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**REPORTS:** No

**HEARINGS:** Yes

**NEWSPAPER ARTICLES:** No

974.90 U55 2010

Public hearing before Senate Labor Committee [and] Assembly Labor Committee: testimony regarding the fiscal condition of the state Unemployment Insurance Trust fund and related issues: [March 18, 2010, Trenton, New Jersey] / hearing transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit.

<http://dSPACE.njstatelib.org:8080/xmlui/bitstream/handle/10929/26046/u552010.pdf?sequence=1>

LAW/RWH

P.L.2011, CHAPTER 154, *approved January 5, 2012*  
Senate, No. 1301 (*Second Reprint*)

1 AN ACT concerning unemployment insurance 'benefits', amending  
2 P.L.2007, c.212 and R.S.43:21-4 and supplementing chapter 21  
3 of Title 43 of the Revised Statutes.

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

7  
8 1. (New section) For the purposes of this act:

9 "Division" means the Division of Unemployment and Temporary  
10 Disability Insurance of the Department of Labor and Workforce  
11 Development.

12 "Full-time hours" means not less than 30 and not more than 40  
13 hours per week.

14 "Shared work employer" means an employer who is providing a  
15 shared work program approved by the division pursuant to section 2  
16 of this act.

17 "Short-time benefits" means benefits <sup>2</sup>that are intended to be in  
18 lieu of temporary layoffs and<sup>2</sup> provided pursuant to sections 1  
19 through <sup>2</sup>**[8]** <sup>2</sup> of this act.

20

21 2. (New section) An employer who has not less than 10  
22 employees, who are each employed for not less than 1,500 hours  
23 per year, may apply to the division for approval to provide a shared  
24 work program, the purpose of which is to stabilize the employer's  
25 work force during a period of economic disruption by permitting the  
26 sharing of the work remaining after a reduction in total hours of  
27 work. Any subsidizing of seasonal employment during off season,  
28 of employers who traditionally use part-time employees, or of  
29 temporary part-time or intermittent employment on an ongoing  
30 basis, is contrary to the purpose of a shared work program approved  
31 pursuant to this act. The application for a shared work program  
32 shall be made according to procedures and on forms specified by  
33 the division and shall include whatever information the division  
34 requires. <sup>2</sup>**[In** deciding whether to approve the application, the  
35 division may consider the nature and size of the employer, its  
36 frequency of personnel turnover, its geographical location, and any

**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 November 28, 2011.

<sup>2</sup>Assembly floor amendments adopted December 5, 2011.

1 other factors which may affect the efficacy and utility of the shared  
2 work program. ]<sup>2</sup> The division may approve the program for a  
3 period of one year and may, upon employer request, renew the  
4 approval of the program annually. The division shall not approve  
5 an application unless the employer:

6 a. Certifies to the division that it will not hire additional part-  
7 time or full-time employees while short-time benefits are being  
8 paid;

9 b. Agrees with the division not to reduce health insurance or  
10 pension coverage, paid time off, or other benefits provided to  
11 'participating'<sup>1</sup> employees before the application was made, or make  
12 unreasonable revisions of workforce productivity standards;

13 c. Certifies to the division that any collective bargaining agent  
14 representing the employees has entered into a written agreement  
15 with the employer regarding the terms of the program, including  
16 terms regarding attendance in training programs while receiving  
17 short-time benefits, and provides a copy of the agreement to the  
18 division; and

19 d. Agrees to provide the division with whatever information the  
20 division deems necessary to administer the shared work program  
21 and monitor compliance with all agreements and certifications  
22 required pursuant to this section.

23

24 3. (New section) The division may revoke approval of an  
25 employer's application previously granted for good cause shown,  
26 including any failure to comply with any agreement or certification  
27 required pursuant to section 2 of this act or other conduct or  
28 occurrences which the division determines to defeat the purpose,  
29 intent and effective operation of a shared work program.

30

31 4. (New section) An individual who is employed by an  
32 employer with a shared work program approved by the division  
33 shall be eligible for short-time benefits during a week if:

34 a. The individual was employed by the employer for not less  
35 than 1,500 hours during the individual's base year;

36 b. The individual works for the employer less than the  
37 individual's normal full-time hours during the week, and the  
38 employer has reduced the individual's weekly hours of work  
39 pursuant to a shared work program approved by the division  
40 pursuant to section 2 of this act;

41 c. The percentage of the reduction of the individual's work  
42 hours below the individual's normal full-time hours during a week  
43 is not less than 10%, with a corresponding reduction of wages;

44 d. The individual would be eligible for unemployment benefits  
45 other than short-time benefits during the week, if the individual was  
46 entirely unemployed during that week and applied for  
47 unemployment benefits other than short-time benefits; and

1 e. During the week, the individual is able to work and is  
2 available to work the individual's normal full-time hours for the  
3 shared work employer or is attending a training program which is in  
4 compliance with the provisions of paragraph (4) of subsection (c) of  
5 R.S.43:21-4 and the agreements and certifications required pursuant  
6 to the provisions of section 2 of this act.

7  
8 5. (New section) The amount of short-time benefits paid to an  
9 eligible individual shall, for any week, be equal to the individual's  
10 weekly benefit rate multiplied by the percentage of reduction of his  
11 wages resulting from reduced hours of work. The weekly benefit  
12 amount shall be rounded off to the nearest dollar. An individual  
13 shall not be paid short-time benefits in excess of 26 weeks during a  
14 benefit year, but the weeks may be nonconsecutive. An individual  
15 shall not receive short-time benefits during any benefit week in  
16 which the individual receives any other unemployment benefits.

17 Total unemployment benefits paid to an individual during any  
18 benefit year, including short-time benefits and all other  
19 unemployment benefits, shall not exceed the maximum amount to  
20 which the individual is entitled for all unemployment benefits other  
21 than short-time benefits.

22  
23 6. (New section) A shared work program and payment of short-  
24 time benefits to individuals under the program shall begin with the  
25 first week following approval of an application by the division or  
26 the first week specified by the employer, whichever is later.

27  
28 7. (New section) All short-time benefits paid to an individual  
29 shall be charged to the account of the shared work employer by  
30 which the individual is employed while receiving the short-time  
31 benefits. If the shared work employer is liable for payments in lieu  
32 of contributions in the case of other unemployment benefits, that  
33 employer shall be liable for payments in lieu of contributions for  
34 the entire amount of the short-time benefits paid.

35  
36 <sup>1</sup>8. (New section) The Commissioner of Labor and Workforce  
37 Development, three years after the effective date of this act, shall  
38 submit a report to the Legislature assessing the implementation of  
39 this act and its impact on the State Unemployment Compensation  
40 Fund, evaluating the effectiveness of shared work programs  
41 approved by the division pursuant to this act, and making any  
42 recommendations for appropriate legislative or administrative  
43 action necessary to further the purposes of this act.<sup>1</sup>

44  
45 <sup>1</sup>[8.] <sup>1</sup>9. (New section) If the United <sup>2</sup>[State] States<sup>2</sup>  
46 Department of Labor finds any provision of this act to be in  
47 violation of federal law, all provisions of this act shall be  
48 inoperative.

1        '[9.] 10.' Section 5 of P.L.2007, c.212 (C.34:21-5) is amended  
2 to read as follows:

3        5. a. There is established, in the Department of Labor and  
4 Workforce Development, a response team. The purpose of the  
5 response team is to provide appropriate information, referral and  
6 counseling, as rapidly as possible, to workers who are, or may be,  
7 subject to plant closings or mass layoffs, and the management of  
8 establishments where those workers are or were employed.

9        b. In the case of each transfer or termination of the operations  
10 in an establishment which results in the termination of 50 or more  
11 employees, the response team shall:

12        (1) Offer to meet with the representatives of the management of  
13 the establishment to discuss available public programs which may  
14 make it possible to delay or prevent the transfer or termination of  
15 operations, including economic development incentive and  
16 workforce development programs, shared work unemployment  
17 compensation benefit programs, and coordinated utilization of any  
18 of those programs which are applicable;

19        (2) Meet on site with workers and provide information, referral  
20 and counseling regarding:

21        (a) Available public programs which may make it possible to  
22 delay or prevent the transfer or termination of operations, including  
23 economic development incentive and workforce development  
24 programs, shared work unemployment compensation benefit  
25 programs, and coordinated utilization of any of those programs  
26 which are applicable;

27        (b) Public programs or benefits which may be available to assist  
28 the employees, including, but not limited to, unemployment  
29 compensation benefits, job training or retraining programs, and job  
30 search assistance; and

31        (c) Employee rights based on this act or any other law which  
32 applies to the employees with respect to wages, severance pay,  
33 benefits, pensions or other terms of employment as they relate to  
34 the termination of employment; and

35        (3) Seek to facilitate cooperation between representatives of the  
36 management and employees at the establishment to most effectively  
37 utilize available public programs which may make it possible to  
38 delay or prevent the transfer or termination of operations or to assist  
39 employees if it is not possible to prevent the termination.

40 (cf:P.L.2007, c.212, s.5)

41

42        '[10] 11'. R.S.43:21-4 is amended to read as follows:

43        43:21-4. Benefit eligibility conditions. An unemployed  
44 individual shall be eligible to receive benefits with respect to any  
45 week eligible only if:

46        (a) The individual has filed a claim at an unemployment  
47 insurance claims office and thereafter continues to report at an  
48 employment service office or unemployment insurance claims

1 office, as directed by the division in accordance with such  
2 regulations as the division may prescribe, except that the division  
3 may, by regulation, waive or alter either or both of the requirements  
4 of this subsection as to individuals attached to regular jobs, and as  
5 to such other types of cases or situations with respect to which the  
6 division finds that compliance with such requirements would be  
7 oppressive, or would be inconsistent with the purpose of this act;  
8 provided that no such regulation shall conflict with subsection (a) of  
9 R.S.43:21-3.

10 (b) The individual has made a claim for benefits in accordance  
11 with the provisions of subsection (a) of R.S.43:21-6.

12 (c)(1) The individual is able to work, and is available for work,  
13 and has demonstrated to be actively seeking work, except as  
14 hereinafter provided in this subsection or in subsection (f) of this  
15 section.

16 (2) The director may modify the requirement of actively seeking  
17 work if such modification of this requirement is warranted by  
18 economic conditions.

19 (3) No individual, who is otherwise eligible, shall be deemed  
20 ineligible, or unavailable for work, because the individual is on  
21 vacation, without pay, during said week, if said vacation is not the  
22 result of the individual's own action as distinguished from any  
23 collective action of a collective bargaining agent or other action  
24 beyond the individual's control.

25 (4) (A) Subject to such limitations and conditions as the division  
26 may prescribe, an individual, who is otherwise eligible, shall not be  
27 deemed unavailable for work or ineligible because the individual is  
28 attending a training program approved for the individual by the  
29 division to enhance the individual's employment opportunities or  
30 because the individual failed or refused to accept work while  
31 attending such program.

32 (B) For the purpose of this paragraph (4), any training program  
33 shall be regarded as approved by the division for the individual if  
34 the program and the individual meet the following requirements:

35 (i) The training is for a labor demand occupation and is likely to  
36 enhance the individual's marketable skills and earning power,  
37 except that the training may be for an occupation other than a labor  
38 demand occupation if the individual is receiving '【short-term】  
39 short-time<sup>1</sup> benefits pursuant to the provisions of P.L. , c. (C. )  
40 (pending before the Legislature as this bill) and the training is  
41 necessary to prevent a likely loss of jobs;

42 (ii) The training is provided by a competent and reliable private  
43 or public entity approved by the Commissioner of Labor and  
44 Workforce Development pursuant to the provisions of section 8 of  
45 the "1992 New Jersey Employment and Workforce Development  
46 Act," P.L.1992, c.43 (C.34:15D-8);

47 (iii) The individual can reasonably be expected to complete the  
48 program, either during or after the period of benefits;

1 (iv) The training does not include on the job training or other  
2 training under which the individual is paid by an employer for work  
3 performed by the individual during the time that the individual  
4 receives benefits; and

5 (v) The individual enrolls in vocational training, remedial  
6 education or a combination of both on a full-time basis, except that  
7 the training or education may be on a part-time basis if the  
8 individual is receiving '[short-term] short-time' benefits pursuant  
9 to the provisions of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
10 Legislature as this bill).

