provision of that law, shall, for calendar year 2012 and each subsequent  
35 calendar year, make contributions to the State disability benefits fund at  
36 the annual rate of contribution necessary to obtain a total amount of  
37 contributions, which, when added to employer contributions made to the  
38 State disability benefits fund pursuant to subsection (e) of this section,  
39 is, for calendar years prior to calendar year 2018, equal to 120% of the  
40 benefits paid for periods of disability, excluding periods of family  
41 temporary disability, during the immediately preceding calendar year  
42 plus an amount equal to 100% of the cost of administration of the  
43 payment of those benefits during the immediately preceding calendar  
44 year, less the amount of net assets remaining in the State disability  
45 benefits fund, excluding net assets remaining in the "Family Temporary  
46 Disability Leave Account" of that fund, as of December 31 of the  
47 immediately preceding year, and is, for calendar year 2018 and year  
48 2019, equal to 120% of the benefits paid for periods of disability,

1 excluding periods of family temporary disability, during the last  
2 preceding full fiscal year plus an amount equal to 100% of the cost of  
3 administration of the payment of those benefits during the last preceding  
4 full fiscal year, less the amount of net assets anticipated to be remaining  
5 in the "Family Temporary Disability Leave Account" of that fund, as of  
6 December 31 of the immediately preceding calendar year, and is, for  
7 each of calendar years 2020 and 2021, equal to 120% of the benefits  
8 which the department anticipates will be paid for periods of disability,  
9 excluding periods of family temporary disability, during the respective  
10 calendar year plus an amount equal to 100% of the cost of  
11 administration of the payment of those benefits which the department  
12 anticipates during the respective calendar year, less the amount of net  
13 assets anticipated to be remaining in the State disability benefits fund,  
14 excluding net assets remaining in the "Family Temporary Disability  
15 Leave Account" of that fund, as of December 31 of the immediately  
16 preceding calendar year, and is, for calendar year 2022 and any  
17 subsequent calendar year, equal to 120% of the benefits paid for periods  
18 of disability, excluding periods of family temporary disability, during  
19 the last preceding full fiscal year plus an amount equal to 100% of the  
20 cost of administration of the payment of those benefits during the last  
21 preceding full fiscal year, less the amount of net assets anticipated to be  
22 remaining in the State disability benefits fund, excluding net assets  
23 remaining in the "Family Temporary Disability Leave Account" of that  
24 fund, as of December 31 of the immediately preceding calendar year.  
25 All increases in the cost of benefits for periods of disability caused by  
26 the increases in the weekly benefit rate commencing July 1, 2020,  
27 pursuant to section 16 of P.L.1948, c.110 (C.43:21-40), shall be funded  
28 by contributions made by workers pursuant to this paragraph (i) and  
29 none of those increases shall be funded by employer contributions. The  
30 estimated rates for the next calendar year shall be made available on the  
31 department's website no later than 60 days after the end of the last  
32 preceding full fiscal year. The rates of employer contributions  
33 determined pursuant to subsection (e) of this section for any year shall  
34 be determined prior to the determination of the rate of employee  
35 contributions pursuant to this subparagraph (i) and any consideration of  
36 employee contributions in determining employer rates for any year shall  
37 be based on amounts of employee contributions made prior to the year  
38 to which the rate of employee contributions applies and shall not be  
39 based on any projection or estimate of the amount of employee  
40 contributions for the year to which that rate applies.

41 (ii) Each worker shall contribute to the State disability benefits fund,  
42 in addition to any amount contributed pursuant to subparagraph (i) of  
43 this paragraph (1)(G), an amount equal to, during calendar year 2009,  
44 0.09%, and during calendar year 2010 0.12%, of wages paid with  
45 respect to the worker's employment with any covered employer,  
46 including a governmental employer which is an employer as defined  
47 under R.S.43:21-19(h)(5), unless the employer is covered by an  
48 approved private disability plan for benefits during periods of family

