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See also: Pub. Law 111-312, "Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010" mentioned in Sponsor's Statement.

LAW/KR

P.L.2011, CHAPTER 51, *approved April 20, 2011*

Senate, No. 2680

1 **AN ACT** concerning extended unemployment benefits and amending
2 P.L.1970, c.324.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 5 of P.L.1970, c.324 (C.43:21-24.11) is amended to
8 read as follows:

9 5. For the purposes of the extended benefit program and as
10 used in this act, unless the context clearly requires otherwise:

11 a. "Extended benefit period" means a period which

12 (1) Begins with the third week after a week for which there is a
13 state "on" indicator; and

14 (2) Ends with either of the following weeks, whichever occurs
15 later:

16 (a) The third week after the first week for which there is a state
17 "off" indicator; or

18 (b) The thirteenth consecutive week of such period; provided,
19 that no extended benefit period may begin by reason of a state "on"
20 indicator before the fourteenth week after the close of a prior
21 extended benefit period which was in effect with respect to this
22 State; and provided further, that no extended benefit period may
23 become effective in this State prior to the effective date of this act.

24 b. (Deleted by amendment.)

25 c. (Deleted by amendment.)

26 d. There is a "state 'on' indicator" for this State for a week if:

27 (1) The division determines, in accordance with the regulations
28 of the United States Secretary of Labor, that for the period
29 consisting of the respective week and the immediately preceding 12
30 weeks, the rate of insured unemployment (not seasonally adjusted)
31 under the "unemployment compensation law" (R.S.43:21-1 et seq.):

32 (a) Equaled or exceeded 120% of the average of these rates for
33 the corresponding 13-week period during each of the preceding 2
34 calendar years, and, for weeks beginning after September 25, 1982,
35 equaled or exceeded 5%; or

36 (b) With respect to benefits for weeks of unemployment
37 beginning after September 25, 1982, equaled or exceeded 6%; or

38 (2) With respect to any week of unemployment beginning after
39 December 27, 2003 and before April 1, 2011 or after December 31,
40 2011, the average seasonally adjusted rate of total unemployment in
41 the State, as determined by the United States Secretary of Labor for

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 the most recent three-month period for which data for all states are
2 published:

- 3 (a) Equals or exceeds 6.5%; and
4 (b) Equals or exceeds 110% of the average seasonally adjusted
5 rate of total unemployment in the State during either or both of the
6 corresponding three-month periods ending in the two preceding
7 calendar years; or

8 (3) With respect to any week of unemployment beginning after
9 March 31, 2011 and ending before January 1, 2012, the average
10 seasonally adjusted rate of total unemployment in the State, as
11 determined by the United States Secretary of Labor for the most
12 recent three-month period for which data for all states are
13 published:

- 14 (a) Equals or exceeds 6.5%; and
15 (b) Equals or exceeds 110% of the average seasonally adjusted
16 rate of total unemployment in the State during any one of the
17 corresponding three-month periods ending in the three preceding
18 calendar years.

19 e. There is a "state 'off' indicator" for this State for a week if:

20 (1) The division determines, in accordance with the regulations
21 of the United States Secretary of Labor, that for the period
22 consisting of the respective week and the immediately preceding 12
23 weeks, paragraph (1) of subsection d. was not satisfied; and

24 (2) With respect to any week of unemployment beginning after
25 December 27, 2003 and before April 1, 2011 or after December 31,
26 2011, as determined by the United States Secretary of Labor for the
27 most recent three-month period for which data for all states are
28 published, paragraph (2) of subsection d. was not satisfied.

29 f. "Rate of insured unemployment," for purposes of
30 subsections d. and e. means the percentage derived by dividing

31 (1) The average weekly number of individuals filing claims for
32 regular benefits in this State for weeks of unemployment with
33 respect to the most recent 13-consecutive-week period, as
34 determined by the division on the basis of its reports to the United
35 States Secretary of Labor, by

36 (2) The average monthly covered employment for the specified
37 period.

38 g. "Regular benefits" means benefits payable to an individual
39 under the "unemployment compensation law" (R.S.43:21-1 et seq.)
40 or under any other State law (including benefits payable to federal
41 civilian employees and to ex-servicemen pursuant to 5 U.S.C.
42 s.8501 et seq.) other than extended benefits.

43 h. "Extended benefits" means benefits (including benefits
44 payable to federal civilian employees and to ex-servicemen
45 pursuant to 5 U.S.C. s.8501 et seq.) payable to an individual under
46 the provisions of this act for weeks of unemployment in his
47 eligibility period.

1 i. "Eligibility period" of an individual means the period
2 consisting of the weeks in his benefit year which begin in an
3 extended benefit period and, if his benefit year ends within the
4 extended benefit period, any weeks thereafter which begin in the
5 period.