11 (C) If the requirements of subparagraph (B) of this paragraph (4)  
12 are met, the division shall not withhold approval of the training  
13 program for the individual for any of the following reasons:

14 (i) The training includes remedial basic skills education  
15 necessary for the individual to successfully complete the vocational  
16 component of the training;

17 (ii) The training is provided in connection with a program under  
18 which the individual may obtain a college degree, including a post-  
19 graduate degree;

20 (iii) The length of the training period under the program; or

21 (iv) The lack of a prior guarantee of employment upon  
22 completion of the training.

23 (D) For the purpose of this paragraph (4), "labor demand  
24 occupation" means an occupation for which there is or is likely to  
25 be an excess of demand over supply for adequately trained workers,  
26 including, but not limited to, an occupation designated as a labor  
27 demand occupation by the Center for Occupational Employment  
28 Information pursuant to the provisions of subsection d. of section  
29 27 of P.L.2005, c.354 (C.34:1A-86).

30 (5) An unemployed individual, who is otherwise eligible, shall  
31 not be deemed unavailable for work or ineligible solely by reason of  
32 the individual's attendance before a court in response to a summons  
33 for service on a jury.

34 (6) An unemployed individual, who is otherwise eligible, shall  
35 not be deemed unavailable for work or ineligible solely by reason of  
36 the individual's attendance at the funeral of an immediate family  
37 member, provided that the duration of the attendance does not  
38 extend beyond a two-day period.

39 For purposes of this paragraph, "immediate family member"  
40 includes any of the following individuals: father, mother, mother-  
41 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,  
42 child, child placed by the Division of Youth and Family Services in  
43 the Department of Children and Families, sister or brother of the  
44 unemployed individual and any relatives of the unemployed  
45 individual residing in the unemployed individual's household.

46 (7) No individual, who is otherwise eligible, shall be deemed  
47 ineligible or unavailable for work with respect to any week because,  
48 during that week, the individual fails or refuses to accept work



1 while the individual is participating on a full-time basis in self-  
2 employment assistance activities authorized by the division,  
3 whether or not the individual is receiving a self-employment  
4 allowance during that week.

5 (8) Any individual who is determined to be likely to exhaust  
6 regular benefits and need reemployment services based on  
7 information obtained by the worker profiling system shall not be  
8 eligible to receive benefits if the individual fails to participate in  
9 available reemployment services to which the individual is referred  
10 by the division or in similar services, unless the division determines  
11 that:

12 (A) The individual has completed the reemployment services; or  
13 (B) There is justifiable cause for the failure to participate, which  
14 shall include participation in employment and training, self-  
15 employment assistance activities or other activities authorized by  
16 the division to assist reemployment or enhance the marketable skills  
17 and earning power of the individual and which shall include any  
18 other circumstance indicated pursuant to this section in which an  
19 individual is not required to be available for and actively seeking  
20 work to receive benefits.

21 (9) An unemployed individual, who is otherwise eligible, shall  
22 not be deemed unavailable for work or ineligible solely by reason of  
23 the individual's work as a board worker for a county board of  
24 elections on an election day.

25 (10) An individual who is employed by a shared work employer  
26 and is otherwise eligible for benefits shall not be deemed ineligible  
27 for short-time benefits because the individual is unavailable for  
28 work with employers other than the shared work employer, so long  
29 as;

30 (A) The individual is able to work and is available to work the  
31 individual's normal full-time hours for the shared work employer;  
32 or

33 (B) The individual is attending a training program which is in  
34 compliance with the provisions of paragraph (4) of subsection (c) of  
35 this section and the agreements and certifications required pursuant  
36 to the provisions of section 2 of P.L. , c. (C. ) (pending before  
37 the Legislature as this bill).

38 (d) With respect to any benefit year commencing before January  
39 1, 2002, the individual has been totally or partially unemployed for  
40 a waiting period of one week in the benefit year which includes that  
41 week. When benefits become payable with respect to the third  
42 consecutive week next following the waiting period, the individual  
43 shall be eligible to receive benefits as appropriate with respect to  
44 the waiting period. No week shall be counted as a week of  
45 unemployment for the purposes of this subsection:

46 (1) If benefits have been paid, or are payable with respect  
47 thereto; provided that the requirements of this paragraph shall be

1 waived with respect to any benefits paid or payable for a waiting  
2 period as provided in this subsection;

3 (2) If it has constituted a waiting period week under the  
4 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
5 et al.);

6 (3) Unless the individual fulfills the requirements of subsections  
7 (a) and (c) of this section;

8 (4) If with respect thereto, claimant was disqualified for benefits  
9 in accordance with the provisions of subsection (d) of R.S.43:21-5.

10 The waiting period provided by this subsection shall not apply to  
11 benefit years commencing on or after January 1, 2002. An  
12 individual whose total benefit amount was reduced by the  
13 application of the waiting period to a claim which occurred on or  
14 after January 1, 2002 and before the effective date of P.L.2002,  
15 c.13, shall be permitted to file a claim for the additional benefits  
16 attributable to the waiting period in the form and manner prescribed  
17 by the division, but not later than the 180th day following the  
18 effective date of P.L.2002, c.13 unless the division determines that  
19 there is good cause for a later filing.

20 (e) (1) (Deleted by amendment, P.L.2001, c.17).

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

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

23 (4) With respect to benefit years commencing on or after  
24 January 7, 2001, except as otherwise provided in paragraph (5) of  
25 this subsection, the individual has, during his base year as defined  
26 in subsection (c) of R.S.43:21-19:

27 (A) Established at least 20 base weeks as defined in paragraphs  
28 (2) and (3) of subsection (t) of R.S.43:21-19; or

29 (B) If the individual has not met the requirements of  
30 subparagraph (A) of this paragraph (4), earned remuneration not  
31 less than an amount 1,000 times the minimum wage in effect  
32 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October  
33 1 of the calendar year preceding the calendar year in which the  
34 benefit year commences, which amount shall be adjusted to the next  
35 higher multiple of \$100 if not already a multiple thereof.

36 (5) With respect to benefit years commencing on or after  
37 January 7, 2001, notwithstanding the provisions of paragraph (4) of  
38 this subsection, an unemployed individual claiming benefits on the  
39 basis of service performed in the production and harvesting of  
40 agricultural crops shall, subject to the limitations of subsection (i)  
41 of R.S.43:21-19, be eligible to receive benefits if during his base  
42 year, as defined in subsection (c) of R.S.43:21-19, the individual:

43 (A) Has established at least 20 base weeks as defined in  
44 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

45 (B) Has earned remuneration not less than an amount 1,000  
46 times the minimum wage in effect pursuant to section 5 of  
47 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year  
48 preceding the calendar year in which the benefit year commences,

- 1 which amount shall be adjusted to the next higher multiple of \$100  
2 if not already a multiple thereof; or
- 3 (C) Has performed at least 770 hours of service in the  
4 production and harvesting of agricultural crops.
- 5 (6) The individual applying for benefits in any successive  
6 benefit year has earned at least six times his previous weekly  
7 benefit amount and has had four weeks of employment since the  
8 beginning of the immediately preceding benefit year. This  
9 provision shall be in addition to the earnings requirements specified  
10 in paragraph (4) or (5) of this subsection, as applicable.
- 11 (f) (1) The individual has suffered any accident or sickness not  
12 compensable under the workers' compensation law, R.S.34:15-1 et  
13 seq. and resulting in the individual's total disability to perform any  
14 work for remuneration, and would be eligible to receive benefits  
15 under this chapter (R.S.43:21-1 et seq.) (without regard to the  
16 maximum amount of benefits payable during any benefit year)  
17 except for the inability to work and has furnished notice and proof  
18 of claim to the division, in accordance with its rules and  
19 regulations, and payment is not precluded by the provisions of  
20 R.S.43:21-3(d); provided, however, that benefits paid under this  
21 subsection (f) shall be computed on the basis of only those base  
22 year wages earned by the claimant as a "covered individual," as  
23 defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-  
24 27); provided further that no benefits shall be payable under this  
25 subsection to any individual:
- 26 (A) For any period during which such individual is not under the  
27 care of a legally licensed physician, dentist, optometrist, podiatrist,  
28 practicing psychologist, advanced practice nurse, or chiropractor,  
29 who, when requested by the division, shall certify within the scope  
30 of the practitioner's practice, the disability of the individual, the  
31 probable duration thereof, and, where applicable, the medical facts  
32 within the practitioner's knowledge;
- 33 (B) (Deleted by amendment, P.L.1980, c.90.)
- 34 (C) For any period of disability due to willfully or intentionally  
35 self-inflicted injury, or to injuries sustained in the perpetration by  
36 the individual of a crime of the first, second or third degree;
- 37 (D) For any week with respect to which or a part of which the  
38 individual has received or is seeking benefits under any  
39 unemployment compensation or disability benefits law of any other  
40 state or of the United States; provided that if the appropriate agency  
41 of such other state or the United States finally determines that the  
42 individual is not entitled to such benefits, this disqualification shall  
43 not apply;
- 44 (E) For any week with respect to which or part of which the  
45 individual has received or is seeking disability benefits under the  
46 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
47 et al.);

1 (F) For any period of disability commencing while such  
2 individual is a "covered individual," as defined in subsection (b) of  
3 section 3 of the "Temporary Disability Benefits Law," P.L.1948,  
4 c.110 (C.43:21-27).

5 (2) The individual is taking family temporary disability leave to  
6 provide care for a family member with a serious health condition or  
7 to be with a child during the first 12 months after the child's birth or  
8 placement of the child for adoption with the individual, and the  
9 individual would be eligible to receive benefits under R.S.43:21-1  
10 et seq. (without regard to the maximum amount of benefits payable  
11 during any benefit year) except for the individual's unavailability  
12 for work while taking the family temporary disability leave, and the  
13 individual has furnished notice and proof of claim to the division, in  
14 accordance with its rules and regulations, and payment is not  
15 precluded by the provisions of R.S.43:21-3(d) provided, however,  
16 that benefits paid under this subsection (f) shall be computed on the  
17 basis of only those base year wages earned by the claimant as a  
18 "covered individual," as defined in subsection (b) of section 3 of  
19 P.L.1948, c.110 (C.43:21-27); provided further that no benefits  
20 shall be payable under this subsection to any individual:

21 (A) For any week with respect to which or a part of which the  
22 individual has received or is seeking benefits under any  
23 unemployment compensation or disability benefits law of any other  
24 state or of the United States; provided that if the appropriate agency  
25 of such other state or the United States finally determines that the  
26 individual is not entitled to such benefits, this disqualification shall  
27 not apply;

28 (B) For any week with respect to which or part of which the  
29 individual has received or is seeking disability benefits for a  
30 disability of the individual under the "Temporary Disability  
31 Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

32 (C) For any period of family temporary disability leave  
33 commencing while the individual is a "covered individual," as  
34 defined in subsection (b) of section 3 of the "Temporary Disability  
35 Benefits Law," P.L.1948, c.110 (C.43:21-27); or

36 (D) For any period of family temporary disability leave for a  
37 serious health condition of a family member of the claimant during  
38 which the family member is not receiving inpatient care in a  
39 hospital, hospice, or residential medical care facility and is not  
40 subject to continuing medical treatment or continuing supervision  
41 by a health care provider, who, when requested by the division,  
42 shall certify within the scope of the provider's practice, the serious  
43 health condition of the family member, the probable duration  
44 thereof, and, where applicable, the medical facts within the  
45 provider's knowledge.

46 (3) Benefit payments under this subsection (f) shall be charged  
47 to and paid from the State disability benefits fund established by the  
48 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25

1 et al.), and shall not be charged to any employer account in  
2 computing any employer's experience rate for contributions payable  
3 under this chapter.