1 temporary disability leave. The contributions made pursuant to this  
2 subparagraph (ii) to the State disability benefits fund shall be deposited  
3 into an account of that fund reserved for the payment of benefits during  
4 periods of family temporary disability leave as defined in section 3 of  
5 the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27)  
6 and for the administration of those payments and shall not be used for  
7 any other purpose. This account shall be known as the "Family  
8 Temporary Disability Leave Account." For calendar year 2011 and  
9 each subsequent calendar year until 2018, the annual rate of contribution  
10 to be paid by workers pursuant to this subparagraph (ii) shall be, for  
11 calendar years prior to calendar year 2018, the rate necessary to obtain  
12 a total amount of contributions equal to 125% of the benefits paid for  
13 periods of family temporary disability leave during the immediately  
14 preceding calendar year plus an amount equal to 100% of the cost of  
15 administration of the payment of those benefits during the immediately  
16 preceding calendar year, less the amount of net assets remaining in the  
17 account as of December 31 of the immediately preceding year, and shall  
18 be, for calendar year 2018 and calendar year 2019, the rate necessary to  
19 obtain a total amount of contributions equal to 125% of the benefits paid  
20 for periods of family temporary disability leave during the last  
21 preceding full fiscal year plus an amount equal to 100% of the cost of  
22 administration of the payment of those benefits during the last preceding  
23 full fiscal year, less the amount of net assets anticipated to be remaining  
24 in the account as of December 31 of the immediately preceding calendar  
25 year. For each of calendar years 2020 and 2021, the annual rate of  
26 contribution to be paid by workers pursuant to this subparagraph (ii)  
27 shall be the rate necessary to obtain a total amount of contributions equal  
28 to 125% of the benefits which the department anticipates will be paid  
29 for periods of family temporary disability leave during the respective  
30 calendar year plus an amount equal to 100% of the cost of  
31 administration of the payment of those benefits which the department  
32 anticipates during the respective calendar year, less the amount of net  
33 assets remaining in the account as of December 31 of the immediately  
34 preceding calendar year. For 2022 and any subsequent calendar year,  
35 the annual rate of contribution to be paid by workers pursuant to this  
36 subparagraph (ii) shall be the rate necessary to obtain a total amount of  
37 contributions equal to 125% of the benefits which were paid for periods  
38 of family temporary disability leave during the last preceding full fiscal  
39 year plus an amount equal to 100% of the cost of administration of the  
40 payment of those benefits during the last preceding full fiscal year, less  
41 the amount of net assets remaining in the account as of December 31 of  
42 the immediately preceding calendar year. All increases in the cost of  
43 benefits for periods of family temporary disability leave caused by the  
44 increases in the weekly benefit rate commencing July 1, 2020 pursuant  
45 to section 16 of P.L.1948, c.110 (C.43:21-40) and increases in the  
46 maximum duration of benefits commencing July 1, 2020 pursuant to  
47 sections 14 and 15 of P.L.1948, c.110 (C.43:21-38 and 43:21-39) shall  
48 be funded by contributions made by workers pursuant to this paragraph

1 (ii) and none of those increases shall be funded by employer  
2 contributions. The estimated rates for the next calendar year shall be  
3 made available on the department's website no later than 60 days after  
4 the end of the last preceding full fiscal year. Necessary administrative  
5 costs shall include the cost of an outreach program to inform employees  
6 of the availability of the benefits and the cost of issuing the reports  
7 required or permitted pursuant to section 13 of P.L.2008, c.17 (C.43:21-  
8 39.4). No monies, other than the funds in the "Family Temporary  
9 Disability Leave Account," shall be used for the payment of benefits  
10 during periods of family temporary disability leave or for the  
11 administration of those payments, with the sole exception that, during  
12 calendar years 2008 and 2009, a total amount not exceeding \$25 million  
13 may be transferred to that account from the revenues received in the  
14 State disability benefits fund pursuant to subparagraph (i) of this  
15 paragraph (1)(G) and be expended for those payments and their  
16 administration, including the administration of the collection of  
17 contributions made pursuant to this subparagraph (ii) and any other  
18 necessary administrative costs. Any amount transferred to the account  
19 pursuant to this subparagraph (ii) shall be repaid during a period  
20 beginning not later than January 1, 2011 and ending not later than  
21 December 31, 2015. No monies, other than the funds in the "Family  
22 Temporary Disability Leave Account," shall be used under any  
23 circumstances after December 31, 2009, for the payment of benefits  
24 during periods of family temporary disability leave or for the  
25 administration of those payments, including for the administration of  
26 the collection of contributions made pursuant to this subparagraph (ii).

27 (2) (A) (Deleted by amendment, P.L.1984, c.24.)

28 (B) (Deleted by amendment, P.L.1984, c.24.)

29 (C) (Deleted by amendment, P.L.1994, c.112.)

30 (D) (Deleted by amendment, P.L.1994, c.112.)

31 (E) (i) (Deleted by amendment, P.L.1994, c.112.)

32 (ii) (Deleted by amendment, P.L.1996, c.28.)

33 (iii) (Deleted by amendment, P.L.1994, c.112.)

