

SENATE, No. 257

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. BODINE

Referred to Committee on Labor, Industries and Social Welfare

**AN ACT concerning unemployment compensation, and amending section 43:21-19
of the Revised Statutes.**

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

1 1. Section 43:21-19 of the Revised Statutes is amended to read as follows:

**2 2. 43:21-19. As used in this chapter, unless the context clearly requires
3 otherwise:**

**4 (a) (1) "Annual payroll" means the total amount of wages paid during
5 a calendar year (regardless of when earned) by an employer for employment.**

**6 (2) "Average annual payroll" means the average of the annual pay-
7 rolls of any employer for the last three or five preceding calendar years,
8 whichever average is higher, except that any year or years throughout which
9 an employer has had no "annual payroll" because of military service shall be
10 deleted from the reckoning; the "average annual payroll" in such case is to
11 be determined on the basis of the prior three or five calendar years in each
12 of which the employer had an "annual payroll" in the operation of his busi-
13 ness, if the employer resumes his business within twelve months after sepa-
14 ration, discharge or release from such service, under conditions other than
15 dishonorable, and makes application to have his "average annual payroll" de-
16 termined on the basis of such deletion within twelve months after he resumes
17 his business; provided, however, that "average annual payroll" solely for**

18 the purposes of paragraph (3) of subsection (e) of section 43:21-7 of this
 19 Title means the average of the annual payrolls of any employer, on which he
 20 paid contributions to the State disability benefits fund, for the last three or
 21 five preceding calendar years, whichever average is higher; *provided, further,*
 22 that only those wages be included on which employer contributions have been
 23 paid on or before January thirty-first immediately preceding the beginning of
 24 the twelve-months' period for which the employer's contribution rate is
 25 computed.

26 (b) "Benefits" means the money payments payable to an individual, as
 27 provided in this chapter, with respect to his unemployment.

28 (c) (1) The term "base year" with respect to benefit years commencing
 29 prior to January first, one thousand nine hundred and fifty-three, means
 30 the first four of the last five completed calendar quarters immediately pre-
 31 ceding the first day of an individual's benefit year; *provided, that no calen-*
 32 *dar quarter shall comprise a part of more than one base year.*

33 (2) "Base year" with respect to benefit years commencing on or after
 34 January first, one thousand nine hundred and fifty-three, shall mean the
 35 fifty-two calendar weeks ending with the second week immediately preceding
 36 an individual's benefit year.

37 (d) "Benefit year" with respect to any individual means the three
 38 hundred sixty-four consecutive calendar days beginning with the day on,
 39 or as of, which he first files a valid claim for benefits, and thereafter be-
 40 ginning with the day on, or as of, which the individual next files a valid claim
 41 for benefits after the termination of his last preceding benefit year. Any claim
 42 for benefits made in accordance with subsection (a) of section 43:21-6 of this
 43 Title shall be deemed to be a "valid claim" for the purpose of this subsection
 44 if [the individual is, in fact, partially or totally unemployed] (1) no
 45 remuneration was paid or is payable for the day on which, or as of which,
 46 he files a claim for benefits, and no work is available to him with his current
 47 employing unit on such day, or, he is unemployed for the week in which, or
 48 as of which, he files a claim for benefits; and (2) he has fulfilled the conditions
 49 imposed by subsection (e) of section 43:21-4 of this Title.

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50 (e) "Division" means the Division of Employment Security of the De-
51 partment of Labor and Industry established by Chapter 446, P. L. 1948, and
52 any transaction or exercise of authority by the director of the division there-
53 under, or under this chapter (R. S. 43:21-1 et seq.), shall be deemed to be
54 performed by the division.

55 (f) "Contributions" means the money payments to the State unemploy-
56 ment compensation fund required by this chapter.