4 (g) Benefits based on service in employment defined in  
5 subparagraphs (B) and (C) of R.S.43:21-19 (i)(1) shall be payable  
6 in the same amount and on the terms and subject to the same  
7 conditions as benefits payable on the basis of other service subject  
8 to the "unemployment compensation law"; except that,  
9 notwithstanding any other provisions of the "unemployment  
10 compensation law":

11 (1) With respect to service performed after December 31, 1977,  
12 in an instructional research, or principal administrative capacity for  
13 an educational institution, benefits shall not be paid based on such  
14 services for any week of unemployment commencing during the  
15 period between two successive academic years, or during a similar  
16 period between two regular terms, whether or not successive, or  
17 during a period of paid sabbatical leave provided for in the  
18 individual's contract, to any individual if such individual performs  
19 such services in the first of such academic years (or terms) and if  
20 there is a contract or a reasonable assurance that such individual  
21 will perform services in any such capacity for any educational  
22 institution in the second of such academic years or terms;

23 (2) With respect to weeks of unemployment beginning after  
24 September 3, 1982, on the basis of service performed in any other  
25 capacity for an educational institution, benefits shall not be paid on  
26 the basis of such services to any individual for any week which  
27 commences during a period between two successive academic years  
28 or terms if such individual performs such services in the first of  
29 such academic years or terms and there is a reasonable assurance  
30 that such individual will perform such services in the second of  
31 such academic years or terms, except that if benefits are denied to  
32 any individual under this paragraph (2) and the individual was not  
33 offered an opportunity to perform these services for the educational  
34 institution for the second of any academic years or terms, the  
35 individual shall be entitled to a retroactive payment of benefits for  
36 each week for which the individual filed a timely claim for benefits  
37 and for which benefits were denied solely by reason of this clause;

38 (3) With respect to those services described in paragraphs (1)  
39 and (2) above, benefits shall not be paid on the basis of such  
40 services to any individual for any week which commences during  
41 an established and customary vacation period or holiday recess if  
42 such individual performs such services in the period immediately  
43 before such vacation period or holiday recess, and there is a  
44 reasonable assurance that such individual will perform such  
45 services in the period immediately following such period or holiday  
46 recess;

47 (4) With respect to any services described in paragraphs (1) and  
48 (2) above, benefits shall not be paid as specified in paragraphs (1),

1 (2), and (3) above to any individual who performed those services  
2 in an educational institution while in the employ of an educational  
3 service agency, and for this purpose the term "educational service  
4 agency" means a governmental agency or governmental entity  
5 which is established and operated exclusively for the purpose of  
6 providing those services to one or more educational institutions.

7 (h) Benefits shall not be paid to any individual on the basis of  
8 any services, substantially all of which consist of participating in  
9 sports or athletic events or training or preparing to so participate,  
10 for any week which commences during the period between two  
11 successive sports seasons (or similar periods) if such individual  
12 performed such services in the first of such seasons (or similar  
13 periods) and there is a reasonable assurance that such individual  
14 will perform such services in the later of such seasons (or similar  
15 periods).

16 (i) (1) Benefits shall not be paid on the basis of services  
17 performed by an alien unless such alien is an individual who was  
18 lawfully admitted for permanent residence at the time the services  
19 were performed and was lawfully present for the purpose of  
20 performing the services or otherwise was permanently residing in  
21 the United States under color of law at the time the services were  
22 performed (including an alien who is lawfully present in the United  
23 States as a result of the application of the provisions of section  
24 212(d)(5) (8 U.S.C. s.1182 (d)(5)) of the Immigration and  
25 Nationality Act (8 U.S.C. s.1101 et seq.)); provided that any  
26 modifications of the provisions of section 3304(a)(14) of the  
27 Federal Unemployment Tax Act [28U.S.C. s.3304 (a)(14)], (26  
28 U.S.C. s. 3304 (a) (14) as provided by Pub.L.94-566, which specify  
29 other conditions or other effective dates than stated herein for the  
30 denial of benefits based on services performed by aliens and which  
31 modifications are required to be implemented under State law as a  
32 condition for full tax credit against the tax imposed by the Federal  
33 Unemployment Tax Act, shall be deemed applicable under the  
34 provisions of this section.

35 (2) Any data or information required of individuals applying for  
36 benefits to determine whether benefits are not payable to them  
37 because of their alien status shall be uniformly required from all  
38 applicants for benefits.

39 (3) In the case of an individual whose application for benefits  
40 would otherwise be approved, no determination that benefits to such  
41 individual are not payable because of alien status shall be made  
42 except upon a preponderance of the evidence.

43 (j) Notwithstanding any other provision of this chapter, the  
44 director may, to the extent that it may be deemed efficient and  
45 economical, provide for consolidated administration by one or more  
46 representatives or deputies of claims made pursuant to subsection  
47 (f) of this section with those made pursuant to Article III (State

**S1301 [2R]**

13

1 plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110  
2 (C.43:21-25 et al.).  
3 (cf: P.L.2008, c.17, s.14)

4

5 <sup>1</sup>**[11.] 12.** This act shall take effect on the <sup>2</sup>**[90th day after]**  
6 first day of the seventh month following the date of<sup>2</sup> enactment.

7

8

9

10

11 Provides unemployment insurance benefits for shared work  
12 programs; requires Department of Labor and Workforce  
13 Development report.

# SENATE, No. 1301

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Senator MICHAEL J. DOHERTY**

**District 23 (Warren and Hunterdon)**

**Co-Sponsored by:**

**Senator Cunningham**

**SYNOPSIS**

Authorizes unemployment benefits for shared work programs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/19/2010)**



1 AN ACT concerning unemployment insurance, amending P.L.2007,  
2 c.212 and R.S.43:21-4 and supplementing chapter 21 of Title 43  
3 of the Revised Statutes.

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

7  
8 1. (New section) For the purposes of this act:

9 “Division” means the Division of Unemployment and Temporary  
10 Disability Insurance of the Department of Labor and Workforce  
11 Development.

12 “Full-time hours” means not less than 30 and not more than 40  
13 hours per week.

14 “Shared work employer” means an employer who is providing a  
15 shared work program approved by the division pursuant to section 2  
16 of this act.

17 “Short-time benefits” means benefits provided pursuant to  
18 sections 1 through 8 of this act.

19  
20 2. (New section) An employer who has not less than 10  
21 employees, who are each employed for not less than 1,500 hours  
22 per year, may apply to the division for approval to provide a shared  
23 work program, the purpose of which is to stabilize the employer’s  
24 work force during a period of economic disruption by permitting the  
25 sharing of the work remaining after a reduction in total hours of  
26 work. Any subsidizing of seasonal employment during off season,  
27 of employers who traditionally use part-time employees, or of  
28 temporary part-time or intermittent employment on an ongoing  
29 basis, is contrary to the purpose of a shared work program approved  
30 pursuant to this act. The application for a shared work program  
31 shall be made according to procedures and on forms specified by  
32 the division and shall include whatever information the division  
33 requires. In deciding whether to approve the application, the  
34 division may consider the nature and size of the employer, its  
35 frequency of personnel turnover, its geographical location, and any  
36 other factors which may affect the efficacy and utility of the shared  
37 work program. The division may approve the program for a period  
38 of one year and may, upon employer request, renew the approval of  
39 the program annually. The division shall not approve an application  
40 unless the employer:

41 a. Certifies to the division that it will not hire additional part-  
42 time or full-time employees while short-time benefits are being  
43 paid;

44 b. Agrees with the division not to reduce health insurance or  
45 pension coverage, paid time off, or other benefits provided to

**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 employees before the application was made, or make unreasonable  
2 revisions of workforce productivity standards;

3 c. Certifies to the division that any collective bargaining agent  
4 representing the employees has entered into a written agreement  
5 with the employer regarding the terms of the program, including  
6 terms regarding attendance in training programs while receiving  
7 short-time benefits, and provides a copy of the agreement to the  
8 division; and

9 d. Agrees to provide the division with whatever information the  
10 division deems necessary to administer the shared work program  
11 and monitor compliance with all agreements and certifications  
12 required pursuant to this section.

13

14 3. (New section) The division may revoke approval of an  
15 employer's application previously granted for good cause shown,  
16 including any failure to comply with any agreement or certification  
17 required pursuant to section 2 of this act or other conduct or  
18 occurrences which the division determines to defeat the purpose,  
19 intent and effective operation of a shared work program.

20

21 4. (New section) An individual who is employed by an  
22 employer with a shared work program approved by the division  
23 shall be eligible for short-time benefits during a week if:

24 a. The individual was employed by the employer for not less  
25 than 1,500 hours during the individual's base year;

26 b. The individual works for the employer less than the  
27 individual's normal full-time hours during the week, and the  
28 employer has reduced the individual's weekly hours of work  
29 pursuant to a shared work program approved by the division  
30 pursuant to section 2 of this act;

31 c. The percentage of the reduction of the individual's work  
32 hours below the individual's normal full-time hours during a week  
33 is not less than 10%, with a corresponding reduction of wages;

34 d. The individual would be eligible for unemployment benefits  
35 other than short-time benefits during the week, if the individual was  
36 entirely unemployed during that week and applied for  
37 unemployment benefits other than short-time benefits; and

38 e. During the week, the individual is able to work and is  
39 available to work the individual's normal full-time hours for the  
40 shared work employer or is attending a training program which is in  
41 compliance with the provisions of paragraph (4) of subsection (c) of  
42 R.S.43:21-4 and the agreements and certifications required pursuant  
43 to the provisions of section 2 of this act.

44

45 5. (New section) The amount of short-time benefits paid to an  
46 eligible individual shall, for any week, be equal to the individual's  
47 weekly benefit rate multiplied by the percentage of reduction of his  
48 wages resulting from reduced hours of work. The weekly benefit

1 amount shall be rounded off to the nearest dollar. An individual  
2 shall not be paid short-time benefits in excess of 26 weeks during a  
3 benefit year, but the weeks may be nonconsecutive. An individual  
4 shall not receive short-time benefits during any benefit week in  
5 which the individual receives any other unemployment benefits.

6 Total unemployment benefits paid to an individual during any  
7 benefit year, including short-time benefits and all other  
8 unemployment benefits, shall not exceed the maximum amount to  
9 which the individual is entitled for all unemployment benefits other  
10 than short-time benefits.

11

12 6. (New section) A shared work program and payment of short-  
13 time benefits to individuals under the program shall begin with the  
14 first week following approval of an application by the division or  
15 the first week specified by the employer, whichever is later.

16

17 7. (New section) All short-time benefits paid to an individual  
18 shall be charged to the account of the shared work employer by  
19 which the individual is employed while receiving the short-time  
20 benefits. If the shared work employer is liable for payments in lieu  
21 of contributions in the case of other unemployment benefits, that  
22 employer shall be liable for payments in lieu of contributions for  
23 the entire amount of the short-time benefits paid.

24

25 8. (New section) If the United State Department of Labor finds  
26 any provision of this act to be in violation of federal law, all  
27 provisions of this act shall be inoperative.

28

29 9. Section 5 of P.L.2007, c.212 (C.34:21-5) is amended to read  
30 as follows:

31

32 5. a. There is established, in the Department of Labor and  
33 Workforce Development, a response team. The purpose of the  
34 response team is to provide appropriate information, referral and  
35 counseling, as rapidly as possible, to workers who are, or may be,  
36 subject to plant closings or mass layoffs, and the management of  
establishments where those workers are or were employed.