34 (3) (A) If an employee receives wages from more than one  
35 employer during any calendar year, and either the sum of his  
36 contributions deposited in and credited to the State disability benefits  
37 fund plus the amount of his contributions, if any, required towards the  
38 costs of benefits under one or more approved private plans under the  
39 provisions of section 9 of the "Temporary Disability Benefits Law"  
40 (C.43:21-33) and deducted from his wages, or the sum of such latter  
41 contributions, if the employee is covered during such calendar year only  
42 by two or more private plans, exceeds an amount equal to 1/2 of 1% of  
43 the "wages" determined in accordance with the provisions of R.S.43:21-  
44 7(b)(3) during the calendar years beginning on or after January 1, 1976  
45 or, during calendar year 2012 or any subsequent calendar year, the total  
46 amount of his contributions for the year exceeds the amount set by the  
47 annual rate of contribution determined by the Commissioner of Labor  
48 and Workforce Development pursuant to subparagraph (i) of paragraph

1 (1)(G) of this subsection (d), the employee shall be entitled to a refund  
2 of the excess if he makes a claim to the controller within two years after  
3 the end of the calendar year in which the wages are received with respect  
4 to which the refund is claimed and establishes his right to such refund.  
5 Such refund shall be made by the controller from the State disability  
6 benefits fund. No interest shall be allowed or paid with respect to any  
7 such refund. The controller shall, in accordance with prescribed  
8 regulations, determine the portion of the aggregate amount of such  
9 refunds made during any calendar year which is applicable to private  
10 plans for which deductions were made under section 9 of the  
11 "Temporary Disability Benefits Law" (C.43:21-33) such determination  
12 to be based upon the ratio of the amount of such wages exempt from  
13 contributions to such fund, as provided in subparagraph (B) of  
14 paragraph (1) of this subsection with respect to coverage under private  
15 plans, to the total wages so exempt plus the amount of such wages  
16 subject to contributions to the disability benefits fund, as provided in  
17 subparagraph (G) of paragraph (1) of this subsection. The controller  
18 shall, in accordance with prescribed regulations, prorate the amount so  
19 determined among the applicable private plans in the proportion that the  
20 wages covered by each plan bear to the total private plan wages involved  
21 in such refunds, and shall assess against and recover from the employer,  
22 or the insurer if the insurer has indemnified the employer with respect  
23 thereto, the amount so prorated. The provisions of R.S.43:21-14 with  
24 respect to collection of employer contributions shall apply to such  
25 assessments. The amount so recovered by the controller shall be paid  
26 into the State disability benefits fund.

27 (B) If an employee receives wages from more than one employer  
28 during any calendar year, and the sum of his contributions deposited in  
29 the "Family Temporary Disability Leave Account" of the State  
30 disability benefits fund plus the amount of his contributions, if any,  
31 required towards the costs of family temporary disability leave benefits  
32 under one or more approved private plans under the provisions of the  
33 "Temporary Disability Benefits Law" (C.43:21-25 et al.) and deducted  
34 from his wages, exceeds an amount equal to, during calendar year 2009,  
35 0.09% of the "wages" determined in accordance with the provisions of  
36 R.S.43:21-7(b)(3), or during calendar year 2010, 0.12% of those wages,  
37 or, during calendar year 2011 or any subsequent calendar year, the  
38 percentage of those wages set by the annual rate of contribution  
39 determined by the Commissioner of Labor and Workforce Development  
40 pursuant to subparagraph (ii) of paragraph (1)(G) of this subsection (d),  
41 the employee shall be entitled to a refund of the excess if he makes a  
42 claim to the controller within two years after the end of the calendar year  
43 in which the wages are received with respect to which the refund is  
44 claimed and establishes his right to the refund. The refund shall be made  
45 by the controller from the "Family Temporary Disability Leave  
46 Account" of the State disability benefits fund. No interest shall be  
47 allowed or paid with respect to any such refund. The controller shall, in  
48 accordance with prescribed regulations, determine the portion of the

1 aggregate amount of the refunds made during any calendar year which  
2 is applicable to private plans for which deductions were made under  
3 section 9 of the "Temporary Disability Benefits Law" (C.43:21-33),  
4 with that determination based upon the ratio of the amount of such  
5 wages exempt from contributions to the fund, as provided in paragraph  
6 (1)(B) of this subsection (d) with respect to coverage under private  
7 plans, to the total wages so exempt plus the amount of such wages  
8 subject to contributions to the "Family Temporary Disability Leave  
9 Account" of the State disability benefits fund, as provided in  
10 subparagraph (ii) of paragraph (1)(G) of this subsection (d). The  
11 controller shall, in accordance with prescribed regulations, prorate the  
12 amount so determined among the applicable private plans in the  
13 proportion that the wages covered by each plan bear to the total private  
14 plan wages involved in such refunds, and shall assess against and  
15 recover from the employer, or the insurer if the insurer has indemnified  
16 the employer with respect thereto, the prorated amount. The provisions  
17 of R.S.43:21-14 with respect to collection of employer contributions  
18 shall apply to such assessments. The amount so recovered by the  
19 controller shall be paid into the "Family Temporary Disability Leave  
20 Account" of the State disability benefits fund.

