

43:21-6

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2011 **CHAPTER:** 32

NJSA: 43:21-6 (Allows for unemployment insurance beneficiaries to file, reopen, cancel or close claims online)

BILL NO: S2498 (Substituted for A3494)

SPONSOR(S) Greenstein and others

DATE INTRODUCED: December 6, 2010

COMMITTEE: **ASSEMBLY:** ---

SENATE: Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 10, 2011

SENATE: January 10, 2011

DATE OF APPROVAL: March 1, 2011

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted)

S2498

SPONSOR'S STATEMENT: (Begins on page 7 of original bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes

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

FLOOR AMENDMENT STATEMENT:	Yes
LEGISLATIVE FISCAL ESTIMATE:	No

A3494

SPONSOR'S STATEMENT: (Begins on page 7 of original bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY: Yes	Labor Budget
	SENATE: No	
FLOOR AMENDMENT STATEMENT:	Yes	
LEGISLATIVE FISCAL ESTIMATE:	No	

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

P.L.2011, CHAPTER 32, *approved March 1, 2011*
Senate, No. 2498 (*Second Reprint*)

1 AN ACT concerning unemployment insurance benefit claims and
2 amending R.S.43:21-6.

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

6
7 1. R.S.43:21-6 is amended to read as follows:

8 43:21-6. (a) Filing. (1) Claims for benefits shall be made in
9 accordance with such regulations as the Director of the Division of
10 Unemployment and Temporary Disability Insurance of the
11 Department of Labor and Workforce Development of the State of
12 New Jersey may approve. Each employer shall post and maintain
13 on his premises printed notices of his subject status, of such design,
14 in such numbers and at such places as the director of the division
15 may determine to be necessary to give notice thereof to persons in
16 the employer's service. Each employer shall give to each individual
17 at the time he becomes unemployed a printed copy of benefit
18 instructions. Both the aforesaid notices and instructions shall be
19 supplied by the division to employers without cost to them.

20 (2) Any claimant², except for a claimant who has, for any
21 period during his base year, served in the military, worked for the
22 federal government, or worked outside the State of New Jersey,²
23 may choose to² **[file, reopen]** certify², cancel or close his claim for
24 unemployment insurance benefits¹ at any time, 24 hours a day and
25 seven days a week,¹ via the Internet on a website developed by the
26 division¹ **[**, which shall be available for use by claimants 24 hours a
27 day and seven days a week¹ **]**²; however, any claim that is certified,
28 cancelled or closed after 7:00 PM will not be processed by the
29 division until the next scheduled posting date².

30 ¹**[(3) After filing or reopening a claim for unemployment**
31 **insurance, an individual shall be required to report to the division in**
32 **order to claim completed weeks of unemployment insurance**
33 **benefits. The division shall promulgate rules and regulations**
34 **providing that all claimants may report to claim completed weeks of**
35 **unemployment benefits via a website that is available for use 24**
36 **hours a day and seven days a week. An individual shall be ineligible**
37 **for completed weeks of unemployment insurance benefits unless he**
38 **reports to the division via the website, or an alternative method of**

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:

¹Senate SBA committee amendments adopted December 20, 2010.

²Senate floor amendments adopted January 6, 2011.

1 reporting allowed by the division, within 90 days of the last day of
2 the designated benefit period.

3 For purposes of this subparagraph, a "designated benefit period"
4 is the two consecutive calendar weeks that can be claimed for
5 benefit payment and which ends on the Saturday of the second
6 week.】¹

7 (b) (1) Procedure for making initial determinations with respect
8 to benefit years commencing on or after January 1, 1953.

9 A representative or representatives designated by the director of
10 the division and hereafter referred to as a "deputy" shall promptly
11 examine the claim, and shall notify the most recent employing unit
12 and, successively as necessary, each employer in inverse
13 chronological order during the base year. Such notification shall
14 require said employing unit and employer to furnish such
15 information to the deputy as may be necessary to determine the
16 claimant's eligibility and his benefit rights with respect to the
17 employer in question.

18 In his discretion, the director may appoint special deputies to
19 make initial or subsequent determinations under subsection (f) of
20 R.S.43:21-4 and subsection (d) of R.S.43-21-5.

21 If any employer or employing unit fails to respond to the request
22 for information within 10 days after the mailing, or communicating
23 by electronic means, of such request, the deputy shall rely entirely
24 on information from other sources, including an affidavit to the best
25 of the knowledge and belief of the claimant with respect to his
26 wages and time worked. Except in the event of fraud, if it is
27 determined that any information in such affidavit is erroneous, no
28 penalty shall be imposed on the claimant.