37

38 b. In the case of each transfer or termination of the operations  
39 in an establishment which results in the termination of 50 or more  
40 employees, the response team shall:

41

42 (1) Offer to meet with the representatives of the management of  
43 the establishment to discuss available public programs which may  
44 make it possible to delay or prevent the transfer or termination of  
45 operations, including economic development incentive and  
46 workforce development programs, shared work unemployment  
compensation benefit programs, and coordinated utilization of any  
of those programs which are applicable;

47

48 (2) Meet on site with workers and provide information, referral  
and counseling regarding:

- 1 (a) Available public programs which may make it possible to  
2 delay or prevent the transfer or termination of operations, including  
3 economic development incentive and workforce development  
4 programs, shared work unemployment compensation benefit  
5 programs, and coordinated utilization of any of those programs  
6 which are applicable;  
7 (b) Public programs or benefits which may be available to assist  
8 the employees, including, but not limited to, unemployment  
9 compensation benefits, job training or retraining programs, and job  
10 search assistance; and  
11 (c) Employee rights based on this act or any other law which  
12 applies to the employees with respect to wages, severance pay,  
13 benefits, pensions or other terms of employment as they relate to  
14 the termination of employment; and  
15 (3) Seek to facilitate cooperation between representatives of the  
16 management and employees at the establishment to most effectively  
17 utilize available public programs which may make it possible to  
18 delay or prevent the transfer or termination of operations or to assist  
19 employees if it is not possible to prevent the termination.  
20 (cf:P.L.2007, c.212, s.5)

- 21  
22 10. R.S.43:21-4 is amended to read as follows:  
23 43:21-4. Benefit eligibility conditions. An unemployed  
24 individual shall be eligible to receive benefits with respect to any  
25 week eligible only if:  
26 (a) The individual has filed a claim at an unemployment  
27 insurance claims office and thereafter continues to report at an  
28 employment service office or unemployment insurance claims  
29 office, as directed by the division in accordance with such  
30 regulations as the division may prescribe, except that the division  
31 may, by regulation, waive or alter either or both of the requirements  
32 of this subsection as to individuals attached to regular jobs, and as  
33 to such other types of cases or situations with respect to which the  
34 division finds that compliance with such requirements would be  
35 oppressive, or would be inconsistent with the purpose of this act;  
36 provided that no such regulation shall conflict with subsection (a) of  
37 R.S.43:21-3.  
38 (b) The individual has made a claim for benefits in accordance  
39 with the provisions of subsection (a) of R.S.43:21-6.  
40 (c)(1) The individual is able to work, and is available for work,  
41 and has demonstrated to be actively seeking work, except as  
42 hereinafter provided in this subsection or in subsection (f) of this  
43 section.  
44 (2) The director may modify the requirement of actively seeking  
45 work if such modification of this requirement is warranted by  
46 economic conditions.  
47 (3) No individual, who is otherwise eligible, shall be deemed  
48 ineligible, or unavailable for work, because the individual is on

1 vacation, without pay, during said week, if said vacation is not the  
2 result of the individual's own action as distinguished from any  
3 collective action of a collective bargaining agent or other action  
4 beyond the individual's control.

5 (4) (A) Subject to such limitations and conditions as the division  
6 may prescribe, an individual, who is otherwise eligible, shall not be  
7 deemed unavailable for work or ineligible because the individual is  
8 attending a training program approved for the individual by the  
9 division to enhance the individual's employment opportunities or  
10 because the individual failed or refused to accept work while  
11 attending such program.

12 (B) For the purpose of this paragraph (4), any training program  
13 shall be regarded as approved by the division for the individual if  
14 the program and the individual meet the following requirements:

15 (i) The training is for a labor demand occupation and is likely to  
16 enhance the individual's marketable skills and earning power,  
17 except that the training may be for an occupation other than a labor  
18 demand occupation if the individual is receiving short-term benefits  
19 pursuant to the provisions of P.L. , c. (C. ) (pending before  
20 the Legislature as this bill) and the training is necessary to prevent a  
21 likely loss of jobs;

22 (ii) The training is provided by a competent and reliable private  
23 or public entity approved by the Commissioner of Labor and  
24 Workforce Development pursuant to the provisions of section 8 of  
25 the "1992 New Jersey Employment and Workforce Development  
26 Act," P.L.1992, c.43 (C.34:15D-8);

27 (iii) The individual can reasonably be expected to complete the  
28 program, either during or after the period of benefits;

29 (iv) The training does not include on the job training or other  
30 training under which the individual is paid by an employer for work  
31 performed by the individual during the time that the individual  
32 receives benefits; and

33 (v) The individual enrolls in vocational training, remedial  
34 education or a combination of both on a full-time basis, except that  
35 the training or education may be on a part-time basis if the  
36 individual is receiving short-term benefits pursuant to the  
37 provisions of P.L. , c. (C. ) (pending before the Legislature  
38 as this bill).

39 (C) If the requirements of subparagraph (B) of this paragraph (4)  
40 are met, the division shall not withhold approval of the training  
41 program for the individual for any of the following reasons:

42 (i) The training includes remedial basic skills education  
43 necessary for the individual to successfully complete the vocational  
44 component of the training;

45 (ii) The training is provided in connection with a program under  
46 which the individual may obtain a college degree, including a post-  
47 graduate degree;

48 (iii) The length of the training period under the program; or

1 (iv) The lack of a prior guarantee of employment upon  
2 completion of the training.

3 (D) For the purpose of this paragraph (4), "labor demand  
4 occupation" means an occupation for which there is or is likely to  
5 be an excess of demand over supply for adequately trained workers,  
6 including, but not limited to, an occupation designated as a labor  
7 demand occupation by the Center for Occupational Employment  
8 Information pursuant to the provisions of subsection d. of section  
9 27 of P.L.2005, c.354 (C.34:1A-86).

10 (5) An unemployed individual, who is otherwise eligible, shall  
11 not be deemed unavailable for work or ineligible solely by reason of  
12 the individual's attendance before a court in response to a summons  
13 for service on a jury.

14 (6) An unemployed individual, who is otherwise eligible, shall  
15 not be deemed unavailable for work or ineligible solely by reason of  
16 the individual's attendance at the funeral of an immediate family  
17 member, provided that the duration of the attendance does not  
18 extend beyond a two-day period.

19 For purposes of this paragraph, "immediate family member"  
20 includes any of the following individuals: father, mother, mother-  
21 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,  
22 child, child placed by the Division of Youth and Family Services in  
23 the Department of Children and Families, sister or brother of the  
24 unemployed individual and any relatives of the unemployed  
25 individual residing in the unemployed individual's household.

26 (7) No individual, who is otherwise eligible, shall be deemed  
27 ineligible or unavailable for work with respect to any week because,  
28 during that week, the individual fails or refuses to accept work  
29 while the individual is participating on a full-time basis in self-  
30 employment assistance activities authorized by the division,  
31 whether or not the individual is receiving a self-employment  
32 allowance during that week.

33 (8) Any individual who is determined to be likely to exhaust  
34 regular benefits and need reemployment services based on  
35 information obtained by the worker profiling system shall not be  
36 eligible to receive benefits if the individual fails to participate in  
37 available reemployment services to which the individual is referred  
38 by the division or in similar services, unless the division determines  
39 that:

40 (A) The individual has completed the reemployment services; or

41 (B) There is justifiable cause for the failure to participate, which  
42 shall include participation in employment and training, self-  
43 employment assistance activities or other activities authorized by  
44 the division to assist reemployment or enhance the marketable skills  
45 and earning power of the individual and which shall include any  
46 other circumstance indicated pursuant to this section in which an  
47 individual is not required to be available for and actively seeking  
48 work to receive benefits.

1 (9) An unemployed individual, who is otherwise eligible, shall  
2 not be deemed unavailable for work or ineligible solely by reason of  
3 the individual's work as a board worker for a county board of  
4 elections on an election day.

5 (10) An individual who is employed by a shared work employer  
6 and is otherwise eligible for benefits shall not be deemed ineligible  
7 for short-time benefits because the individual is unavailable for  
8 work with employers other than the shared work employer, so long  
9 as;

10 (A) The individual is able to work and is available to work the  
11 individual's normal full-time hours for the shared work employer;  
12 or

13 (B) The individual is attending a training program which is in  
14 compliance with the provisions of paragraph (4) of subsection (c) of  
15 this section and the agreements and certifications required pursuant  
16 to the provisions of section 2 of P.L. , c. (C. ) (pending before  
17 the Legislature as this bill).

18 (d) With respect to any benefit year commencing before January  
19 1, 2002, the individual has been totally or partially unemployed for  
20 a waiting period of one week in the benefit year which includes that  
21 week. When benefits become payable with respect to the third  
22 consecutive week next following the waiting period, the individual  
23 shall be eligible to receive benefits as appropriate with respect to  
24 the waiting period. No week shall be counted as a week of  
25 unemployment for the purposes of this subsection:

26 (1) If benefits have been paid, or are payable with respect  
27 thereto; provided that the requirements of this paragraph shall be  
28 waived with respect to any benefits paid or payable for a waiting  
29 period as provided in this subsection;

30 (2) If it has constituted a waiting period week under the  
31 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
32 et al.);

33 (3) Unless the individual fulfills the requirements of subsections  
34 (a) and (c) of this section;

35 (4) If with respect thereto, claimant was disqualified for benefits  
36 in accordance with the provisions of subsection (d) of R.S.43:21-5.

37 The waiting period provided by this subsection shall not apply to  
38 benefit years commencing on or after January 1, 2002. An  
39 individual whose total benefit amount was reduced by the  
40 application of the waiting period to a claim which occurred on or  
41 after January 1, 2002 and before the effective date of P.L.2002,  
42 c.13, shall be permitted to file a claim for the additional benefits  
43 attributable to the waiting period in the form and manner prescribed  
44 by the division, but not later than the 180th day following the  
45 effective date of P.L.2002, c.13 unless the division determines that  
46 there is good cause for a later filing.

47 (e) (1) (Deleted by amendment, P.L.2001, c.17).

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

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

2 (4) With respect to benefit years commencing on or after  
3 January 7, 2001, except as otherwise provided in paragraph (5) of  
4 this subsection, the individual has, during his base year as defined  
5 in subsection (c) of R.S.43:21-19:

6 (A) Established at least 20 base weeks as defined in paragraphs  
7 (2) and (3) of subsection (t) of R.S.43:21-19; or

8 (B) If the individual has not met the requirements of  
9 subparagraph (A) of this paragraph (4), earned remuneration not  
10 less than an amount 1,000 times the minimum wage in effect  
11 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October  
12 1 of the calendar year preceding the calendar year in which the  
13 benefit year commences, which amount shall be adjusted to the next  
14 higher multiple of \$100 if not already a multiple thereof.

15 (5) With respect to benefit years commencing on or after  
16 January 7, 2001, notwithstanding the provisions of paragraph (4) of  
17 this subsection, an unemployed individual claiming benefits on the  
18 basis of service performed in the production and harvesting of  
19 agricultural crops shall, subject to the limitations of subsection (i)  
20 of R.S.43:21-19, be eligible to receive benefits if during his base  
21 year, as defined in subsection (c) of R.S.43:21-19, the individual:

22 (A) Has established at least 20 base weeks as defined in  
23 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

24 (B) Has earned remuneration not less than an amount 1,000  
25 times the minimum wage in effect pursuant to section 5 of  
26 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year  
27 preceding the calendar year in which the benefit year commences,  
28 which amount shall be adjusted to the next higher multiple of \$100  
29 if not already a multiple thereof; or

30 (C) Has performed at least 770 hours of service in the  
31 production and harvesting of agricultural crops.

32 (6) The individual applying for benefits in any successive  
33 benefit year has earned at least six times his previous weekly  
34 benefit amount and has had four weeks of employment since the  
35 beginning of the immediately preceding benefit year. This  
36 provision shall be in addition to the earnings requirements specified  
37 in paragraph (4) or (5) of this subsection, as applicable.

38 (f) (1) The individual has suffered any accident or sickness not  
39 compensable under the workers' compensation law, R.S.34:15-1 et  
40 seq. and resulting in the individual's total disability to perform any  
41 work for remuneration, and would be eligible to receive benefits  
42 under this chapter (R.S.43:21-1 et seq.) (without regard to the  
43 maximum amount of benefits payable during any benefit year)  
44 except for the inability to work and has furnished notice and proof  
45 of claim to the division, in accordance with its rules and  
46 regulations, and payment is not precluded by the provisions of  
47 R.S.43:21-3(d); provided, however, that benefits paid under this  
48 subsection (f) shall be computed on the basis of only those base



1 year wages earned by the claimant as a "covered individual," as  
2 defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-  
3 27); provided further that no benefits shall be payable under this  
4 subsection to any individual:

5 (A) For any period during which such individual is not under the  
6 care of a legally licensed physician, dentist, optometrist, podiatrist,  
7 practicing psychologist, advanced practice nurse, or chiropractor,  
8 who, when requested by the division, shall certify within the scope  
9 of the practitioner's practice, the disability of the individual, the  
10 probable duration thereof, and, where applicable, the medical facts  
11 within the practitioner's knowledge;

12 (B) (Deleted by amendment, P.L.1980, c.90.)