21 (4) If an individual does not receive any wages from the employing  
22 unit which for the purposes of this chapter (R.S.43:21-1 et seq.) is  
23 treated as his employer, or receives his wages from some other  
24 employing unit, such employer shall nevertheless be liable for such  
25 individual's contributions in the first instance; and after payment thereof  
26 such employer may deduct the amount of such contributions from any  
27 sums payable by him to such employing unit, or may recover the amount  
28 of such contributions from such employing unit, or, in the absence of  
29 such an employing unit, from such individual, in a civil action; provided  
30 proceedings therefor are instituted within three months after the date on  
31 which such contributions are payable. General rules shall be prescribed  
32 whereby such an employing unit may recover the amount of such  
33 contributions from such individuals in the same manner as if it were the  
34 employer.

35 (5) Every employer who has elected to become an employer subject  
36 to this chapter (R.S.43:21-1 et seq.), or to cease to be an employer  
37 subject to this chapter (R.S.43:21-1 et seq.), pursuant to the provisions  
38 of R.S.43:21-8, shall post and maintain printed notices of such election  
39 on his premises, of such design, in such numbers, and at such places as  
40 the director may determine to be necessary to give notice thereof to  
41 persons in his service.

42 (6) Contributions by workers, payable to the controller as herein  
43 provided, shall be exempt from garnishment, attachment, execution, or  
44 any other remedy for the collection of debts.

45 (e) Contributions by employers to the State disability benefits fund.

46 (1) Except as hereinafter provided, each employer shall, in addition  
47 to the contributions required by subsections (a), (b), and (c) of this  
48 section, contribute 1/2 of 1% of the wages paid by such employer to

1 workers with respect to employment unless he is not a covered employer  
2 as defined in subsection (a) of section 3 of the "Temporary Disability  
3 Benefits Law" (C.43:21-27 (a)), except that the rate for the State of New  
4 Jersey shall be 1/10 of 1% for the calendar year 1980 and for the first  
5 six months of 1981. Prior to July 1, 1981 and prior to July 1 each year  
6 thereafter, the controller shall review the experience accumulated in the  
7 account of the State of New Jersey and establish a rate for the next  
8 following fiscal year which, in combination with worker contributions,  
9 will produce sufficient revenue to keep the account in balance; except  
10 that the rate so established shall not be less than 1/10 of 1%. Such  
11 contributions shall become due and be paid by the employer to the  
12 controller for the State disability benefits fund as established by law, in  
13 accordance with such regulations as may be prescribed, and shall not be  
14 deducted, in whole or in part, from the remuneration of individuals in  
15 his employ. In the payment of any contributions, a fractional part of a  
16 cent shall be disregarded unless it amounts to \$0.005 or more, in which  
17 case it shall be increased to \$0.01.

18 (2) During the continuance of coverage of a worker by an approved  
19 private plan of disability benefits under the "Temporary Disability  
20 Benefits Law," the employer shall be exempt from the contributions  
21 required by paragraph (1) above with respect to wages paid to such  
22 worker.

23 (3) (A) The rates of contribution as specified in paragraph (1) above  
24 shall be subject to modification as provided herein with respect to  
25 employer contributions due on and after July 1, 1951.

26 (B) A separate disability benefits account shall be maintained for  
27 each employer required to contribute to the State disability benefits fund  
28 and such account shall be credited with contributions deposited in and  
29 credited to such fund with respect to employment occurring on and after  
30 January 1, 1949. Each employer's account shall be credited with all  
31 contributions paid on or before January 31 of any calendar year on his  
32 own behalf and on behalf of individuals in his service with respect to  
33 employment occurring in preceding calendar years; provided, however,  
34 that if January 31 of any calendar year falls on a Saturday or Sunday an  
35 employer's account shall be credited as of January 31 of such calendar  
36 year with all the contributions which he has paid on or before the next  
37 succeeding day which is not a Saturday or Sunday. But nothing in this  
38 act shall be construed to grant any employer or individuals in his service  
39 prior claims or rights to the amounts paid by him to the fund either on  
40 his own behalf or on behalf of such individuals. Benefits paid to any  
41 covered individual in accordance with Article III of the "Temporary  
42 Disability Benefits Law" on or before December 31 of any calendar year  
43 with respect to disability in such calendar year and in preceding calendar  
44 years shall be charged against the account of the employer by whom  
45 such individual was employed at the commencement of such disability  
46 or by whom he was last employed, if out of employment.