57 (g) "Employing unit" means any individual or type of organization,
58 including any partnership, association, trust, estate, joint-stock company,
59 insurance company or corporation, whether domestic or foreign, or the re-
60 ceiver, trustee in bankruptcy, trustee or successor thereof, or the legal rep-
61 resentative of a deceased person, which has or subsequent to January first,
62 one thousand nine hundred and thirty-six, had in its employ one or more
63 individuals performing services for it within this State. All individuals
64 performing services within this State for any employing unit which main-
65 tains two or more separate establishments within this State shall be deemed
66 to be employed by a single employing unit for all the purposes of this
67 chapter. Whenever any employing unit contracts with or has under it any
68 contractor or subcontractor for any employment which is part of its usual
69 trade, occupation, profession, or business, unless the employing unit as well
70 as each such contractor or subcontractor is an employer by reason of sub-
71 section (c) of section 43:21-8 of this Title or subsection (h) of this section,
72 the employing unit shall for all the purposes of this chapter be deemed
73 to employ each individual in the employ of each such contractor or subcon-
74 tractor for each day during which such individual is engaged in performing
75 such employment; except that each such contractor or subcontractor who
76 is an employer by reason of subsection (c) of section 43:21-8 of this Title
77 or subsection (h) of this section, shall alone be liable for the contribu-
78 tions measured by wages payable to individuals in his employ, and except
79 that any employing unit who shall become liable for and pay contributions
80 with respect to individuals in the employ of any such contractor or sub-

81 contractor who is not an employer by reason of subsection (e) of section
 82 43:21-8 of this Title or subsection (h) of this section, may recover the
 83 same from such contractor or subcontractor. Each individual employed to
 84 perform or to assist in performing the work of any agent or employee of
 85 an employing unit shall be deemed to be employed by such employing unit
 86 for all the purposes of this chapter, whether such individual was hired or
 87 paid directly by such employing unit or by such agent or employee; *pro-*
 88 *vided*, the employing unit had actual or constructive knowledge of the work.

89 (h) "Employer" means:

90 (1) Any employing unit which for some portion of a day, but not neces-
 91 sarily simultaneously, in each of twenty different weeks, whether or not
 92 such weeks are or were consecutive, within either the current or the pre-
 93 ceding calendar year, has or had in employment four or more individuals
 94 (irrespective of whether the same individuals are or were employed in each
 95 such day);

96 (2) Any employing unit which acquired the organization, trade or busi-
 97 ness, or substantially all the assets thereof, of another which at the time
 98 of such acquisition was an employer subject to this chapter;

99 (3) Any employing unit which acquired the organization, trade or
 100 business, or substantially all the assets thereof, of another employing unit
 101 and which, if treated as a single unit with such other employing unit,
 102 would be an employer under paragraph (1) of this subsection;

103 (4) Any employing unit which together with one or more other em-
 104 ploying units is owned or controlled (by legally enforceable means or other-
 105 wise), directly or indirectly by the same interests, or which owns or con-
 106 trols one or more other employing units (by legally enforceable means or
 107 otherwise), and which, if treated as a single unit with such other employ-
 108 ing unit or interest, would be an employer under paragraph (1) of this
 109 subsection;

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110 (5) Any employing unit which, having become an employer under para-
111 graphs (1), (2), (3) or (4), has not, under section 43:21-8 of this Title,
112 ceased to be an employer subject to this chapter; or

113 (6) For the effective period of its election pursuant to subsection (c)
114 of section 43:21-8 of this Title any other employing unit which has elected
115 to become fully subject to this chapter.

116 (i) (1) "Employment" means service, including service in interstate
117 commerce performed for remuneration or under any contract of hire, writ-
118 ten or oral, express or implied.

119 (2) The term "employment" shall include an individual's entire serv-
120 ice, performed within or both within and without this State if:

121 (A) The service is localized in this State; or

122 (B) The service is not localized in any State but some of the serv-
123 ice is performed in this State, and (i) the base of operation, or, if there
124 is no base of operations, then the place from which such service is di-
125 rected or controlled, is in this State; or (ii) the base of operations
126 or place from which such service is directed or controlled is not in
127 any State in which some part of the service is performed, but the indi-
128 vidual's residence is in this State.

129 (3) Services performed within this State but not covered under para-
130 graph (2) of this subsection shall be deemed to be employment subject to
131 this chapter if contributions are not required and paid with respect to such
132 services under an unemployment compensation law of any other State or of
133 the Federal Government.