13 (C) For any period of disability due to willfully or intentionally  
14 self-inflicted injury, or to injuries sustained in the perpetration by  
15 the individual of a crime of the first, second or third degree;

16 (D) For any week with respect to which or a part of which the  
17 individual has received or is seeking benefits under any  
18 unemployment compensation or disability benefits law of any other  
19 state or of the United States; provided that if the appropriate agency  
20 of such other state or the United States finally determines that the  
21 individual is not entitled to such benefits, this disqualification shall  
22 not apply;

23 (E) For any week with respect to which or part of which the  
24 individual has received or is seeking disability benefits under the  
25 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
26 et al.);

27 (F) For any period of disability commencing while such  
28 individual is a "covered individual," as defined in subsection (b) of  
29 section 3 of the "Temporary Disability Benefits Law," P.L.1948,  
30 c.110 (C.43:21-27).

31 (2) The individual is taking family temporary disability leave to  
32 provide care for a family member with a serious health condition or  
33 to be with a child during the first 12 months after the child's birth or  
34 placement of the child for adoption with the individual, and the  
35 individual would be eligible to receive benefits under R.S.43:21-1  
36 et seq. (without regard to the maximum amount of benefits payable  
37 during any benefit year) except for the individual's unavailability  
38 for work while taking the family temporary disability leave, and the  
39 individual has furnished notice and proof of claim to the division, in  
40 accordance with its rules and regulations, and payment is not  
41 precluded by the provisions of R.S.43:21-3(d) provided, however,  
42 that benefits paid under this subsection (f) shall be computed on the  
43 basis of only those base year wages earned by the claimant as a  
44 "covered individual," as defined in subsection (b) of section 3 of  
45 P.L.1948, c.110 (C.43:21-27); provided further that no benefits  
46 shall be payable under this subsection to any individual:

47 (A) For any week with respect to which or a part of which the  
48 individual has received or is seeking benefits under any

1 unemployment compensation or disability benefits law of any other  
2 state or of the United States; provided that if the appropriate agency  
3 of such other state or the United States finally determines that the  
4 individual is not entitled to such benefits, this disqualification shall  
5 not apply;

6 (B) For any week with respect to which or part of which the  
7 individual has received or is seeking disability benefits for a  
8 disability of the individual under the "Temporary Disability  
9 Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

10 (C) For any period of family temporary disability leave  
11 commencing while the individual is a "covered individual," as  
12 defined in subsection (b) of section 3 of the "Temporary Disability  
13 Benefits Law," P.L.1948, c.110 (C.43:21-27); or

14 (D) For any period of family temporary disability leave for a  
15 serious health condition of a family member of the claimant during  
16 which the family member is not receiving inpatient care in a  
17 hospital, hospice, or residential medical care facility and is not  
18 subject to continuing medical treatment or continuing supervision  
19 by a health care provider, who, when requested by the division,  
20 shall certify within the scope of the provider's practice, the serious  
21 health condition of the family member, the probable duration  
22 thereof, and, where applicable, the medical facts within the  
23 provider's knowledge.

24 (3) Benefit payments under this subsection (f) shall be charged  
25 to and paid from the State disability benefits fund established by the  
26 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
27 et al.), and shall not be charged to any employer account in  
28 computing any employer's experience rate for contributions payable  
29 under this chapter.

30 (g) Benefits based on service in employment defined in  
31 subparagraphs (B) and (C) of R.S.43:21-19 (i)(1) shall be payable  
32 in the same amount and on the terms and subject to the same  
33 conditions as benefits payable on the basis of other service subject  
34 to the "unemployment compensation law"; except that,  
35 notwithstanding any other provisions of the "unemployment  
36 compensation law":

37 (1) With respect to service performed after December 31, 1977,  
38 in an instructional research, or principal administrative capacity for  
39 an educational institution, benefits shall not be paid based on such  
40 services for any week of unemployment commencing during the  
41 period between two successive academic years, or during a similar  
42 period between two regular terms, whether or not successive, or  
43 during a period of paid sabbatical leave provided for in the  
44 individual's contract, to any individual if such individual performs  
45 such services in the first of such academic years (or terms) and if  
46 there is a contract or a reasonable assurance that such individual  
47 will perform services in any such capacity for any educational  
48 institution in the second of such academic years or terms;

1       (2) With respect to weeks of unemployment beginning after  
2 September 3, 1982, on the basis of service performed in any other  
3 capacity for an educational institution, benefits shall not be paid on  
4 the basis of such services to any individual for any week which  
5 commences during a period between two successive academic years  
6 or terms if such individual performs such services in the first of  
7 such academic years or terms and there is a reasonable assurance  
8 that such individual will perform such services in the second of  
9 such academic years or terms, except that if benefits are denied to  
10 any individual under this paragraph (2) and the individual was not  
11 offered an opportunity to perform these services for the educational  
12 institution for the second of any academic years or terms, the  
13 individual shall be entitled to a retroactive payment of benefits for  
14 each week for which the individual filed a timely claim for benefits  
15 and for which benefits were denied solely by reason of this clause;

16       (3) With respect to those services described in paragraphs (1)  
17 and (2) above, benefits shall not be paid on the basis of such  
18 services to any individual for any week which commences during  
19 an established and customary vacation period or holiday recess if  
20 such individual performs such services in the period immediately  
21 before such vacation period or holiday recess, and there is a  
22 reasonable assurance that such individual will perform such  
23 services in the period immediately following such period or holiday  
24 recess;

25       (4) With respect to any services described in paragraphs (1) and  
26 (2) above, benefits shall not be paid as specified in paragraphs (1),  
27 (2), and (3) above to any individual who performed those services  
28 in an educational institution while in the employ of an educational  
29 service agency, and for this purpose the term "educational service  
30 agency" means a governmental agency or governmental entity  
31 which is established and operated exclusively for the purpose of  
32 providing those services to one or more educational institutions.

33       (h) Benefits shall not be paid to any individual on the basis of  
34 any services, substantially all of which consist of participating in  
35 sports or athletic events or training or preparing to so participate,  
36 for any week which commences during the period between two  
37 successive sports seasons (or similar periods) if such individual  
38 performed such services in the first of such seasons (or similar  
39 periods) and there is a reasonable assurance that such individual  
40 will perform such services in the later of such seasons (or similar  
41 periods).

42       (i) (1) Benefits shall not be paid on the basis of services  
43 performed by an alien unless such alien is an individual who was  
44 lawfully admitted for permanent residence at the time the services  
45 were performed and was lawfully present for the purpose of  
46 performing the services or otherwise was permanently residing in  
47 the United States under color of law at the time the services were  
48 performed (including an alien who is lawfully present in the United

1 States as a result of the application of the provisions of section  
2 212(d)(5) (8 U.S.C. s.1182 (d)(5)) of the Immigration and  
3 Nationality Act (8 U.S.C. s.1101 et seq.); provided that any  
4 modifications of the provisions of section 3304(a)(14) of the  
5 Federal Unemployment Tax Act [28U.S.C. s.3304 (a)(14)], (26  
6 U.S.C. s. 3304 (a) (14) as provided by Pub.L.94-566, which specify  
7 other conditions or other effective dates than stated herein for the  
8 denial of benefits based on services performed by aliens and which  
9 modifications are required to be implemented under State law as a  
10 condition for full tax credit against the tax imposed by the Federal  
11 Unemployment Tax Act, shall be deemed applicable under the  
12 provisions of this section.

13 (2) Any data or information required of individuals applying for  
14 benefits to determine whether benefits are not payable to them  
15 because of their alien status shall be uniformly required from all  
16 applicants for benefits.

17 (3) In the case of an individual whose application for benefits  
18 would otherwise be approved, no determination that benefits to such  
19 individual are not payable because of alien status shall be made  
20 except upon a preponderance of the evidence.

21 (j) Notwithstanding any other provision of this chapter, the  
22 director may, to the extent that it may be deemed efficient and  
23 economical, provide for consolidated administration by one or more  
24 representatives or deputies of claims made pursuant to subsection  
25 (f) of this section with those made pursuant to Article III (State  
26 plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110  
27 (C.43:21-25 et al.).

28 (cf: P.L.2008, c.17, s.14)

29

30 11. This act shall take effect on the 90th day after enactment.

31

32

33

#### STATEMENT

34

35 This bill is designed to encourage employers who must reduce  
36 their employees' work hours because of economic conditions to  
37 avoid layoffs by sharing the remaining work. That is achieved by  
38 permitting, under certain circumstances, a full-time employee to  
39 receive unemployment benefits when the employee's weekly work  
40 time is reduced by 10% or more. The bill also permits the  
41 employee to attend an approved training program while receiving  
42 those benefits.

43 The bill provides that an employer of at least 10 full-time non-  
44 seasonal employees may provide a shared work program if  
45 approved by the Department of Labor and Workforce Development.  
46 The program may be approved for one year with annual renewals  
47 upon request. The employer is required to sustain existing fringe  
48 benefits levels, not to hire additional part-time or full-time

1 employees; or make unreasonable revisions of workloads; to  
2 provide information needed to monitor compliance; and to certify  
3 that if a labor union represents the employees, it has agreed to the  
4 terms of the program.

5 Under an approved program, an employee is eligible for “short-  
6 time” unemployment benefits if:

7 1. The employee’s weekly work hours are reduced at least 10%  
8 from normal full-time hours;

9 2. The employee would be eligible for regular unemployment  
10 benefits during the week if the employee was entirely unemployed;  
11 and

12 3. The employee is available to work normal full-time hours.

13 Short-time weekly benefits paid to an eligible individual are  
14 equal to the individual’s weekly benefit rate multiplied by the  
15 percentage of reduction of his wages for the week. The benefits are  
16 limited to 26 weeks during a benefit year, but the weeks may be  
17 nonconsecutive. No person may receive both short-time benefits  
18 and regular unemployment benefits during the same week. The  
19 combined total of regular and short-time unemployment benefits for  
20 an employee during a benefit year is limited to the maximum  
21 amount of regular unemployment benefits allowed.

22 All short-time benefits are charged to the account of the  
23 employer that provides the shared work program.

24 The bill also requires that when the Department of Labor and  
25 Workforce Development’s response team provides information,  
26 referral and counseling at a workplace which may have mass layoffs  
27 or plant closings, it provides those services to management as well  
28 as to workers and that it provides information on shared work  
29 unemployment compensation benefit programs.

# SENATE LABOR COMMITTEE

## STATEMENT TO

### SENATE, No. 1301

# STATE OF NEW JERSEY

DATED: FEBRUARY 18, 2010

The Senate Labor Committee reports favorably Senate Bill No. 1301.

This bill is designed to encourage employers who must reduce their employees' work hours because of economic conditions to avoid layoffs by sharing the remaining work. That is achieved by permitting, under certain circumstances, a full-time employee to receive unemployment benefits when the employee's weekly work time is reduced by 10% or more. The bill also permits the employee to attend an approved training program while receiving those benefits.

The bill provides that an employer of at least 10 full-time non-seasonal employees may provide a shared work program if approved by the Department of Labor and Workforce Development. The program may be approved for one year with annual renewals upon request. The employer is required to sustain existing fringe benefits levels, not to hire additional part-time or full-time employees; or make unreasonable revisions of workloads; to provide information needed to monitor compliance; and to certify that if a labor union represents the employees, it has agreed to the terms of the program.

Under an approved program, an employee is eligible for "short-time" unemployment benefits if:

1. The employee's weekly work hours are reduced at least 10% from normal full-time hours;
2. The employee would be eligible for regular unemployment benefits during the week if the employee was entirely unemployed; and
3. The employee is available to work normal full-time hours.

Short-time weekly benefits paid to an eligible individual are equal to the individual's weekly benefit rate multiplied by the percentage of reduction of his wages for the week. The benefits are limited to 26 weeks during a benefit year, but the weeks may be nonconsecutive. No person may receive both short-time benefits and regular unemployment benefits during the same week. The combined total of regular and short-time unemployment benefits for an employee during a benefit year is limited to the maximum amount of regular unemployment benefits allowed.