6 j. "Exhaustee" means an individual who, with respect to any
7 week of unemployment in his eligibility period:

8 (1) Has received prior to the week, all of the regular benefits
9 that were available to him under the "unemployment compensation
10 law" (R.S. 43:21-1 et seq.) or any other State law (including
11 dependents' allowances and benefits payable to federal civilian
12 employees and ex-servicemen under 5 U.S.C. s.8501 et seq.) in his
13 current benefit year that includes such week, provided, that for the
14 purposes of this paragraph, an individual shall be deemed to have
15 received all of the regular benefits that were available to him
16 although as a result of a pending appeal with respect to wages
17 and/or employment that were not considered in the original
18 monetary determination in his benefit year, he may subsequently be
19 determined to be entitled to added regular benefits; or

20 (2) His benefit year having expired prior to such week, has no,
21 or insufficient, wages and/or employment on the basis of which he
22 could establish a new benefit year that would include such week;
23 and

24 (3) (a) has no right to unemployment benefits or allowances, as
25 the case may be, under the Railroad Unemployment Insurance Act,
26 the Trade Expansion Act of 1962, the Automotive Products Trade
27 Act of 1965 and such other federal laws as are specified in
28 regulations issued by the United States Secretary of Labor; and

29 (b) has not received and is not seeking unemployment benefits
30 under the Unemployment Compensation Law of Canada; but if he is
31 seeking these benefits and the appropriate agency finally determines
32 that he is not entitled to benefits under that law he is considered an
33 exhaustee if the other provisions of this definition are met.

34 k. "State law" means the unemployment insurance law of any
35 state approved by the United States Secretary of Labor under
36 section 3304 of the Internal Revenue Code of 1986, 26 U.S.C.
37 s.3304.

38 l. "High unemployment period" means **[any]**:

39 (1) Any period beginning after December 27, 2003 and before
40 April 1, 2011 or after December 31, 2011 during which the average
41 seasonally adjusted rate of total unemployment in the State, as
42 determined by the United States Secretary of Labor for the most
43 recent three-month period for which data for all states are
44 published:

45 **[(1)] (a)** Equals or exceeds 8%; and

46 **[(2)] (b)** Equals or exceeds 110% of the average seasonally
47 adjusted rate of total unemployment in the State during either or

1 both of the corresponding three-month periods ending in the two
2 preceding calendar years; or

3 (2) Any period beginning after March 31, 2011, and ending
4 before January 1, 2012, during which the average seasonally
5 adjusted rate of total unemployment in the State, as determined by
6 the United States Secretary of Labor for the most recent three-
7 month period for which data for all states are published:

8 (a) Equals or exceeds 8%; and

9 (b) Equals or exceeds 110% of the average seasonally adjusted
10 rate of total unemployment in the State during any one of the
11 corresponding three-month periods ending in the three preceding
12 calendar years.

13 (cf: P.L.2005, c.249, s.2)

14

15 2. This act shall take effect immediately.

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STATEMENT

19

20 This bill implements an option made available by recent federal
21 legislation which will permit laid-off workers in New Jersey to
22 continue to receive extended unemployment benefits for much, if
23 not all, of 2011.

24 Under the current provisions of the State's "Extended Benefits
25 Law," sections 5 through 11 of P.L.1970, c.324 (C.43:21-24.11 et
26 seq.), extended benefits ("EB") are triggered "on" if the total
27 unemployment rate in the State for the most recent three-month
28 period for which data is available:

29 1. Equals or exceeds 110% of the average unemployment rate
30 in the State during either or both of the corresponding three-month
31 periods ending in the two preceding calendar years; and

32 2. Equals or exceeds 6.5%, in which case 13 weeks of EB will
33 be provided, or equals or exceeds 8%, in which case 20 weeks of
34 EB will be provided.

35 It is generally considered likely that the unemployment rate will
36 remain high enough during most of 2011 to meet the second
37 requirement to trigger "on" EB. It has been estimated, however,
38 that the first requirement to trigger "on" EB, that the unemployment
39 rate be at least 10% higher than the corresponding period in either
40 of the preceding years, will not be sustained even through the first
41 six months of 2011.

42 This bill implements for calendar year 2011 an option provided
43 by the federal "Tax Relief, Unemployment Insurance
44 Reauthorization, and Job Creation Act of 2010", Pub. Law 111-312,
45 to trigger "on" EB if the State unemployment rate in the most recent
46 three-month period equals or exceeds 110% of the unemployment
47 rate during any one of the corresponding periods ending in any of
48 the three preceding calendar years. The federal option, as reflected

1 in this bill, makes it likely that EB will be continued, because the
2 unemployment rate in New Jersey would have to be no more than
3 110% of the 2008 unemployment rates of between 4.2% to 6.0%,
4 thus resulting in “on” trigger unemployment rates of between 4.6%
5 and 6.6%, far below the current rate of 9.1%.