134 (4) Services not covered under paragraph (2) of this subsection, and
135 performed entirely without this State, with respect to no part of which con-
136 tributions are required and paid under an unemployment compensation law
137 of any other State or of the Federal Government, shall be deemed to be
138 employment subject to this chapter if the individual performing such serv-
139 ices is a resident of this State and the division approves the election of the
140 employing unit for whom such services are performed that the entire service

141 of such individual shall be deemed to be employment subject to this chapter;	172
142 <i>provided</i> , written objections on the part of a substantial proportion of such	173
143 individuals affected are not presented to the division within ten days follow-	174
144 ing the filing of such election.	175
145 (5) Service shall be deemed to be localized within a State if	176
146 (A) the service is performed entirely within such State; or	177
147 (B) the service is performed both within and without such State,	178
148 but the service performed without such State is incidental to the indi-	179
149 vidual's service within the State, for example, is temporary or transi-	180
150 tory in nature or consists of isolated transactions.	181
151 (6) Services performed by an individual for remuneration shall be	182
152 deemed to be employment subject to this chapter unless and until it is	183
153 shown to the satisfaction of the division that	184
154 (A) such individual has been and will continue to be free from	185
155 control or direction over the performance of such service both under his	186
156 contract of service and in fact; and	187
157 (B) such service is either outside the usual course of the business	188
158 for which such service is performed, or that such service is performed	189
159 outside of all the places of business of the enterprise for which such	190
160 service is performed; and	191
161 (C) such individual is customarily engaged in an independently	192
162 established trade, occupation, profession or business.	193
163 (7) The term "employment" shall not include:	194
164 (A) Agricultural labor;	195
165 (B) Domestic service in a private home;	196
166 (C) Service performed by an individual in the employ of his son,	197
167 daughter or spouse, and service performed by a child under the age of	198
168 twenty-one in the employ of his father or mother;	199
169 (D) Service performed in the employ of this State or of any political	200
170 subdivision thereof or of any instrumentality of this State or its political	201
171 subdivisions;	

172 (E) Service performed in the employ of any other State or its
 173 political subdivisions, or of the United States Government, or of an
 174 instrumentality of any other State or States or their political subdivi-
 175 sions or of the United States;

176 (F) Services performed in the employ of a corporation, commu-
 177 nity chest, fund, or foundation, organized and operated exclusively for
 178 religious, charitable, scientific, literary, hospital, benevolent, philan-
 179 thropic or educational purposes, or for the prevention of cruelty to
 180 children or animals, no part of the net earnings of which inures to the
 181 benefit of any private shareholder or individual;

182 (G) Services performed in the employ of fraternal beneficiary so-
 183 cieties, orders, or associations operating under the lodge system or for
 184 the exclusive benefit of the members of a fraternity itself operating
 185 under the lodge system and providing for the payment of life, sick,
 186 accident or other benefits to the members of such society, order, or
 187 association, or their dependents;

188 (H) Services performed as an officer or other employee of any build-
 189 ing and loan association of this State, except where such services con-
 190 stitute the principal employment of the individual; services performed
 191 as an officer or other employee of any building and loan association
 192 where such association is a member of the Federal Home Loan Bank
 193 System; services performed as an officer or other employee of any bank
 194 which is a member of the Federal Reserve System;

195 (I) Service performed after June thirtieth, one thousand nine hun-
 196 dred and thirty-nine, with respect to which unemployment compensa-
 197 tion is payable under the Railroad Unemployment Insurance Act (52
 198 Stat. 1094) [.] ;

199 (J) Service performed by agents of insurance companies, exclu-
 200 sive of industrial insurance agents, or by agents of investment com-
 201 panies, who are compensated wholly on a commission basis [.] ;

202 (K) Services performed by real estate salesmen or brokers who are
203 compensated wholly on a commission basis [.] ;

204 (L) Services performed in the employ of any veterans' organiza-
205 tion chartered by Act of Congress or of any auxiliary thereof, no part
206 of the net earnings of which organization, or auxiliary thereof, inures
207 to the benefit of any private shareholder or individual [.] ;

208 (M) Service heretofore or hereafter performed for or in behalf of
209 the owner or operator of any theatre, ballroom, amusement hall or
210 other place of entertainment, not in excess of ten weeks in any calen-
211 dar year for the same owner or operator, by any leader or musician of
212 a band or orchestra, commonly called a "name band," entertainer,
213 vaudeville artist, actor, actress, singer or other entertainer [.] ;

214 (N) Services performed by an individual for a labor union organiza-
215 tion, known and recognized as a union local, as a member of a committee
216 or committees reimbursed by the union local for time lost from regular
217 employment, or as a part-time officer of a union local and the remunera-
218 tion for such services is less than two hundred fifty dollars (\$250.00)
219 in a calendar year.