All short-time benefits are charged to the account of the employer that provides the shared work program.

The bill also requires that when the Department of Labor and Workforce Development's response team provides information, referral and counseling at a workplace which may have mass layoffs or plant closings, it provides those services to management as well as to workers and that it provides information on shared work unemployment compensation benefit programs.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **SENATE, No. 1301**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 28, 2011

The Assembly Labor Committee reports favorably and with committee amendments Senate Bill No. 1301.

This bill, as amended, is designed to encourage employers who must reduce their employees' work hours because of economic conditions to avoid layoffs by sharing the remaining work. That is achieved by permitting, under certain circumstances, a full-time employee to receive unemployment benefits when the employee's weekly work time is reduced by 10% or more. The bill also permits the employee to attend an approved training program while receiving those benefits.

The bill provides that an employer of at least 10 full-time non-seasonal employees may provide a shared work program if approved by the Department of Labor and Workforce Development. The program may be approved for one year with annual renewals upon request. The employer is required to maintain existing fringe benefits levels, not to hire additional part-time or full-time employees; or make unreasonable revisions of workloads; to provide information needed to monitor compliance; and to certify that if a labor union represents the employees, it has agreed to the terms of the program.

Under an approved program, an employee is eligible for "short-time" unemployment benefits if:

1. The employee's weekly work hours are reduced at least 10% from normal full-time hours;
2. The employee would be eligible for regular unemployment benefits during the week if the employee was entirely unemployed; and
3. The employee is available to work normal full-time hours.

Short-time weekly benefits paid to an eligible individual are equal to the individual's weekly benefit rate multiplied by the percentage of reduction of his wages for the week. The benefits are limited to 26 weeks during a benefit year, but the weeks may be nonconsecutive. No person may receive both short-time benefits and regular unemployment benefits during the same week. The combined total of regular and short-time unemployment benefits for an employee during



a benefit year is limited to the maximum amount of regular unemployment benefits allowed.

All short-time benefits are charged to the account of the employer that provides the shared work program.

The bill also requires that when the Department of Labor and Workforce Development's response team provides information, referral and counseling at a workplace which may have mass layoffs or plant closings, it provides those services to management as well as to workers and that it provides information on shared work unemployment compensation benefit programs.

Finally, the bill requires the Commissioner of Labor and Workforce Development, three years after the effective date of this bill, to submit a report to the Legislature assessing the implementation of the bill's provisions and their impact on the State Unemployment Compensation Fund, evaluating the effectiveness of shared work programs approved by the division, and making any recommendations for appropriate legislative or administrative action necessary to further the purposes of this bill.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to require the Commissioner of Labor and Workforce Development, three years after the effective date of the bill, to submit a report to the Legislature assessing the implementation of the bill's provisions and their impact on the State Unemployment Compensation Fund, evaluating the effectiveness of shared work programs approved by the division, and making any recommendations for appropriate legislative or administrative action necessary to further the purposes of the bill. The amendments also include changes to the bill to make references to "short-time" benefits consistent throughout the bill. These amendments make this bill identical to Assembly Bill No. 3818 as amended and reported by the Assembly Labor Committee on November 28, 2011.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 1301**

with Assembly Floor Amendments  
(Proposed by Assemblyman MORIARTY)

ADOPTED: DECEMBER 5, 2011

These amendments revise the definitions in the bill to provide that “short-time benefits” means benefits that are intended to be in lieu of temporary layoffs. The amendments also remove certain language regarding the evaluation of applications to utilize the shared work program provided by the bill. The removal of this language is intended to ensure that the bill conforms with federal guidelines. Finally, the amendments make a technical change, as well as change the effective date of the bill to the first day of the seventh month following the date of enactment, rather than the 90th day after enactment of the bill.

# ASSEMBLY, No. 3818

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 17, 2011

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman JOHN DIMAIO**

**District 23 (Warren and Hunterdon)**

**Co-Sponsored by:**

**Assemblyman Coughlin**

**SYNOPSIS**

Provides unemployment insurance benefits for shared work programs; requires Department of Labor and Workforce Development report.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/29/2011)**

A3818 MORIARTY, DIMAIO

2

1 AN ACT concerning unemployment insurance benefits, amending  
2 P.L.2007, c.212 and R.S.43:21-4 and supplementing chapter 21  
3 of Title 43 of the Revised Statutes.

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

7  
8 1. (New section) For the purposes of this act:

9 “Division” means the Division of Unemployment and Temporary  
10 Disability Insurance of the Department of Labor and Workforce  
11 Development.

12 “Full-time hours” means not less than 30 and not more than 40  
13 hours per week.

14 “Shared work employer” means an employer who is providing a  
15 shared work program approved by the division pursuant to section 2  
16 of this act.

17 “Short-time benefits” means benefits provided pursuant to  
18 sections 1 through 9 of this act.

19  
20 2. (New section) An employer who has not less than 10  
21 employees, who are each employed for not less than 1,500 hours  
22 per year, may apply to the division for approval to provide a shared  
23 work program, the purpose of which is to stabilize the employer’s  
24 work force during a period of economic disruption by permitting the  
25 sharing of the work remaining after a reduction in total hours of  
26 work. Any subsidizing of seasonal employment during off season,  
27 of employers who traditionally use part-time employees, or of  
28 temporary part-time or intermittent employment on an ongoing  
29 basis, is contrary to the purpose of a shared work program approved  
30 pursuant to this act. The application for a shared work program  
31 shall be made according to procedures and on forms specified by  
32 the division and shall include whatever information the division  
33 requires. In deciding whether to approve the application, the  
34 division may consider the nature and size of the employer, its  
35 frequency of personnel turnover, its geographical location, and any  
36 other factors which may affect the efficacy and utility of the shared  
37 work program. The division may approve the program for a period  
38 of one year and may, upon employer request, renew the approval of  
39 the program annually. The division shall not approve an application  
40 unless the employer:

41 a. Certifies to the division that it will not hire additional part-  
42 time or full-time employees while short-time benefits are being  
43 paid;

44 b. Agrees with the division not to reduce health insurance or  
45 pension coverage, paid time off, or other benefits provided to

**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 participating employees before the application was made, or make  
2 unreasonable revisions of workforce productivity standards;

3 c. Certifies to the division that any collective bargaining agent  
4 representing the employees has entered into a written agreement  
5 with the employer regarding the terms of the program, including  
6 terms regarding attendance in training programs while receiving  
7 short-time benefits, and provides a copy of the agreement to the  
8 division; and

9 d. Agrees to provide the division with whatever information the  
10 division deems necessary to administer the shared work program  
11 and monitor compliance with all agreements and certifications  
12 required pursuant to this section.

13

14 3. (New section) The division may revoke approval of an  
15 employer's application previously granted for good cause shown,  
16 including any failure to comply with any agreement or certification  
17 required pursuant to section 2 of this act or other conduct or  
18 occurrences which the division determines to defeat the purpose,  
19 intent and effective operation of a shared work program.

20

21 4. (New section) An individual who is employed by an  
22 employer with a shared work program approved by the division  
23 shall be eligible for short-time benefits during a week if:

24 a. The individual was employed by the employer for not less  
25 than 1,500 hours during the individual's base year;

26 b. The individual works for the employer less than the  
27 individual's normal full-time hours during the week, and the  
28 employer has reduced the individual's weekly hours of work  
29 pursuant to a shared work program approved by the division  
30 pursuant to section 2 of this act;

31 c. The percentage of the reduction of the individual's work  
32 hours below the individual's normal full-time hours during a week  
33 is not less than 10%, with a corresponding reduction of wages;

34 d. The individual would be eligible for unemployment benefits  
35 other than short-time benefits during the week, if the individual was  
36 entirely unemployed during that week and applied for  
37 unemployment benefits other than short-time benefits; and

38 e. During the week, the individual is able to work and is  
39 available to work the individual's normal full-time hours for the  
40 shared work employer or is attending a training program which is in  
41 compliance with the provisions of paragraph (4) of subsection (c) of  
42 R.S.43:21-4 and the agreements and certifications required pursuant  
43 to the provisions of section 2 of this act.

44

45 5. (New section) The amount of short-time benefits paid to an  
46 eligible individual shall, for any week, be equal to the individual's  
47 weekly benefit rate multiplied by the percentage of reduction of his  
48 wages resulting from reduced hours of work. The weekly benefit

1 amount shall be rounded off to the nearest dollar. An individual  
2 shall not be paid short-time benefits in excess of 26 weeks during a  
3 benefit year, but the weeks may be nonconsecutive. An individual  
4 shall not receive short-time benefits during any benefit week in  
5 which the individual receives any other unemployment benefits.

6 Total unemployment benefits paid to an individual during any  
7 benefit year, including short-time benefits and all other  
8 unemployment benefits, shall not exceed the maximum amount to  
9 which the individual is entitled for all unemployment benefits other  
10 than short-time benefits.

11

12 6. (New section) A shared work program and payment of short-  
13 time benefits to individuals under the program shall begin with the  
14 first week following approval of an application by the division or  
15 the first week specified by the employer, whichever is later.

16

17 7. (New section) All short-time benefits paid to an individual  
18 shall be charged to the account of the shared work employer by  
19 which the individual is employed while receiving the short-time  
20 benefits. If the shared work employer is liable for payments in lieu  
21 of contributions in the case of other unemployment benefits, that  
22 employer shall be liable for payments in lieu of contributions for  
23 the entire amount of the short-time benefits paid.

24

25 8. (New section) The Commissioner of Labor and Workforce  
26 Development, three years after the effective date of this act, shall  
27 submit a report to the Legislature assessing the implementation of  
28 this act and its impact on the State Unemployment Compensation  
29 Fund, evaluating the effectiveness of shared work programs  
30 approved by the division pursuant to this act, and making any  
31 recommendations for appropriate legislative or administrative  
32 action necessary to further the purposes of this act.

33

34 9. (New section) If the United State Department of Labor finds  
35 any provision of this act to be in violation of federal law, all  
36 provisions of this act shall be inoperative.

37

38 10. Section 5 of P.L.2007, c.212 (C.34:21-5) is amended to read  
39 as follows:

40 5. a. There is established, in the Department of Labor and  
41 Workforce Development, a response team. The purpose of the  
42 response team is to provide appropriate information, referral and  
43 counseling, as rapidly as possible, to workers who are, or may be,  
44 subject to plant closings or mass layoffs, and the management of  
45 establishments where those workers are or were employed.

46 b. In the case of each transfer or termination of the operations  
47 in an establishment which results in the termination of 50 or more  
48 employees, the response team shall:

1 (1) Offer to meet with the representatives of the management of  
2 the establishment to discuss available public programs which may  
3 make it possible to delay or prevent the transfer or termination of  
4 operations, including economic development incentive and  
5 workforce development programs, shared work unemployment  
6 compensation benefit programs, and coordinated utilization of any  
7 of those programs which are applicable;

8 (2) Meet on site with workers and provide information, referral  
9 and counseling regarding:

10 (a) Available public programs which may make it possible to  
11 delay or prevent the transfer or termination of operations, including  
12 economic development incentive and workforce development  
13 programs, shared work unemployment compensation benefit  
14 programs, and coordinated utilization of any of those programs  
15 which are applicable;

16 (b) Public programs or benefits which may be available to assist  
17 the employees, including, but not limited to, unemployment  
18 compensation benefits, job training or retraining programs, and job  
19 search assistance; and

20 (c) Employee rights based on this act or any other law which  
21 applies to the employees with respect to wages, severance pay,  
22 benefits, pensions or other terms of employment as they relate to  
23 the termination of employment; and

24 (3) Seek to facilitate cooperation between representatives of the  
25 management and employees at the establishment to most effectively  
26 utilize available public programs which may make it possible to  
27 delay or prevent the transfer or termination of operations or to assist  
28 employees if it is not possible to prevent the termination.