6 The continuation of EB under this will incur no costs to New
7 Jersey’s UI fund or employers in the State, because the federal act
8 provides 100% federal funding of the benefits through December
9 31, 2011. Under the federal act, both the 100% federal funding and
10 the greater availability of EB under the trigger option, as
11 implemented by this bill, expire simultaneously.

12

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16

Changes the trigger for extended unemployment benefits.

SENATE, No. 2680

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 25, 2011

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator JAMES BEACH

District 6 (Camden)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

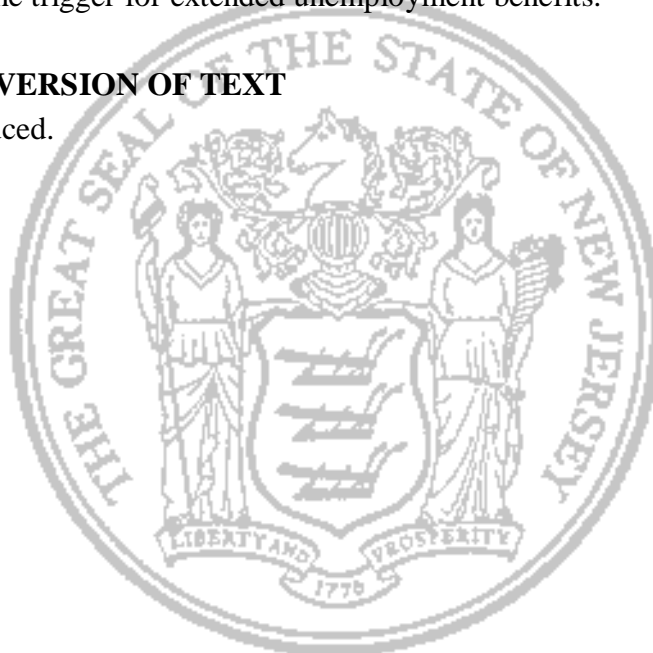
Assemblyman O'Donnell

SYNOPSIS

Changes the trigger for extended unemployment benefits.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/15/2011)

S2680 MADDEN, BEACH

2

1 AN ACT concerning extended unemployment benefits and amending
2 P.L.1970, c.324.

3

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

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7 1. Section 5 of P.L.1970, c.324 (C.43:21-24.11) is amended to
8 read as follows:

9 5. For the purposes of the extended benefit program and as
10 used in this act, unless the context clearly requires otherwise:

11 a. "Extended benefit period" means a period which

12 (1) Begins with the third week after a week for which there is a
13 state "on" indicator; and

14 (2) Ends with either of the following weeks, whichever occurs
15 later:

16 (a) The third week after the first week for which there is a state
17 "off" indicator; or

18 (b) The thirteenth consecutive week of such period; provided,
19 that no extended benefit period may begin by reason of a state "on"
20 indicator before the fourteenth week after the close of a prior
21 extended benefit period which was in effect with respect to this
22 State; and provided further, that no extended benefit period may
23 become effective in this State prior to the effective date of this act.

24 b. (Deleted by amendment.)

25 c. (Deleted by amendment.)

26 d. There is a "state 'on' indicator" for this State for a week if:

27 (1) The division determines, in accordance with the regulations
28 of the United States Secretary of Labor, that for the period
29 consisting of the respective week and the immediately preceding 12
30 weeks, the rate of insured unemployment (not seasonally adjusted)
31 under the "unemployment compensation law" (R.S.43:21-1 et seq.):

32 (a) Equaled or exceeded 120% of the average of these rates for
33 the corresponding 13-week period during each of the preceding 2
34 calendar years, and, for weeks beginning after September 25, 1982,
35 equaled or exceeded 5%; or

36 (b) With respect to benefits for weeks of unemployment
37 beginning after September 25, 1982, equaled or exceeded 6%; or

38 (2) With respect to any week of unemployment beginning after
39 December 27, 2003 and before April 1, 2011 or after December 31,
40 2011, the average seasonally adjusted rate of total unemployment in
41 the State, as determined by the United States Secretary of Labor for
42 the most recent three-month period for which data for all states are
43 published:

44 (a) Equals or exceeds 6.5%; and

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 (b) Equals or exceeds 110% of the average seasonally adjusted
2 rate of total unemployment in the State during either or both of the
3 corresponding three-month periods ending in the two preceding
4 calendar years; or

5 (3) With respect to any week of unemployment beginning after
6 March 31, 2011 and ending before January 1, 2012, the average
7 seasonally adjusted rate of total unemployment in the State, as
8 determined by the United States Secretary of Labor for the most
9 recent three-month period for which data for all states are
10 published:

11 (a) Equals or exceeds 6.5%; and

12 (b) Equals or exceeds 110% of the average seasonally adjusted
13 rate of total unemployment in the State during any one of the
14 corresponding three-month periods ending in the three preceding
15 calendar years.