47 (C) The controller may prescribe regulations for the establishment,  
48 maintenance, and dissolution of joint accounts by two or more

1 employers, and shall, in accordance with such regulations and upon  
2 application by two or more employers to establish such an account, or  
3 to merge their several individual accounts in a joint account, maintain  
4 such joint account as if it constituted a single employer's account.

5 (D) Prior to July 1 of each calendar year, the controller shall make a  
6 preliminary determination of the rate of contribution for the 12 months  
7 commencing on such July 1 for each employer subject to the  
8 contribution requirements of this subsection (e).

9 (1) Such preliminary rate shall be  $\frac{1}{2}$  of 1% unless on the preceding  
10 January 31 of such year such employer shall have been a covered  
11 employer who has paid contributions to the State disability benefits fund  
12 with respect to employment in the three calendar years immediately  
13 preceding such year.

14 (2) If the minimum requirements in subparagraph (D) (1) above  
15 have been fulfilled and the credited contributions exceed the benefits  
16 charged by more than \$500.00, such preliminary rate shall be as follows:

17 (i)  $\frac{2}{10}$  of 1% if such excess over \$500.00 exceeds 1% but is less  
18 than  $1\frac{1}{4}$ % of his average annual payroll as defined in this chapter  
19 (R.S.43:21-1 et seq.);

20 (ii)  $\frac{15}{100}$  of 1% if such excess over \$500.00 equals or exceeds 1  
21  $\frac{1}{4}$ % but is less than  $1\frac{1}{2}$ % of his average annual payroll;

22 (iii)  $\frac{1}{10}$  of 1% if such excess over \$500.00 equals or exceeds 1  
23  $\frac{1}{2}$ % of his average annual payroll.

24 (3) If the minimum requirements in subparagraph (D) (1) above  
25 have been fulfilled and the contributions credited exceed the benefits  
26 charged but by not more than \$500.00 plus 1% of his average annual  
27 payroll, or if the benefits charged exceed the contributions credited but  
28 by not more than \$500.00, the preliminary rate shall be  $\frac{1}{4}$  of 1%.

29 (4) If the minimum requirements in subparagraph (D) (1) above  
30 have been fulfilled and the benefits charged exceed the contributions  
31 credited by more than \$500.00, such preliminary rate shall be as follows:

32 (i)  $\frac{35}{100}$  of 1% if such excess over \$500.00 is less than  $\frac{1}{4}$  of 1%  
33 of his average annual payroll;

34 (ii)  $\frac{45}{100}$  of 1% if such excess over \$500.00 equals or exceeds  $\frac{1}{4}$   
35 of 1% but is less than  $\frac{1}{2}$  of 1% of his average annual payroll;

36 (iii)  $\frac{55}{100}$  of 1% if such excess over \$500.00 equals or exceeds  $\frac{1}{2}$   
37 of 1% but is less than  $\frac{3}{4}$  of 1% of his average annual payroll;

38 (iv)  $\frac{65}{100}$  of 1% if such excess over \$500.00 equals or exceeds  $\frac{3}{4}$   
39 of 1% but is less than 1% of his average annual payroll;

40 (v)  $\frac{75}{100}$  of 1% if such excess over \$500.00 equals or exceeds 1%  
41 of his average annual payroll.

42 (5) Determination of the preliminary rate as specified in  
43 subparagraphs (D)(2), (3) and (4) above shall be subject, however, to  
44 the condition that it shall in no event be decreased by more than  $\frac{1}{10}$  of  
45 1% of wages or increased by more than  $\frac{2}{10}$  of 1% of wages from the  
46 preliminary rate determined for the preceding year in accordance with  
47 subparagraph (D) (1), (2), (3) or (4), whichever shall have been  
48 applicable.

1 (E) (1) Prior to July 1 of each calendar year the controller shall  
2 determine the amount of the State disability benefits fund as of  
3 December 31 of the preceding calendar year, increased by the  
4 contributions paid thereto during January of the current calendar year  
5 with respect to employment occurring in the preceding calendar year. If  
6 such amount exceeds the net amount withdrawn from the  
7 unemployment trust fund pursuant to section 23 of the "Temporary  
8 Disability Benefits Law," P.L.1948, c.110 (C.43:21-47) plus the amount  
9 at the end of such preceding calendar year of the unemployment  
10 disability account as defined in section 22 of said law (C.43:21-46),  
11 such excess shall be expressed as a percentage of the wages on which  
12 contributions were paid to the State disability benefits fund on or before  
13 January 31 with respect to employment in the preceding calendar year.