29 (cf: P.L.2007, c.212, s.5)

30

31 11. R.S.43:21-4 is amended to read as follows:

32 43:21-4. Benefit eligibility conditions. An unemployed  
33 individual shall be eligible to receive benefits with respect to any  
34 week eligible only if:

35 (a) The individual has filed a claim at an unemployment  
36 insurance claims office and thereafter continues to report at an  
37 employment service office or unemployment insurance claims  
38 office, as directed by the division in accordance with such  
39 regulations as the division may prescribe, except that the division  
40 may, by regulation, waive or alter either or both of the requirements  
41 of this subsection as to individuals attached to regular jobs, and as  
42 to such other types of cases or situations with respect to which the  
43 division finds that compliance with such requirements would be  
44 oppressive, or would be inconsistent with the purpose of this act;  
45 provided that no such regulation shall conflict with subsection (a) of  
46 R.S.43:21-3.

47 (b) The individual has made a claim for benefits in accordance  
48 with the provisions of subsection (a) of R.S.43:21-6.

1 (c) (1) The individual is able to work, and is available for work,  
2 and has demonstrated to be actively seeking work, except as  
3 hereinafter provided in this subsection or in subsection (f) of this  
4 section.

5 (2) The director may modify the requirement of actively seeking  
6 work if such modification of this requirement is warranted by  
7 economic conditions.

8 (3) No individual, who is otherwise eligible, shall be deemed  
9 ineligible, or unavailable for work, because the individual is on  
10 vacation, without pay, during said week, if said vacation is not the  
11 result of the individual's own action as distinguished from any  
12 collective action of a collective bargaining agent or other action  
13 beyond the individual's control.

14 (4) (A) Subject to such limitations and conditions as the division  
15 may prescribe, an individual, who is otherwise eligible, shall not be  
16 deemed unavailable for work or ineligible because the individual is  
17 attending a training program approved for the individual by the  
18 division to enhance the individual's employment opportunities or  
19 because the individual failed or refused to accept work while  
20 attending such program.

21 (B) For the purpose of this paragraph (4), any training program  
22 shall be regarded as approved by the division for the individual if  
23 the program and the individual meet the following requirements:

24 (i) The training is for a labor demand occupation and is likely to  
25 enhance the individual's marketable skills and earning power,  
26 except that the training may be for an occupation other than a labor  
27 demand occupation if the individual is receiving short-term benefits  
28 pursuant to the provisions of P.L. , c. (C. ) (pending before  
29 the Legislature as this bill) and the training is necessary to prevent a  
30 likely loss of jobs;

31 (ii) The training is provided by a competent and reliable private  
32 or public entity approved by the Commissioner of Labor and  
33 Workforce Development pursuant to the provisions of section 8 of  
34 the "1992 New Jersey Employment and Workforce Development  
35 Act," P.L.1992, c.43 (C.34:15D-8);

36 (iii) The individual can reasonably be expected to complete the  
37 program, either during or after the period of benefits;

38 (iv) The training does not include on the job training or other  
39 training under which the individual is paid by an employer for work  
40 performed by the individual during the time that the individual  
41 receives benefits; and

42 (v) The individual enrolls in vocational training, remedial  
43 education or a combination of both on a full-time basis, except that  
44 the training or education may be on a part-time basis if the  
45 individual is receiving short-term benefits pursuant to the  
46 provisions of P.L. , c. (C. ) (pending before the Legislature  
47 as this bill).



1 (C) If the requirements of subparagraph (B) of this paragraph (4)  
2 are met, the division shall not withhold approval of the training  
3 program for the individual for any of the following reasons:

4 (i) The training includes remedial basic skills education  
5 necessary for the individual to successfully complete the vocational  
6 component of the training;

7 (ii) The training is provided in connection with a program under  
8 which the individual may obtain a college degree, including a post-  
9 graduate degree;

10 (iii) The length of the training period under the program; or

11 (iv) The lack of a prior guarantee of employment upon  
12 completion of the training.

13 (D) For the purpose of this paragraph (4), "labor demand  
14 occupation" means an occupation for which there is or is likely to  
15 be an excess of demand over supply for adequately trained workers,  
16 including, but not limited to, an occupation designated as a labor  
17 demand occupation by the Center for Occupational Employment  
18 Information pursuant to the provisions of subsection d. of section  
19 27 of P.L.2005, c.354 (C.34:1A-86).

20 (5) An unemployed individual, who is otherwise eligible, shall  
21 not be deemed unavailable for work or ineligible solely by reason of  
22 the individual's attendance before a court in response to a summons  
23 for service on a jury.

24 (6) An unemployed individual, who is otherwise eligible, shall  
25 not be deemed unavailable for work or ineligible solely by reason of  
26 the individual's attendance at the funeral of an immediate family  
27 member, provided that the duration of the attendance does not  
28 extend beyond a two-day period.

29 For purposes of this paragraph, "immediate family member"  
30 includes any of the following individuals: father, mother, mother-  
31 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,  
32 child, child placed by the Division of Youth and Family Services in  
33 the Department of Children and Families, sister or brother of the  
34 unemployed individual and any relatives of the unemployed  
35 individual residing in the unemployed individual's household.

36 (7) No individual, who is otherwise eligible, shall be deemed  
37 ineligible or unavailable for work with respect to any week because,  
38 during that week, the individual fails or refuses to accept work  
39 while the individual is participating on a full-time basis in self-  
40 employment assistance activities authorized by the division,  
41 whether or not the individual is receiving a self-employment  
42 allowance during that week.

43 (8) Any individual who is determined to be likely to exhaust  
44 regular benefits and need reemployment services based on  
45 information obtained by the worker profiling system shall not be  
46 eligible to receive benefits if the individual fails to participate in  
47 available reemployment services to which the individual is referred

1 by the division or in similar services, unless the division determines  
2 that:

- 3 (A) The individual has completed the reemployment services; or  
4 (B) There is justifiable cause for the failure to participate, which  
5 shall include participation in employment and training, self-  
6 employment assistance activities or other activities authorized by  
7 the division to assist reemployment or enhance the marketable skills  
8 and earning power of the individual and which shall include any  
9 other circumstance indicated pursuant to this section in which an  
10 individual is not required to be available for and actively seeking  
11 work to receive benefits.

12 (9) An unemployed individual, who is otherwise eligible, shall  
13 not be deemed unavailable for work or ineligible solely by reason of  
14 the individual's work as a board worker for a county board of  
15 elections on an election day.

16 (10) An individual who is employed by a shared work employer  
17 and is otherwise eligible for benefits shall not be deemed ineligible  
18 for short-time benefits because the individual is unavailable for  
19 work with employers other than the shared work employer, so long  
20 as;

21 (A) The individual is able to work and is available to work the  
22 individual's normal full-time hours for the shared work employer;  
23 or

24 (B) The individual is attending a training program which is in  
25 compliance with the provisions of paragraph (4) of subsection (c) of  
26 this section and the agreements and certifications required pursuant  
27 to the provisions of section 2 of P.L. , c. (C. ) (pending before  
28 the Legislature as this bill).

29 (d) With respect to any benefit year commencing before January  
30 1, 2002, the individual has been totally or partially unemployed for  
31 a waiting period of one week in the benefit year which includes that  
32 week. When benefits become payable with respect to the third  
33 consecutive week next following the waiting period, the individual  
34 shall be eligible to receive benefits as appropriate with respect to  
35 the waiting period. No week shall be counted as a week of  
36 unemployment for the purposes of this subsection:

37 (1) If benefits have been paid, or are payable with respect  
38 thereto; provided that the requirements of this paragraph shall be  
39 waived with respect to any benefits paid or payable for a waiting  
40 period as provided in this subsection;

41 (2) If it has constituted a waiting period week under the  
42 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
43 et al.);

44 (3) Unless the individual fulfills the requirements of subsections  
45 (a) and (c) of this section;

46 (4) If with respect thereto, claimant was disqualified for benefits  
47 in accordance with the provisions of subsection (d) of R.S.43:21-5.

1       The waiting period provided by this subsection shall not apply to  
2 benefit years commencing on or after January 1, 2002. An  
3 individual whose total benefit amount was reduced by the  
4 application of the waiting period to a claim which occurred on or  
5 after January 1, 2002 and before the effective date of P.L.2002,  
6 c.13, shall be permitted to file a claim for the additional benefits  
7 attributable to the waiting period in the form and manner prescribed  
8 by the division, but not later than the 180th day following the  
9 effective date of P.L.2002, c.13 unless the division determines that  
10 there is good cause for a later filing.

11       (e) (1) (Deleted by amendment, P.L.2001, c.17).

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

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

14       (4) With respect to benefit years commencing on or after  
15 January 7, 2001, except as otherwise provided in paragraph (5) of  
16 this subsection, the individual has, during his base year as defined  
17 in subsection (c) of R.S.43:21-19:

18       (A) Established at least 20 base weeks as defined in paragraphs  
19 (2) and (3) of subsection (t) of R.S.43:21-19; or

20       (B) If the individual has not met the requirements of  
21 subparagraph (A) of this paragraph (4), earned remuneration not  
22 less than an amount 1,000 times the minimum wage in effect  
23 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October  
24 1 of the calendar year preceding the calendar year in which the  
25 benefit year commences, which amount shall be adjusted to the next  
26 higher multiple of \$100 if not already a multiple thereof.

27       (5) With respect to benefit years commencing on or after  
28 January 7, 2001, notwithstanding the provisions of paragraph (4) of  
29 this subsection, an unemployed individual claiming benefits on the  
30 basis of service performed in the production and harvesting of  
31 agricultural crops shall, subject to the limitations of subsection (i)  
32 of R.S.43:21-19, be eligible to receive benefits if during his base  
33 year, as defined in subsection (c) of R.S.43:21-19, the individual:

34       (A) Has established at least 20 base weeks as defined in  
35 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

36       (B) Has earned remuneration not less than an amount 1,000  
37 times the minimum wage in effect pursuant to section 5 of  
38 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year  
39 preceding the calendar year in which the benefit year commences,  
40 which amount shall be adjusted to the next higher multiple of \$100  
41 if not already a multiple thereof; or

42       (C) Has performed at least 770 hours of service in the  
43 production and harvesting of agricultural crops.

44       (6) The individual applying for benefits in any successive  
45 benefit year has earned at least six times his previous weekly  
46 benefit amount and has had four weeks of employment since the  
47 beginning of the immediately preceding benefit year. This

1 provision shall be in addition to the earnings requirements specified  
2 in paragraph (4) or (5) of this subsection, as applicable.

3 (f) (1) The individual has suffered any accident or sickness not  
4 compensable under the workers' compensation law, R.S.34:15-1 et  
5 seq. and resulting in the individual's total disability to perform any  
6 work for remuneration, and would be eligible to receive benefits  
7 under this chapter (R.S.43:21-1 et seq.) (without regard to the  
8 maximum amount of benefits payable during any benefit year)  
9 except for the inability to work and has furnished notice and proof  
10 of claim to the division, in accordance with its rules and  
11 regulations, and payment is not precluded by the provisions of  
12 R.S.43:21-3(d); provided, however, that benefits paid under this  
13 subsection (f) shall be computed on the basis of only those base  
14 year wages earned by the claimant as a "covered individual," as  
15 defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-  
16 27); provided further that no benefits shall be payable under this  
17 subsection to any individual:

18 (A) For any period during which such individual is not under the  
19 care of a legally licensed physician, dentist, optometrist, podiatrist,  
20 practicing psychologist, advanced practice nurse, or chiropractor,  
21 who, when requested by the division, shall certify within the scope  
22 of the practitioner's practice, the disability of the individual, the  
23 probable duration thereof, and, where applicable, the medical facts  
24 within the practitioner's knowledge;

25 (B) (Deleted by amendment, P.L.1980, c.90.)

26 (C) For any period of disability due to willfully or intentionally  
27 self-inflicted injury, or to injuries sustained in the perpetration by  
28 the individual of a crime of the first, second or third degree;

29 (D) For any week with respect to which or a part of which the  
30 individual has received or is seeking benefits under any  
31 unemployment compensation or disability benefits law of any other  
32 state or of the United States; provided that if the appropriate agency  
33 of such other state or the United States finally determines that the  
34 individual is not entitled to such benefits, this disqualification shall  
35 not apply;

36 (E) For any week with respect to which or part of which the  
37 individual has received or is seeking disability benefits under the  
38 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
39 et al.);

40 (F) For any period of disability commencing while such  
41 individual is a "covered individual," as defined in subsection (b) of  
42 section 3 of the "Temporary Disability Benefits Law," P.L.1948,  
43 c.110 (C.43:21-27).