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17 (1) The division determines, in accordance with the regulations
18 of the United States Secretary of Labor, that for the period
19 consisting of the respective week and the immediately preceding 12
20 weeks, paragraph (1) of subsection d. was not satisfied; and

21 (2) With respect to any week of unemployment beginning after
22 December 27, 2003 and before April 1, 2011 or after December 31,
23 2011, as determined by the United States Secretary of Labor for the
24 most recent three-month period for which data for all states are
25 published, paragraph (2) of subsection d. was not satisfied.

26 f. "Rate of insured unemployment," for purposes of
27 subsections d. and e. means the percentage derived by dividing

28 (1) The average weekly number of individuals filing claims for
29 regular benefits in this State for weeks of unemployment with
30 respect to the most recent 13-consecutive-week period, as
31 determined by the division on the basis of its reports to the United
32 States Secretary of Labor, by

33 (2) The average monthly covered employment for the specified
34 period.

35 g. "Regular benefits" means benefits payable to an individual
36 under the "unemployment compensation law" (R.S.43:21-1 et seq.)
37 or under any other State law (including benefits payable to federal
38 civilian employees and to ex-servicemen pursuant to 5 U.S.C.
39 s.8501 et seq.) other than extended benefits.

40 h. "Extended benefits" means benefits (including benefits
41 payable to federal civilian employees and to ex-servicemen
42 pursuant to 5 U.S.C. s.8501 et seq.) payable to an individual under
43 the provisions of this act for weeks of unemployment in his
44 eligibility period.

45 i. "Eligibility period" of an individual means the period
46 consisting of the weeks in his benefit year which begin in an
47 extended benefit period and, if his benefit year ends within the

1 extended benefit period, any weeks thereafter which begin in the
2 period.

3 j. "Exhaustee" means an individual who, with respect to any
4 week of unemployment in his eligibility period:

5 (1) Has received prior to the week, all of the regular benefits
6 that were available to him under the "unemployment compensation
7 law" (R.S. 43:21-1 et seq.) or any other State law (including
8 dependents' allowances and benefits payable to federal civilian
9 employees and ex-servicemen under 5 U.S.C. s.8501 et seq.) in his
10 current benefit year that includes such week, provided, that for the
11 purposes of this paragraph, an individual shall be deemed to have
12 received all of the regular benefits that were available to him
13 although as a result of a pending appeal with respect to wages
14 and/or employment that were not considered in the original
15 monetary determination in his benefit year, he may subsequently be
16 determined to be entitled to added regular benefits; or

17 (2) His benefit year having expired prior to such week, has no,
18 or insufficient, wages and/or employment on the basis of which he
19 could establish a new benefit year that would include such week;
20 and

21 (3) (a) has no right to unemployment benefits or allowances, as
22 the case may be, under the Railroad Unemployment Insurance Act,
23 the Trade Expansion Act of 1962, the Automotive Products Trade
24 Act of 1965 and such other federal laws as are specified in
25 regulations issued by the United States Secretary of Labor; and

26 (b) has not received and is not seeking unemployment benefits
27 under the Unemployment Compensation Law of Canada; but if he is
28 seeking these benefits and the appropriate agency finally determines
29 that he is not entitled to benefits under that law he is considered an
30 exhaustee if the other provisions of this definition are met.

31 k. "State law" means the unemployment insurance law of any
32 state approved by the United States Secretary of Labor under
33 section 3304 of the Internal Revenue Code of 1986, 26 U.S.C.
34 s.3304.

35 l. "High unemployment period" means **[any]**:

36 (1) Any period beginning after December 27, 2003 and before
37 April 1, 2011 or after December 31, 2011 during which the average
38 seasonally adjusted rate of total unemployment in the State, as
39 determined by the United States Secretary of Labor for the most
40 recent three-month period for which data for all states are
41 published:

42 **[(1)] (a)** Equals or exceeds 8%; and

43 **[(2)] (b)** Equals or exceeds 110% of the average seasonally
44 adjusted rate of total unemployment in the State during either or
45 both of the corresponding three-month periods ending in the two
46 preceding calendar years; or

47 (2) Any period beginning after March 31, 2011, and ending
48 before January 1, 2012, during which the average seasonally

1 adjusted rate of total unemployment in the State, as determined by
2 the United States Secretary of Labor for the most recent three-
3 month period for which data for all states are published:

4 (a) Equals or exceeds 8%; and

5 (b) Equals or exceeds 110% of the average seasonally adjusted
6 rate of total unemployment in the State during any one of the
7 corresponding three-month periods ending in the three preceding
8 calendar years.