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

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

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

228 (m) Unemployment.

229 (1) An individual shall be deemed "unemployed" for any week during
230 which he is not engaged in full-time work and with respect to which his
231 remuneration is less than his weekly benefit rate.

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232 (2) The term "remuneration," with respect to benefit years commencing prior to January first, one thousand nine hundred and fifty-three, and as used in this subsection, shall include only that part of the same which exceeds three dollars (\$3.00) for any one week.

236 (3) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the division may by regulation otherwise prescribe.

239 (n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter, from which administrative expenses under this chapter shall be paid.

242 (o) "Wages" means remuneration payable by employers for employment prior to January first, one thousand nine hundred and forty-seven, and paid prior to such date; and means remuneration paid subsequent to December thirty-first, one thousand nine hundred and forty-six, by employers for employment; provided, however, that for eligibility and benefit purposes wages earned but not paid when the amount thereof has been calculated and is due as determined by the established and customary practices of the employer shall be construed as having been paid when earned.

250 (p) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash.

253 (q) "Week" means such period or periods of seven consecutive days ending at midnight, as the [commission] division may by regulation prescribe.

256 (r) "Calendar quarter" means the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first.

259 (s) "Investment company" means any company as defined in paragraph 1-a of chapter three hundred twenty-two of the laws of one thousand nine hundred and thirty-eight, entitled "An act concerning investment companies, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'investment companies.' "

264 (t) "Base week" means any calendar week of an individual's base year
 265 during which he earned in employment from an employer remuneration
 266 equal to not less than fifteen dollars (\$15.00) [.] ; provided, if in any calendar
 267 week, an individual is in employment with more than one employer, he may
 268 in such calendar week establish a base week with respect to each such em-
 269 ployer from whom the individual earns remuneration equal to not less than
 269A fifteen dollars (\$15.00) during such week.

270 (u) "Average weekly wage" means the amount derived by dividing an
 271 individual's total wages received during his base year base weeks from that
 272 most recent base year employer with whom he had established at least seven-
 273 teen base weeks, by the number of base weeks in which such wages were
 274 earned. In the event that such claimant had no employer in his base year
 275 with whom he had established at least seventeen base weeks, then such indi-
 276 vidual's average weekly wage shall be computed as if all of his base week
 277 wages were received from one employer and as if all his base weeks of em-
 278 ployment had been performed in the employ of one employer.

279 If on application of a claimant it is determined that he has been employed
 280 during at least the four weeks immediately preceding his separation from
 281 employment by an employer on a substantially reduced schedule of weekly
 282 hours due to lack of work, all weeks of substantially reduced schedule within
 283 the base period and his wages therefor shall be disregarded in computing
 284 his average weekly wage.

285 (v) "Initial determination" means, subject to the provisions of R. S.
 286 43:21-6 (b) (2) and (3), a determination of benefit rights as measured by an
 287 eligible individual's base year employment with a single employer covering
 288 all periods of employment with that employer during the base year. Sub-
 289 ject to the provisions of R. S. 43:21-3 (d) (2) (C) if an individual has been in
 290 employment in his base year with more than one employer, no benefits shall
 291 be paid to that individual under any successive initial determination until his
 292 benefit rights have been exhausted under the next preceding initial determina-
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293 (w) "Last date of employment" means the last calendar day in the base
294 year of an individual on which he performed services in employment for a
295 given employer.

296 (x) "Most recent base year employer" means that employer with whom
297 the individual most recently, in point of time, performed services in employ-
298 ment in the base year.

1 2. This act shall take effect immediately.

STATEMENT

As reported by Governor Driscoll in his Sixth Annual Message to the Legislature on January 19, 1953, the Administration of New Jersey's newly overhauled unemployment insurance program "is proceeding smoothly". The purpose of this bill is to permit still more effective and efficient administration of the Unemployment Compensation Law as amended in 1952.