44 (2) The individual is taking family temporary disability leave to  
45 provide care for a family member with a serious health condition or  
46 to be with a child during the first 12 months after the child's birth or  
47 placement of the child for adoption with the individual, and the  
48 individual would be eligible to receive benefits under R.S.43:21-1

1 et seq. (without regard to the maximum amount of benefits payable  
2 during any benefit year) except for the individual's unavailability  
3 for work while taking the family temporary disability leave, and the  
4 individual has furnished notice and proof of claim to the division, in  
5 accordance with its rules and regulations, and payment is not  
6 precluded by the provisions of R.S.43:21-3(d) provided, however,  
7 that benefits paid under this subsection (f) shall be computed on the  
8 basis of only those base year wages earned by the claimant as a  
9 "covered individual," as defined in subsection (b) of section 3 of  
10 P.L.1948, c.110 (C.43:21-27); provided further that no benefits  
11 shall be payable under this subsection to any individual:

12 (A) For any week with respect to which or a part of which the  
13 individual has received or is seeking benefits under any  
14 unemployment compensation or disability benefits law of any other  
15 state or of the United States; provided that if the appropriate agency  
16 of such other state or the United States finally determines that the  
17 individual is not entitled to such benefits, this disqualification shall  
18 not apply;

19 (B) For any week with respect to which or part of which the  
20 individual has received or is seeking disability benefits for a  
21 disability of the individual under the "Temporary Disability  
22 Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

23 (C) For any period of family temporary disability leave  
24 commencing while the individual is a "covered individual," as  
25 defined in subsection (b) of section 3 of the "Temporary Disability  
26 Benefits Law," P.L.1948, c.110 (C.43:21-27); or

27 (D) For any period of family temporary disability leave for a  
28 serious health condition of a family member of the claimant during  
29 which the family member is not receiving inpatient care in a  
30 hospital, hospice, or residential medical care facility and is not  
31 subject to continuing medical treatment or continuing supervision  
32 by a health care provider, who, when requested by the division,  
33 shall certify within the scope of the provider's practice, the serious  
34 health condition of the family member, the probable duration  
35 thereof, and, where applicable, the medical facts within the  
36 provider's knowledge.

37 (3) Benefit payments under this subsection (f) shall be charged  
38 to and paid from the State disability benefits fund established by the  
39 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
40 et al.), and shall not be charged to any employer account in  
41 computing any employer's experience rate for contributions payable  
42 under this chapter.

43 (g) Benefits based on service in employment defined in  
44 subparagraphs (B) and (C) of R.S.43:21-19 (i)(1) shall be payable  
45 in the same amount and on the terms and subject to the same  
46 conditions as benefits payable on the basis of other service subject  
47 to the "unemployment compensation law"; except that,

1 notwithstanding any other provisions of the "unemployment  
2 compensation law":

3 (1) With respect to service performed after December 31, 1977,  
4 in an instructional research, or principal administrative capacity for  
5 an educational institution, benefits shall not be paid based on such  
6 services for any week of unemployment commencing during the  
7 period between two successive academic years, or during a similar  
8 period between two regular terms, whether or not successive, or  
9 during a period of paid sabbatical leave provided for in the  
10 individual's contract, to any individual if such individual performs  
11 such services in the first of such academic years (or terms) and if  
12 there is a contract or a reasonable assurance that such individual  
13 will perform services in any such capacity for any educational  
14 institution in the second of such academic years or terms;

15 (2) With respect to weeks of unemployment beginning after  
16 September 3, 1982, on the basis of service performed in any other  
17 capacity for an educational institution, benefits shall not be paid on  
18 the basis of such services to any individual for any week which  
19 commences during a period between two successive academic years  
20 or terms if such individual performs such services in the first of  
21 such academic years or terms and there is a reasonable assurance  
22 that such individual will perform such services in the second of  
23 such academic years or terms, except that if benefits are denied to  
24 any individual under this paragraph (2) and the individual was not  
25 offered an opportunity to perform these services for the educational  
26 institution for the second of any academic years or terms, the  
27 individual shall be entitled to a retroactive payment of benefits for  
28 each week for which the individual filed a timely claim for benefits  
29 and for which benefits were denied solely by reason of this clause;

30 (3) With respect to those services described in paragraphs (1)  
31 and (2) above, benefits shall not be paid on the basis of such  
32 services to any individual for any week which commences during  
33 an established and customary vacation period or holiday recess if  
34 such individual performs such services in the period immediately  
35 before such vacation period or holiday recess, and there is a  
36 reasonable assurance that such individual will perform such  
37 services in the period immediately following such period or holiday  
38 recess;

39 (4) With respect to any services described in paragraphs (1) and  
40 (2) above, benefits shall not be paid as specified in paragraphs (1),  
41 (2), and (3) above to any individual who performed those services  
42 in an educational institution while in the employ of an educational  
43 service agency, and for this purpose the term "educational service  
44 agency" means a governmental agency or governmental entity  
45 which is established and operated exclusively for the purpose of  
46 providing those services to one or more educational institutions.

47 (h) Benefits shall not be paid to any individual on the basis of  
48 any services, substantially all of which consist of participating in

1 sports or athletic events or training or preparing to so participate,  
2 for any week which commences during the period between two  
3 successive sports seasons (or similar periods) if such individual  
4 performed such services in the first of such seasons (or similar  
5 periods) and there is a reasonable assurance that such individual  
6 will perform such services in the later of such seasons (or similar  
7 periods).

8 (i) (1) Benefits shall not be paid on the basis of services  
9 performed by an alien unless such alien is an individual who was  
10 lawfully admitted for permanent residence at the time the services  
11 were performed and was lawfully present for the purpose of  
12 performing the services or otherwise was permanently residing in  
13 the United States under color of law at the time the services were  
14 performed (including an alien who is lawfully present in the United  
15 States as a result of the application of the provisions of section  
16 212(d)(5) (8 U.S.C. s.1182 (d)(5)) of the Immigration and  
17 Nationality Act (8 U.S.C. s.1101 et seq.); provided that any  
18 modifications of the provisions of section 3304(a)(14) of the  
19 Federal Unemployment Tax Act **[28U.S.C. s.3304 (a)(14)]**, (26  
20 U.S.C. s.3304 (a) (14) as provided by Pub.L.94-566, which specify  
21 other conditions or other effective dates than stated herein for the  
22 denial of benefits based on services performed by aliens and which  
23 modifications are required to be implemented under State law as a  
24 condition for full tax credit against the tax imposed by the Federal  
25 Unemployment Tax Act, shall be deemed applicable under the  
26 provisions of this section.

27 (2) Any data or information required of individuals applying for  
28 benefits to determine whether benefits are not payable to them  
29 because of their alien status shall be uniformly required from all  
30 applicants for benefits.

31 (3) In the case of an individual whose application for benefits  
32 would otherwise be approved, no determination that benefits to such  
33 individual are not payable because of alien status shall be made  
34 except upon a preponderance of the evidence.

35 (j) Notwithstanding any other provision of this chapter, the  
36 director may, to the extent that it may be deemed efficient and  
37 economical, provide for consolidated administration by one or more  
38 representatives or deputies of claims made pursuant to subsection  
39 (f) of this section with those made pursuant to Article III (State  
40 plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110  
41 (C.43:21-25 et al.).

42 (cf: P.L.2008, c.17, s.14)

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44 12. This act shall take effect on the 90th day after enactment.

STATEMENT

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This bill is designed to encourage employers who must reduce their employees' work hours because of economic conditions to avoid layoffs by sharing the remaining work. That is achieved by permitting, under certain circumstances, a full-time employee to receive unemployment benefits when the employee's weekly work time is reduced by 10% or more. The bill also permits the employee to attend an approved training program while receiving those benefits.

The bill provides that an employer of at least 10 full-time non-seasonal employees may provide a shared work program if approved by the Department of Labor and Workforce Development. The program may be approved for one year with annual renewals upon request. The employer is required to sustain existing fringe benefits levels, not to hire additional part-time or full-time employees; or make unreasonable revisions of workloads; to provide information needed to monitor compliance; and to certify that if a labor union represents the employees, it has agreed to the terms of the program.

Under an approved program, an employee is eligible for "short-time" unemployment benefits if:

1. The employee's weekly work hours are reduced at least 10% from normal full-time hours;
2. The employee would be eligible for regular unemployment benefits during the week if the employee was entirely unemployed; and
3. The employee is available to work normal full-time hours.

Short-time weekly benefits paid to an eligible individual are equal to the individual's weekly benefit rate multiplied by the percentage of reduction of his wages for the week. The benefits are limited to 26 weeks during a benefit year, but the weeks may be nonconsecutive. No person may receive both short-time benefits and regular unemployment benefits during the same week. The combined total of regular and short-time unemployment benefits for an employee during a benefit year is limited to the maximum amount of regular unemployment benefits allowed.

All short-time benefits are charged to the account of the employer that provides the shared work program.

The bill requires the Commissioner of Labor and Workforce Development, three years after the effective date of this bill, to submit a report to the Legislature assessing the implementation of the bill's provisions and their impact on the State Unemployment Compensation Fund, evaluating the effectiveness of shared work programs approved by the division, and making any recommendations for appropriate legislative or administrative action necessary to further the purposes of this bill.



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1       The bill also requires that when the Department of Labor and  
2 Workforce Development's response team provides information,  
3 referral and counseling at a workplace which may have mass layoffs  
4 or plant closings, it provides those services to management as well  
5 as to workers and that it provides information on shared work  
6 unemployment compensation benefit programs.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3818

with committee amendments

# STATE OF NEW JERSEY

DATED: NOVEMBER 28, 2011

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 3818.

This bill, as amended, is designed to encourage employers who must reduce their employees' work hours because of economic conditions to avoid layoffs by sharing the remaining work. That is achieved by permitting, under certain circumstances, a full-time employee to receive unemployment benefits when the employee's weekly work time is reduced by 10% or more. The bill also permits the employee to attend an approved training program while receiving those benefits.

The bill provides that an employer of at least 10 full-time non-seasonal employees may provide a shared work program if approved by the Department of Labor and Workforce Development. The program may be approved for one year with annual renewals upon request. The employer is required to maintain existing fringe benefits levels, not to hire additional part-time or full-time employees; or make unreasonable revisions of workloads; to provide information needed to monitor compliance; and to certify that if a labor union represents the employees, it has agreed to the terms of the program.

Under an approved program, an employee is eligible for "short-time" unemployment benefits if:

1. The employee's weekly work hours are reduced at least 10% from normal full-time hours;
2. The employee would be eligible for regular unemployment benefits during the week if the employee was entirely unemployed; and
3. The employee is available to work normal full-time hours.

Short-time weekly benefits paid to an eligible individual are equal to the individual's weekly benefit rate multiplied by the percentage of reduction of his wages for the week. The benefits are limited to 26 weeks during a benefit year, but the weeks may be nonconsecutive. No person may receive both short-time benefits and regular unemployment benefits during the same week. The combined total of regular and short-time unemployment benefits for an employee during

a benefit year is limited to the maximum amount of regular unemployment benefits allowed.

All short-time benefits are charged to the account of the employer that provides the shared work program.

The bill also requires that when the Department of Labor and Workforce Development's response team provides information, referral and counseling at a workplace which may have mass layoffs or plant closings, it provides those services to management as well as to workers and that it provides information on shared work unemployment compensation benefit programs.

Finally, the bill requires the Commissioner of Labor and Workforce Development, three years after the effective date of this bill, to submit a report to the Legislature assessing the implementation of the bill's provisions and their impact on the State Unemployment Compensation Fund, evaluating the effectiveness of shared work programs approved by the division, and making any recommendations for appropriate legislative or administrative action necessary to further the purposes of this bill.

COMMITTEE AMENDMENTS:

The committee amended the bill to make references to "short-time" benefits consistent throughout the bill. These amendments make this bill identical to Senate Bill No. 1301, as amended and reported by the Assembly Labor Committee on November 28, 2011.