9 (cf: P.L.2005, c.249, s.2)

10

11 2. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill implements an option made available by recent federal
17 legislation which will permit laid-off workers in New Jersey to
18 continue to receive extended unemployment benefits for much, if
19 not all, of 2011.

20 Under the current provisions of the State's "Extended Benefits
21 Law," sections 5 through 11 of P.L.1970, c.324 (C.43:21-24.11 et
22 seq.), extended benefits ("EB") are triggered "on" if the total
23 unemployment rate in the State for the most recent three-month
24 period for which data is available:

25 1. Equals or exceeds 110% of the average unemployment rate
26 in the State during either or both of the corresponding three-month
27 periods ending in the two preceding calendar years; and

28 2. Equals or exceeds 6.5%, in which case 13 weeks of EB will
29 be provided, or equals or exceeds 8%, in which case 20 weeks of
30 EB will be provided.

31 It is generally considered likely that the unemployment rate will
32 remain high enough during most of 2011 to meet the second
33 requirement to trigger "on" EB. It has been estimated, however,
34 that the first requirement to trigger "on" EB, that the unemployment
35 rate be at least 10% higher than the corresponding period in either
36 of the preceding years, will not be sustained even through the first
37 six months of 2011.

38 This bill implements for calendar year 2011 an option provided
39 by the federal "Tax Relief, Unemployment Insurance
40 Reauthorization, and Job Creation Act of 2010", Pub. Law 111-312,
41 to trigger "on" EB if the State unemployment rate in the most recent
42 three-month period equals or exceeds 110% of the unemployment
43 rate during any one of the corresponding periods ending in any of
44 the three preceding calendar years. The federal option, as reflected
45 in this bill, makes it likely that EB will be continued, because the
46 unemployment rate in New Jersey would have to be no more than
47 110% of the 2008 unemployment rates of between 4.2% to 6.0%,

S2680 MADDEN, BEACH

6

1 thus resulting in “on” trigger unemployment rates of between 4.6%
2 and 6.6%, far below the current rate of 9.1%.

3 The continuation of EB under this will incur no costs to New
4 Jersey’s UI fund or employers in the State, because the federal act
5 provides 100% federal funding of the benefits through December
6 31, 2011. Under the federal act, both the 100% federal funding and
7 the greater availability of EB under the trigger option, as
8 implemented by this bill, expire simultaneously.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2680

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2011

The Senate Labor Committee reports favorably Senate Bill No. 2680.

This bill implements an option made available by recent federal legislation which will permit laid-off workers in New Jersey to continue to receive extended unemployment benefits for much, if not all, of 2011.

Under the current provisions of the State's "Extended Benefits Law," sections 5 through 11 of P.L.1970, c.324 (C.43:21-24.11 et seq.), extended benefits ("EB") are triggered "on" if the total unemployment rate in the State for the most recent three-month period for which data is available:

1. Equals or exceeds 110% of the average unemployment rate in the State during either or both of the corresponding three-month periods ending in the two preceding calendar years; and
2. Equals or exceeds 6.5%, in which case 13 weeks of EB will be provided, or equals or exceeds 8%, in which case 20 weeks of EB will be provided.

It is generally considered likely that the unemployment rate will remain high enough during most of 2011 to meet the second requirement to trigger "on" EB. It has been estimated, however, that the first requirement to trigger "on" EB, that the unemployment rate be at least 10% higher than the corresponding period in either of the preceding years, will not be sustained even through the first six months of 2011.

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The continuation of EB under this bill will incur no costs to New Jersey's UI fund or employers in the State, because the federal act provides 100% federal funding of the benefits through December 31, 2011. Under the federal act, both the 100% federal funding and the greater availability of EB under the trigger option, as implemented by this bill, expire simultaneously.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

SENATE, No. 2680

STATE OF NEW JERSEY

DATED: MARCH 7, 2011

The Assembly Commerce and Economic Development Committee reports favorably Senate Bill No. 2680.

This bill implements an option made available by recent federal legislation which will permit laid-off workers in New Jersey to continue to receive extended unemployment benefits for much, if not all, of 2011.

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trigger unemployment rates of between 4.6% and 6.6%, far below the current rate of 9.1%.

The continuation of EB under this bill will incur no costs to New Jersey's UI fund or employers in the State, because the federal act provides 100% federal funding of the benefits through December 31, 2011. Under the federal act, both the 100% federal funding and the greater availability of EB under the trigger option, as implemented by this bill, expire simultaneously.