14 (2) The controller shall then make a final determination of the rates  
15 of contribution for the 12 months commencing July 1 of such year for  
16 employers whose preliminary rates are determined as provided in  
17 subparagraph (D) hereof, as follows:

18 (i) If the percentage determined in accordance with subparagraph  
19 (E)(1) of this paragraph equals or exceeds  $1\frac{1}{4}\%$ , the final employer  
20 rates shall be the preliminary rates determined as provided in  
21 subparagraph (D) hereof, except that if the employer's preliminary rate  
22 is determined as provided in subparagraph (D)(2) or subparagraph  
23 (D)(3) hereof, the final employer rate shall be the preliminary employer  
24 rate decreased by such percentage of excess taken to the nearest  $\frac{5}{100}$   
25 of 1%, but in no case shall such final rate be less than  $\frac{1}{10}$  of 1%.

26 (ii) If the percentage determined in accordance with subparagraph  
27 (E)(1) of this paragraph equals or exceeds  $\frac{3}{4}$  of 1% and is less than  $1\frac{1}{4}$   
28 of 1%, the final employer rates shall be the preliminary employer  
29 rates.

30 (iii) If the percentage determined in accordance with subparagraph  
31 (E)(1) of this paragraph is less than  $\frac{3}{4}$  of 1%, but in excess of  $\frac{1}{4}$  of  
32 1%, the final employer rates shall be the preliminary employer rates  
33 determined as provided in subparagraph (D) hereof increased by the  
34 difference between  $\frac{3}{4}$  of 1% and such percentage taken to the nearest  
35  $\frac{5}{100}$  of 1%; provided, however, that no such final rate shall be more  
36 than  $\frac{1}{4}$  of 1% in the case of an employer whose preliminary rate is  
37 determined as provided in subparagraph (D)(2) hereof, more than  $\frac{1}{2}$  of  
38 1% in the case of an employer whose preliminary rate is determined as  
39 provided in subparagraph (D)(1) and subparagraph (D)(3) hereof, nor  
40 more than  $\frac{3}{4}$  of 1% in the case of an employer whose preliminary rate  
41 is determined as provided in subparagraph (D)(4) hereof.

42 (iv) If the amount of the State disability benefits fund determined  
43 as provided in subparagraph (E)(1) of this paragraph is equal to or less  
44 than  $\frac{1}{4}$  of 1%, then the final rate shall be  $\frac{2}{5}$  of 1% in the case of an  
45 employer whose preliminary rate is determined as provided in  
46 subparagraph (D)(2) hereof,  $\frac{7}{10}$  of 1% in the case of an employer  
47 whose preliminary rate is determined as provided in subparagraph  
48 (D)(1) and subparagraph (D)(3) hereof, and 1.1% in the case of an

1 employer whose preliminary rate is determined as provided in  
2 subparagraph (D)(4) hereof. Notwithstanding any other provision of law  
3 or any determination made by the controller with respect to any 12-  
4 month period commencing on July 1, 1970, the final rates for all  
5 employers for the period beginning January 1, 1971, shall be as set forth  
6 herein.

7 (F) Notwithstanding any other provisions of this subsection (e), the  
8 rate of contribution paid to the State disability benefits fund by each  
9 covered employer as defined in paragraph (1) of subsection (a) of  
10 section 3 of P.L.1948, c.110 (C.43:21-27), shall be determined as if:

11 (i) No disability benefits have been paid with respect to periods of  
12 family temporary disability leave;

13 (ii) No worker paid any contributions to the State disability benefits  
14 fund pursuant to paragraph (1)(G)(ii) of subsection (d) of this section;

15 (iii) No amounts were transferred from the State disability benefits  
16 fund to the "Family Temporary Disability Leave Account" pursuant to  
17 paragraph (1)(G)(ii) of subsection (d) of this section; and

18 (iv) The total amount of benefits paid for periods of disability were  
19 not subject to the increases in the weekly benefit rate for those benefits  
20 commencing July 1, 2020 pursuant to section 16 of P.L.1948, c.110  
21 (C.43:21-40).

22 (cf: P.L.2020, c.150, s.2)

23

24 2. This act shall take effect immediately, and shall apply to all  
25 wages paid on or after January 1, 2024.

26

27

28

#### STATEMENT

29

30 This bill requires that a portion of what would have been the  
31 worker contribution to the unemployment compensation trust fund  
32 instead be collected and deposited directly into the unemployment  
33 compensation administration fund. Under current law, workers who  
34 are either employed by nongovernmental employers, including non-  
35 profit employers, or who are employed by governmental employers  
36 that elect or are required to pay contributions, contribute 0.3825  
37 percent of their wages to the unemployment compensation trust fund.  
38 The bill reduces this worker contribution to the unemployment  
39 compensation trust fund to 0.3625 percent of wages and requires that  
40 0.0200 percent of wages be collected and deposited directly into the  
41 unemployment compensation administration fund.