This bill also changes the provision of the Unemployment Compensation Law which establishes the conditions under which a valid claim for benefits may be filed.

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of the Revised Statutes.

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

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3 otherwise:

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5 a calendar year (regardless of when earned) by an employer for employment.

6 (2) "Average annual payroll" means the average of the annual pay-
7 rolls of any employer for the last three or five preceding calendar years,
8 whichever average is higher, except that any year or years throughout which
9 an employer has had no "annual payroll" because of military service shall be
10 deleted from the reckoning; the "average annual payroll" in such case is to
11 be determined on the basis of the prior three or five calendar years in each
12 of which the employer had an "annual payroll" in the operation of his busi-
13 ness, if the employer resumes his business within twelve months after sepa-
14 ration, discharge or release from such service, under conditions other than
15 dishonorable, and makes application to have his "average annual payroll" de-
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18 the purposes of paragraph (3) of subsection (e) of section 43:21-7 of this
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 20 paid contributions to the State disability benefits fund, for the last three or
 21 five preceding calendar years, whichever average is higher; *provided, further,*
 22 that only those wages be included on which employer contributions have been
 23 paid on or before January thirty-first immediately preceding the beginning of
 24 the twelve-months' period for which the employer's contribution rate is
 25 computed.

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 27 provided in this chapter, with respect to his unemployment.

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37 (d) "Benefit year" with respect to any individual means the three
 38 hundred sixty-four consecutive calendar days beginning with the day on,
 39 or as of, which he first files a valid claim for benefits, and thereafter be-
 40 ginning with the day on, or as of, which the individual next files a valid claim
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 46 which he files a claim for benefits, and no work is available to him with his cur-
 47 rent employing unit on such day, or, he is unemployed for the week in which, or
 48 as of which, he files a claim for benefits; and (2) he has fulfilled the conditions
 49 imposed by subsection (e) of section 43:21-4 of this Title.

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57 (g) "Employing unit" means any individual or type of organization,
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59 insurance company or corporation, whether domestic or foreign, or the re-
60 ceiver, trustee in bankruptcy, trustee or successor thereof, or the legal rep-
61 resentative of a deceased person, which has or subsequent to January first,
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63 individuals performing services for it within this State. All individuals
64 performing services within this State for any employing unit which main-
65 tains two or more separate establishments within this State shall be deemed
66 to be employed by a single employing unit for all the purposes of this
67 chapter. Whenever any employing unit contracts with or has under it any
68 contractor or subcontractor for any employment which is part of its usual
69 trade, occupation, profession, or business, unless the employing unit as well
70 as each such contractor or subcontractor is an employer by reason of sub-
71 section (c) of section 43:21-8 of this Title or subsection (h) of this section,
72 the employing unit shall for all the purposes of this chapter be deemed
73 to employ each individual in the employ of each such contractor or subcon-
74 tractor for each day during which such individual is engaged in performing
75 such employment; except that each such contractor or subcontractor who
76 is an employer by reason of subsection (c) of section 43:21-8 of this Title
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107 otherwise), and which, if treated as a single unit with such other employ- 136 tribu
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 112 ceased to be an employer subject to this chapter; or

113 (6) For the effective period of its election pursuant to subsection (c)
 114 of section 43:21-8 of this Title any other employing unit which has elected
 115 to become fully subject to this chapter.

116 (i) (1) "Employment" means service, including service in interstate
 117 commerce performed for remuneration or under any contract of hire, writ-
 118 ten or oral, express or implied.

119 (2) The term "employment" shall include an individual's entire serv-
 120 ice, performed within or both within and without this State if:

121 (A) The service is localized in this State; or

122 (B) The service is not localized in any State but some of the serv-
 123 ice is performed in this State, and (i) the base of operation, or, if there
 124 is no base of operations, then the place from which such service is di-
 125 rected or controlled, is in this State; or (ii) the base of operations
 126 or place from which such service is directed or controlled is not in
 127 any State in which some part of the service is performed, but the indi-
 128 vidual's residence is in this State.

129 (3) Services performed within this State but not covered under para-
 130 graph (2) of this subsection shall be deemed to be employment subject to
 131 this chapter if contributions are not required and paid with respect to such
 132 services under an unemployment compensation law of any other State or of
 133 the Federal Government.