ASSEMBLY, No. 3795

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 10, 2011

Sponsored by:

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblyman O'Donnell

SYNOPSIS

Changes the trigger for extended unemployment benefits.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/15/2011)

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13 state "on" indicator; and

14 (2) Ends with either of the following weeks, whichever occurs
15 later:

16 (a) The third week after the first week for which there is a state
17 "off" indicator; or

18 (b) The thirteenth consecutive week of such period; provided,
19 that no extended benefit period may begin by reason of a state "on"
20 indicator before the fourteenth week after the close of a prior
21 extended benefit period which was in effect with respect to this
22 State; and provided further, that no extended benefit period may
23 become effective in this State prior to the effective date of this act.

24 b. (Deleted by amendment.)

25 c. (Deleted by amendment.)

26 d. There is a "state 'on' indicator" for this State for a week if:

27 (1) The division determines, in accordance with the regulations
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29 consisting of the respective week and the immediately preceding 12
30 weeks, the rate of insured unemployment (not seasonally adjusted)
31 under the "unemployment compensation law" (R.S.43:21-1 et seq.):

32 (a) Equaled or exceeded 120% of the average of these rates for
33 the corresponding 13-week period during each of the preceding 2
34 calendar years, and, for weeks beginning after September 25, 1982,
35 equaled or exceeded 5%; or

36 (b) With respect to benefits for weeks of unemployment
37 beginning after September 25, 1982, equaled or exceeded 6%; or

38 (2) With respect to any week of unemployment beginning after
39 December 27, 2003 and before April 1, 2011 or after December 31,
40 2011, the average seasonally adjusted rate of total unemployment in
41 the State, as determined by the United States Secretary of Labor for
42 the most recent three-month period for which data for all states are
43 published:

44 (a) Equals or exceeds 6.5%; and

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 (b) Equals or exceeds 110% of the average seasonally adjusted
2 rate of total unemployment in the State during either or both of the
3 corresponding three-month periods ending in the two preceding
4 calendar years; or

5 (3) With respect to any week of unemployment beginning after
6 March 31, 2011 and ending before January 1, 2012, the average
7 seasonally adjusted rate of total unemployment in the State, as
8 determined by the United States Secretary of Labor for the most
9 recent three-month period for which data for all states are
10 published:

11 (a) Equals or exceeds 6.5%; and

12 (b) Equals or exceeds 110% of the average seasonally adjusted
13 rate of total unemployment in the State during any one of the
14 corresponding three-month periods ending in the three preceding
15 calendar years.

16 e. There is a "state 'off' indicator" for this State for a week if:

17 (1) The division determines, in accordance with the regulations
18 of the United States Secretary of Labor, that for the period
19 consisting of the respective week and the immediately preceding 12
20 weeks, paragraph (1) of subsection d. was not satisfied; and

21 (2) With respect to any week of unemployment beginning after
22 December 27, 2003 and before April 1, 2011 or after December 31,
23 2011, as determined by the United States Secretary of Labor for the
24 most recent three-month period for which data for all states are
25 published, paragraph (2) of subsection d. was not satisfied.

26 f. "Rate of insured unemployment," for purposes of
27 subsections d. and e. means the percentage derived by dividing

28 (1) The average weekly number of individuals filing claims for
29 regular benefits in this State for weeks of unemployment with
30 respect to the most recent 13-consecutive-week period, as
31 determined by the division on the basis of its reports to the United
32 States Secretary of Labor, by

33 (2) The average monthly covered employment for the specified
34 period.

35 g. "Regular benefits" means benefits payable to an individual
36 under the "unemployment compensation law" (R.S.43:21-1 et seq.)
37 or under any other State law (including benefits payable to federal
38 civilian employees and to ex-servicemen pursuant to 5 U.S.C.
39 s.8501 et seq.) other than extended benefits.

40 h. "Extended benefits" means benefits (including benefits
41 payable to federal civilian employees and to ex-servicemen
42 pursuant to 5 U.S.C. s.8501 et seq.) payable to an individual under
43 the provisions of this act for weeks of unemployment in his
44 eligibility period.

45 i. "Eligibility period" of an individual means the period
46 consisting of the weeks in his benefit year which begin in an
47 extended benefit period and, if his benefit year ends within the

1 extended benefit period, any weeks thereafter which begin in the
2 period.