42 Under current law, workers who are employed by the State of New  
43 Jersey or any other governmental entity or instrumentality that elects  
44 or is required to make payments in lieu of contributions, contribute  
45 0.0825 percent of their wages to the unemployment compensation  
46 trust fund. The bill reduces this worker contribution to the  
47 unemployment compensation trust fund to 0.0625 percent of wages  
48 and requires that 0.0200 percent of wages be collected and deposited

1 directly into the unemployment compensation administration fund.  
2 The bill's redirection of funds is less than the amount that is not  
3 committed to separate trust funds of self-insured employers, so the  
4 amount that goes to the separate funds, and consequently employer  
5 contributions, will not be affected by the bill's provisions.

6 The unemployment compensation trust fund provides the funding  
7 for unemployment benefits for workers. While the unemployment  
8 compensation trust fund is adequately funded, the unemployment  
9 compensation administration fund does not have adequate funding to  
10 maintain efficient operations of the unemployment compensation  
11 system.

12 The unemployment compensation administration fund is funded  
13 by contributions from the federal government, but these contributions  
14 do not provide sufficient resources to maintain the State system. This  
15 redirection of contributions from the unemployment compensation  
16 trust fund to unemployment compensation administration fund will  
17 provide needed resources to the unemployment compensation  
18 administration fund.

# SENATE LABOR COMMITTEE

## STATEMENT TO

### SENATE, No. 3310

# STATE OF NEW JERSEY

DATED: JUNE 3, 2024

The Senate Labor Committee reports favorably Senate Bill No. 3310.

This bill requires that a portion of what would have been the worker contribution to the unemployment compensation trust fund instead be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are either employed by nongovernmental employers, including non-profit employers, or who are employed by governmental employers that elect or are required to pay contributions, contribute 0.3825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.3625 percent of wages and requires that 0.02 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are employed by the State of New Jersey or any governmental entity or instrumentality that elects to make payments in lieu of contributions, contribute 0.0825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.0625 percent of wages and requires that 0.02 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

The bill's redirection of funds, which applies to contributions made after December 31, 2023, is less than the amount that is not committed to separate trust funds of self-insured employers, so the amount that goes to the separate funds, and consequently employer contributions, will not be affected by the bill's provisions.

The unemployment compensation administration fund is funded by contributions from the federal government, but these contributions may not provide sufficient resources to maintain the State system. This redirection of contributions from the unemployment compensation trust fund to unemployment compensation administration fund will increase the resources available for the unemployment compensation administration fund.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 3310

# STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3310.

This bill requires that a portion of what would have been the worker contribution to the unemployment compensation trust fund instead be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are either employed by nongovernmental employers, including non-profit employers, or who are employed by governmental employers that elect or are required to pay contributions, contribute 0.3825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.3625 percent of wages and requires that 0.02 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are employed by the State of New Jersey or any governmental entity or instrumentality that elects to make payments in lieu of contributions, contribute 0.0825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.0625 percent of wages and requires that 0.02 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

The bill's redirection of funds, which applies to contributions made after December 31, 2023, is less than the amount that is not committed to separate trust funds of self-insured employers, so the amount that goes to the separate funds, and consequently employer contributions, will not be affected by the bill's provisions.

The unemployment compensation administration fund is funded by contributions from the federal government, but these contributions may not provide sufficient resources to maintain the State system. This redirection of contributions from the unemployment compensation trust fund to unemployment compensation administration fund will increase the resources available for the unemployment compensation administration fund.

#### FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 3310**  
**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

DATED: JUNE 25, 2024

**SUMMARY**

**Synopsis:** Redirects portion of worker’s unemployment compensation fund contribution to unemployment compensation administration fund.

**Type of Impact:** No impact on State revenues or expenditures.

**Agencies Affected:** Department of Labor and Workforce Development.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>Unemployment Compensation Fund</b>	Decreases by \$25.7 to \$27.3 million
<b>Unemployment Compensation Administration Fund</b>	Increases by \$25.7 to \$27.3 million

- The Office of Legislative Services (OLS) notes that the bill will have no impact on State revenues or expenditures, as the bill dedicates a portion of the employee unemployment withholdings from the unemployment compensation fund into the unemployment compensation administration fund.
- The OLS notes the estimated redirection of funds in the range of \$25.7 million to \$27.3 million over the next three years is unlikely to have any significant impact on the solvency of the unemployment compensation fund, which the Department of Labor and Workforce Development projects to have a balance of \$3.1 billion at the end of FY 2024.