134 (4) Services not covered under paragraph (2) of this subsection, and
 135 performed entirely without this State, with respect to no part of which con-
 136 tributions are required and paid under an unemployment compensation law
 137 of any other State or of the Federal Government, shall be deemed to be
 138 employment subject to this chapter if the individual performing such serv-
 139 ices is a resident of this State and the division approves the election of the
 140 employing unit for whom such services are performed that the entire service

141 of such individual shall be deemed to be employment subject to this chapter;
142 *provided*, written objections on the part of a substantial proportion of such
143 individuals affected are not presented to the division within ten days follow-
144 ing the filing of such election.

145 (5) Service shall be deemed to be localized within a State if

146 (A) the service is performed entirely within such State; or

147 (B) the service is performed both within and without such State,
148 but the service performed without such State is incidental to the indi-
149 vidual's service within the State, for example, is temporary or transi-
150 tory in nature or consists of isolated transactions.

151 (6) Services performed by an individual for remuneration shall be
152 deemed to be employment subject to this chapter unless and until it is
153 shown to the satisfaction of the division that

154 (A) such individual has been and will continue to be free from
155 control or direction over the performance of such service both under his
156 contract of service and in fact; and

157 (B) such service is either outside the usual course of the business
158 for which such service is performed, or that such service is performed
159 outside of all the places of business of the enterprise for which such
160 service is performed; and

161 (C) such individual is customarily engaged in an independently
162 established trade, occupation, profession or business.

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

164 (A) Agricultural labor;

165 (B) Domestic service in a private home;

166 (C) Service performed by an individual in the employ of his son,
167 daughter or spouse, and service performed by a child under the age of
168 twenty-one in the employ of his father or mother;

169 (D) Service performed in the employ of this State or of any political
170 subdivision thereof or of any instrumentality of this State or its political
171 subdivisions;

172 (E) Service performed in the employ of any other State or its
173 political subdivisions, or of the United States Government, or of an
174 instrumentality of any other State or States or their political subdivi-
175 sions or of the United States;

176 (F) Services performed in the employ of a corporation, commu-
177 nity chest, fund, or foundation, organized and operated exclusively for
178 religious, charitable, scientific, literary, hospital, benevolent, philan-
179 thropic or educational purposes, or for the prevention of cruelty to
180 children or animals, no part of the net earnings of which inures to the
181 benefit of any private shareholder or individual;

182 (G) Services performed in the employ of fraternal beneficiary so-
183 cieties, orders, or associations operating under the lodge system or for
184 the exclusive benefit of the members of a fraternity itself operating
185 under the lodge system and providing for the payment of life, sick,
186 accident or other benefits to the members of such society, order, or
187 association, or their dependents;

188 (H) Services performed as an officer or other employee of any build-
189 ing and loan association of this State, except where such services con-
190 stitute the principal employment of the individual; services performed
191 as an officer or other employee of any building and loan association
192 where such association is a member of the Federal Home Loan Bank
193 System; services performed as an officer or other employee of any bank
194 which is a member of the Federal Reserve System;

195 (I) Service performed after June thirtieth, one thousand nine hun-
196 dred and thirty-nine, with respect to which unemployment compensa-
197 tion is payable under the Railroad Unemployment Insurance Act (52
198 Stat. 1094);

199 (J) Service performed by agents of insurance companies, exclu-
200 sive of industrial insurance agents, or by agents of investment com-
201 panies, who are compensated wholly on a commission basis;

202 (K) Services performed by real estate salesmen or brokers who are
203 compensated wholly on a commission basis;

204 (L) Services performed in the employ of any veterans' organiza-
205 tion chartered by Act of Congress or of any auxiliary thereof, no part
206 of the net earnings of which organization, or auxiliary thereof, inures
207 to the benefit of any private shareholder or individual;

208 (M) Service heretofore or hereafter performed for or in behalf of
209 the owner or operator of any theatre, ballroom, amusement hall or
210 other place of entertainment, not in excess of ten weeks in any calen-
211 dar year for the same owner or operator, by any leader or musician of
212 a band or orchestra, commonly called a "name band," entertainer,
213 vaudeville artist, actor, actress, singer or other entertainer;

214 (N) Services performed by an individual for a labor union organiza-
215 tion, known and recognized as a union local, as a member of a committee
216 or committees reimbursed by the union local for time lost from regular
217 employment, or as a part-time officer of a union local and the remunera-
218 tion for such services is less than two hundred fifty dollars (\$250.00)
219 in a calendar year.