3 j. "Exhaustee" means an individual who, with respect to any
4 week of unemployment in his eligibility period:

5 (1) Has received prior to the week, all of the regular benefits
6 that were available to him under the "unemployment compensation
7 law" (R.S.43:21-1 et seq.) or any other State law (including
8 dependents' allowances and benefits payable to federal civilian
9 employees and ex-servicemen under 5 U.S.C. s.8501 et seq.) in his
10 current benefit year that includes such week, provided, that for the
11 purposes of this paragraph, an individual shall be deemed to have
12 received all of the regular benefits that were available to him
13 although as a result of a pending appeal with respect to wages
14 and/or employment that were not considered in the original
15 monetary determination in his benefit year, he may subsequently be
16 determined to be entitled to added regular benefits; or

17 (2) His benefit year having expired prior to such week, has no,
18 or insufficient, wages and/or employment on the basis of which he
19 could establish a new benefit year that would include such week;
20 and

21 (3) (a) has no right to unemployment benefits or allowances, as
22 the case may be, under the Railroad Unemployment Insurance Act,
23 the Trade Expansion Act of 1962, the Automotive Products Trade
24 Act of 1965 and such other federal laws as are specified in
25 regulations issued by the United States Secretary of Labor; and

26 (b) has not received and is not seeking unemployment benefits
27 under the Unemployment Compensation Law of Canada; but if he is
28 seeking these benefits and the appropriate agency finally determines
29 that he is not entitled to benefits under that law he is considered an
30 exhaustee if the other provisions of this definition are met.

31 k. "State law" means the unemployment insurance law of any
32 state approved by the United States Secretary of Labor under
33 section 3304 of the Internal Revenue Code of 1986, 26 U.S.C.
34 s.3304.

35 l. "High unemployment period" means **[any]**:

36 (1) Any period beginning after December 27, 2003 and before
37 April 1, 2011 or after December 31, 2011 during which the average
38 seasonally adjusted rate of total unemployment in the State, as
39 determined by the United States Secretary of Labor for the most
40 recent three-month period for which data for all states are
41 published:

42 **[(1)] (a)** Equals or exceeds 8%; and

43 **[(2)] (b)** Equals or exceeds 110% of the average seasonally
44 adjusted rate of total unemployment in the State during either or
45 both of the corresponding three-month periods ending in the two
46 preceding calendar years; or

47 (2) Any period beginning after March 31, 2011, and ending
48 before January 1, 2012, during which the average seasonally

1 adjusted rate of total unemployment in the State, as determined by
2 the United States Secretary of Labor for the most recent three-
3 month period for which data for all states are published:

4 (a) Equals or exceeds 8%; and

5 (b) Equals or exceeds 110% of the average seasonally adjusted
6 rate of total unemployment in the State during any one of the
7 corresponding three-month periods ending in the three preceding
8 calendar years.

9 (cf: P.L.2005, c.249, s.2)

10

11 2. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill implements an option made available by recent federal
17 legislation which will permit laid-off workers in New Jersey to
18 continue to receive extended unemployment benefits for much, if
19 not all, of 2011.

20 Under the current provisions of the State's "Extended Benefits
21 Law," sections 5 through 11 of P.L.1970, c.324 (C.43:21-24.11 et
22 seq.), extended benefits ("EB") are triggered "on" if the total
23 unemployment rate in the State for the most recent three-month
24 period for which data is available:

25 1. Equals or exceeds 110% of the average unemployment rate
26 in the State during either or both of the corresponding three-month
27 periods ending in the two preceding calendar years; and

28 2. Equals or exceeds 6.5%, in which case 13 weeks of EB will
29 be provided, or equals or exceeds 8%, in which case 20 weeks of
30 EB will be provided.

31 It is generally considered likely that the unemployment rate will
32 remain high enough during most of 2011 to meet the second
33 requirement to trigger "on" EB. It has been estimated, however,
34 that the first requirement to trigger "on" EB, that the unemployment
35 rate be at least 10% higher than the corresponding period in either
36 of the preceding years, will not be sustained even through the first
37 six months of 2011.

38 This bill implements for calendar year 2011 an option provided
39 by the federal "Tax Relief, Unemployment Insurance
40 Reauthorization, and Job Creation Act of 2010", Pub. Law 111-312,
41 to trigger "on" EB if the State unemployment rate in the most recent
42 three-month period equals or exceeds 110% of the unemployment
43 rate during any one of the corresponding periods ending in any of
44 the three preceding calendar years. The federal option, as reflected
45 in this bill, makes it likely that EB will be continued, because the
46 unemployment rate in New Jersey would have to be no more than
47 110% of the 2008 unemployment rates of between 4.2% to 6.0%,

1 thus resulting in “on” trigger unemployment rates of between 4.6%
2 and 6.6%, far below the current rate of 9.1%.