**BILL DESCRIPTION**

This bill requires that a portion of what would have been the worker contribution to the unemployment compensation trust fund instead be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are either employed by nongovernmental employers, including non-profit employers, or who are employed by governmental employers that elect or are required to pay contributions, contribute 0.3825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.3625 percent of wages and requires that 0.02 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

Under current law, workers who are employed by the State of New Jersey or any governmental entity or instrumentality that elects to make payments in lieu of contributions, contribute 0.0825 percent of their wages to the unemployment compensation trust fund. The bill reduces this worker contribution to the unemployment compensation trust fund to 0.0625 percent of wages and requires that 0.02 percent of wages be collected and deposited directly into the unemployment compensation administration fund.

The bill's redirection of funds, which applies to contributions made after December 31, 2023, is less than the amount that is not committed to separate trust funds of self-insured employers, so the amount that goes to the separate funds, and consequently employer contributions, will not be affected by the bill's provisions.

The unemployment compensation administration fund is funded by contributions from the federal government, but these contributions may not provide sufficient resources to maintain the State system. This redirection of contributions from the unemployment compensation trust fund to the unemployment compensation administration fund will increase the resources available for the unemployment compensation administration fund.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS used data provided by the department during the FY 2025 budget process to estimate the impact of moving 0.02 percent of employee contributions to the unemployment compensation administrative fund. The department forecasts employee contributions of \$545.4 million in calendar year 2024, \$559.4 million in calendar year 2025, and \$581.0 million in calendar year 2026. Applying the proportionate factors to each of these numbers will result in a redirection of \$25.7 million, \$26.3 million, and \$27.3 million in the respective calendar years.

The OLS notes that the annual diversion of \$25.7 to \$27.3 million only represents approximately 0.7 percent of the total anticipated total annual assessments paid by employers and employees. As such, it is not anticipated to have any material long-term effect on employee or employer withholdings. It is possible that over a long horizon, these diversions to the administration fund could lead to a requirement for increased withholdings to maintain the adequate trust fund balances; however, there are multiple factors which have a more significant impact on withholding requirements, such as unemployment rates, duration of claims, increases to maximum benefits, and changes in federal requirements. In addition, this increase in the administration allocation and spending does not account for the potential benefits that may be derived over time from improved infrastructure, staffing, and processes. It is difficult to say with

certainty what, if any, direct effect the increase in administrative spending will have on future withholding requirements.

The projected balance in the unemployment compensation fund is \$3.1 billion at the end of FY 2024, and \$3.7 billion at the end of FY 2025. The health of the fund and withholding requirements are not likely to be significantly impacted by the proposed diversion of employee withholdings to the administration fund.

*Section: Commerce, Labor and Industry*  
*Analyst: John Gaudio*  
*Assistant Fiscal Analyst*  
*Approved: Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

12/12/2024

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-871/A-2286 (A.M. Bucco, Sarlo/Lopez, Dunn)** - Establishes eligibility for enrollment in PERS and subsequent retirement benefits for certain county fire instructors under certain conditions

**S-1430/A-586 (McKnight, Singleton/Stanley, Atkins, Reynolds-Jackson)** - Provides for expanded use of affordable housing voucher program funding

**S-1433/A-4433 (Singleton/Conaway)** - Designates bridge over Crosswicks Creek on Interstate Highway Route 295 North as “Benjamin Moore and the 693rd Sapper Company Memorial Highway”

**S-3611/A-4970 (Scutari, Vitale/Carter, Speight, Reynolds-Jackson)** - Provides grant to study and map mental health care resources for children; makes appropriation

**SJR-29/AJR-50 (Diegnan, Sarlo/Karabinchak, Stanley)** - Designates August of each year as “Professional Engineers Month” in NJ and first Wednesday in August of each year as “Professional Engineering Day”

**SJR-71/AJR-25 (Beach, Mukherji/DeAngelo, Danielsen, Venezia)** - Designates first week of May of each year as Wounded Warrior Appreciation Week

**SJR-103/AJR-60 (Diegnan, Corrado/Conaway, DeAngelo, Speight)** - Declares NJ “Purple Heart State”

**A-4043/S-3310 (Verrelli, Sampson, Sumter/Lagana, Turner)** - Redirects portion of worker’s unemployment compensation trust fund contribution to unemployment compensation administration fund

**A-4047/S-2949 (Sampson, Verrelli, Miller/Moriarty, Mukherji)** - Revises unemployment compensation law

**A-4148/S-3057 (Lampitt, Conaway, Speight/McKnight, Turner)** - Requires DOH to develop informational materials on type 1 diabetes and DOE to distribute to parents and guardians of enrolled students

Governor Murphy conditionally vetoed the following bills:

**S-2788/A-4569 (Cruz-Perez, Turner/Freiman, Katz, Simmons)** – **CONDITIONAL** -Appropriates \$128.241 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

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