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

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

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

228 (m) Unemployment.

229 (1) An individual shall be deemed "unemployed" for any week during
230 which he is not engaged in full-time work and with respect to which his
231 remuneration is less than his weekly benefit rate.

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232 (2) The term "remuneration," with respect to benefit years commene-
233 ing prior to January first, one thousand nine hundred and fifty-three, and as
234 used in this subsection, shall include only that part of the same which exceeds
235 three dollars (\$3.00) for any one week.

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

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

242 (o) "Wages" means remuneration payable by employers for employ-
243 ment prior to January first, one thousand nine hundred and forty-seven,
244 and paid prior to such date; and means remuneration paid subsequent to
245 December thirty-first, one thousand nine hundred and forty-six, by employ-
246 ers for employment; *provided, however*, that for eligibility and benefit pur-
247 poses wages earned but not paid when the amount thereof has been calcu-
248 lated and is due as determined by the established and customary practices
249 of the employer shall be construed as having been paid when earned.

250 (p) "Remuneration" means all compensation for personal services, in-
251 cluding commissions and bonuses and the cash value of all compensation in
252 any medium other than cash.

253 (q) "Week" means such period or periods of seven consecutive days
254-255 ending at midnight, as the division may by regulation prescribe.

256 (r) "Calendar quarter" means the period of three consecutive calen-
257 dar months ending on March thirty-first, June thirtieth, September thir-
258 tieth, or December thirty-first.

259 (s) "Investment company" means any company as defined in para-
260 graph 1-a of chapter three hundred twenty-two of the laws of one thousand
261 nine hundred and thirty-eight, entitled "An act concerning investment com-
262 panies, and supplementing Title 17 of the Revised Statutes by adding
263 thereto a new chapter entitled 'investment companies.' "

264 (t) "Base week" means any calendar week of an individual's base year
 265 during which he earned in employment from an employer remuneration
 266 equal to not less than fifteen dollars (\$15.00); provided, if in any calendar
 267 week, an individual is in employment with more than one employer, he may
 268 in such calendar week establish a base week with respect to each such em-
 269 ployer from whom the individual earns remuneration equal to not less than
 269A fifteen dollars (\$15.00) during such week.

270 (u) "Average weekly wage" means the amount derived by dividing an
 271 individual's total wages received during his base year base weeks from that
 272 most recent base year employer with whom he had established at least seven-
 273 teen base weeks, by the number of base weeks in which such wages were
 274 earned. In the event that such claimant had no employer in his base year
 275 with whom he had established at least seventeen base weeks, then such indi-
 276 vidual's average weekly wage shall be computed as if all of his base week
 277 wages were received from one employer and as if all his base weeks of em-
 278 ployment had been performed in the employ of one employer.

279 If on application of a claimant it is determined that he has been employed
 280 during at least the four weeks immediately preceding his separation from
 281 employment by an employer on a substantially reduced schedule of weekly
 282 hours due to lack of work, all weeks of substantially reduced schedule within
 283 the base period and his wages therefor shall be disregarded in computing
 284 his average weekly wage.

285 (v) "Initial determination" means, subject to the provisions of R. S.
 286 43:21-6 (b) (2) and (3), a determination of benefit rights as measured by an
 287 eligible individual's base year employment with a single employer covering
 288 all periods of employment with that employer during the base year. Sub-
 289 ject to the provisions of R. S. 43:21-3 (d) (2) (C) if an individual has been in
 290 employment in his base year with more than one employer, no benefits shall
 291 be paid to that individual under any successive initial determination until his
 292 benefit rights have been exhausted under the next preceding initial determina-
 292A tion.

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293 (w) "Last date of employment" means the last calendar day in the base
 294 year of an individual on which he performed services in employment for a
 295 given employer.

296 (x) "Most recent base year employer" means that employer with whom
 297 the individual most recently, in point of time, performed services in employ-
 298 ment in the base year.

1 2. This act shall take effect immediately.

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