3 The continuation of EB under this will incur no costs to New
4 Jersey’s UI fund or employers in the State, because the federal act
5 provides 100% federal funding of the benefits through December
6 31, 2011. Under the federal act, both the 100% federal funding and
7 the greater availability of EB under the trigger option, as
8 implemented by this bill, expire simultaneously.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3795

STATE OF NEW JERSEY

DATED: MARCH 7, 2011

The Assembly Commerce and Economic Development Committee reports favorably Assembly Bill No. 3795.

This bill implements an option made available by recent federal legislation which will permit laid-off workers in New Jersey to continue to receive extended unemployment benefits for much, if not all, of 2011.

Under the current provisions of the State's "Extended Benefits Law," sections 5 through 11 of P.L.1970, c.324 (C.43:21-24.11 et seq.), extended benefits ("EB") are triggered "on" if the total unemployment rate in the State for the most recent three-month period for which data is available:

1. Equals or exceeds 110% of the average unemployment rate in the State during either or both of the corresponding three-month periods ending in the two preceding calendar years; and
2. Equals or exceeds 6.5%, in which case 13 weeks of EB will be provided, or equals or exceeds 8%, in which case 20 weeks of EB will be provided.

It is generally considered likely that the unemployment rate will remain high enough during most of 2011 to meet the second requirement to trigger "on" EB. It has been estimated, however, that the first requirement to trigger "on" EB, that the unemployment rate be at least 10% higher than the corresponding period in either of the preceding years, will not be sustained even through the first six months of 2011.

This bill implements for calendar year 2011 an option provided by the federal "Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010," Pub. Law 111-312, to trigger "on" EB if the State unemployment rate in the most recent three-month period equals or exceeds 110% of the unemployment rate during any one of the corresponding periods ending in any of the three preceding calendar years. The federal option, as reflected in this bill, makes it likely that EB will be continued, because the unemployment rate in New Jersey would have to be no more than 110% of the 2008 unemployment rates of between 4.2% to 6.0%, thus resulting in "on"

trigger unemployment rates of between 4.6% and 6.6%, far below the current rate of 9.1%.

The continuation of EB under this bill will incur no costs to New Jersey's UI fund or employers in the State, because the federal act provides 100% federal funding of the benefits through December 31, 2011. Under the federal act, both the 100% federal funding and the greater availability of EB under the trigger option, as implemented by this bill, expire simultaneously.



Governor Christie Signs Legislation to Provide Relief for Long-Term Unemployed

Monday, April 25, 2011 Tags: [Jobs and the Economy](#)

Measure Ensures New Jersey Remains Eligible for Federal Funds

Trenton, NJ – On Wednesday, April 21, 2011, Governor Chris Christie signed S-2680 to provide meaningful and continued relief for New Jerseyans suffering from long-term unemployment due to the ongoing national economic recession. The measure revises the State's unemployment compensation law to extend the period for receiving federally funded extended unemployment benefits. This federally funded continuation, which was part of the "Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010," will incur no costs to the State budget, the Unemployment Insurance Trust Fund, or the employer community and will extend eligibility through the end of the current calendar year.

"We're happy to continue a safety net, in cooperation with the federal government, for more than 60,000 unemployed people in New Jersey as our economy slowly improves and our small, but steady job growth continues," Governor Christie said. "This legislation provides relief for the long-term unemployed and at the same time will positively impact our economy by extending the purchasing power of unemployed New Jerseyans."

Specifically, the measure revises the eligibility formula for extended benefits by using three preceding years of data, as opposed to the current formula which looked only at the two preceding calendar years of information. By revising the State's eligibility formula for extended employment insurance benefits, New Jersey will no longer risk ineligibility because of the recent decline in the unemployment rate.

"This legislation will rescue many people who are about to exhaust their ability to collect benefits. At the same time, there will be no impact on New Jersey's Unemployment Insurance Trust Fund," said Harold J. Wirths, Commissioner of the state Department of Labor and Workforce Development.

The Christie Administration has aggressively worked to provide reform to the State's Unemployment Insurance Trust Fund while at the same time modernizing access for the unemployed. Last February, in the face of a fiscal emergency and 10.1 percent unemployment, Governor Christie took action that protected businesses from an average \$400 per employee, or 52%, increase in the unemployment insurance payroll tax. The Department of Labor and Workforce Development (LWD), through newly expanded website services, has begun allowing recipients to receive unemployment benefits earlier in the week as well as moving to deliver benefits electronically by using direct deposit to bank accounts and debit cards.

Sponsors of S-2680 include Senators Fred Madden (D-Camden, Gloucester), and James Beach (Camden), Assemblymen Joseph Egan (D-Middlesex, Somerset), Daniel Benson (D-Mercer, Middlesex), Wayne DeAnegelo (D-Mercer, Middlesex), and Jason O'Donnell (D-Hudson).

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