29 The deputy shall promptly make an initial determination based
30 upon the available information. The initial determination shall
31 show the weekly benefit amount payable, the maximum duration of
32 benefits with respect to the employer to whom the determination
33 relates, and the ratio of benefits chargeable to the employer's
34 account for benefit years commencing on or after July 1, 1986, and
35 also shall show whether the claimant is ineligible or disqualified for
36 benefits under the initial determination. The claimant and the
37 employer whose account may be charged for benefits payable
38 pursuant to said determination shall be promptly notified thereof.

39 Whenever an initial determination is based upon information
40 other than that supplied by an employer because such employer
41 failed to respond to the deputy's request for information, such initial
42 determination and any subsequent determination thereunder shall be
43 incontestable by the noncomplying employer, as to any charges to
44 his employer's account because of benefits paid prior to the close of
45 the calendar week following the receipt of his reply. Such initial
46 determination shall be altered if necessary upon receipt of
47 information from the employer, and any benefits paid or payable
48 with respect to weeks occurring subsequent to the close of the

1 calendar week following the receipt of the employer's reply shall be
2 paid in accordance with such altered initial determination.

3 The deputy shall issue a separate initial benefit determination
4 with respect to each of the claimant's base year employers, starting
5 with the most recent employer and continuing as necessary in the
6 inverse chronological order of the claimant's last date of
7 employment with each such employer. If an appeal is taken from
8 an initial determination, as hereinafter provided, by any employer
9 other than the first chargeable base year employer or for benefit
10 years commencing on or after July 1, 1986, that employer from
11 whom the individual was most recently separated, then such appeal
12 shall be limited in scope to include only one or more of the
13 following matters:

14 (A) The correctness of the benefit payments authorized to be
15 made under the determination;

16 (B) Fraud in connection with the claim pursuant to which the
17 initial determination is issued; or

18 (C) The refusal of suitable work offered by the chargeable
19 employer filing the appeal;

20 (D) Gross misconduct as provided in subsection (b) of
21 R.S.43:21-5.

22 The amount of benefits payable under an initial determination
23 may be reduced or canceled if necessary to avoid payment of
24 benefits for a number of weeks in excess of the maximum specified
25 in subsection (d) of R.S.43:21-3.

26 Unless the claimant or any interested party, within seven
27 calendar days after delivery of notification of an initial
28 determination or within 10 calendar days after such notification was
29 mailed to his or their last-known address and addresses, files an
30 appeal from such decision, such decision shall be final and benefits
31 shall be paid or denied in accordance therewith, except for such
32 determinations as may be altered in benefit amounts or duration as
33 provided in this paragraph. Benefits payable for periods pending an
34 appeal and not in dispute shall be paid as such benefits accrue;
35 provided that insofar as any such appeal is or may be an appeal
36 from a determination to the effect that the claimant is disqualified
37 under the provisions of R.S.43:21-5 or any amendments thereof or
38 supplements thereto, benefits pending determination of the appeal
39 shall be withheld only for the period of disqualification as provided
40 for in said section, and notwithstanding such appeal, the benefits
41 otherwise provided by this act shall be paid for the period
42 subsequent to such period of disqualification; and provided, also,
43 that if there are two determinations of entitlement, benefits for the
44 period covered by such determinations shall be paid regardless of
45 any appeal which may thereafter be taken, but no employer's
46 account shall be charged with benefits so paid, if the decision is
47 finally reversed.

1 (2) Procedure for making initial determinations in certain cases
2 of concurrent employment, with respect to benefit years
3 commencing on or after January 1, 1953 and prior to benefit years
4 commencing on or after July 1, 1986.

5 Notwithstanding any other provisions of this Title, if an
6 individual shows to the satisfaction of the deputy that there were at
7 least 13 weeks in his base period in each of which he earned wages
8 from two or more employers totaling \$30.00 or more but in each of
9 which there was no single employer from whom he earned as much
10 as \$100.00, then such individual's claim shall be determined in
11 accordance with the special provisions of this paragraph. In such
12 case, the deputy shall determine the individual's eligibility for
13 benefits, his average weekly wage, weekly benefit rate and
14 maximum total benefits as if all his base year employers were a
15 single employer. Such determination shall apportion the liability
16 for benefit charges thereunder to the individual's several base year
17 employers so that each employer's maximum liability for charges
18 thereunder bears approximately the same relation to the maximum
19 total benefits allowed as the wages earned by the individual from
20 each employer during the base year bears to his total wages earned
21 from all employers during the base year. Such initial determination
22 shall also specify the individual's last date of employment within
23 the base year with respect to each base year employer, and such
24 employers shall be charged for benefits paid under said initial
25 determination in the inverse chronological order of such last date of
26 employment.

27 (3) Procedure for making subsequent determinations with
28 respect to benefit years commencing on or after January 1, 1953.
29 The deputy shall make determinations with respect to claims for
30 benefits thereafter in the course of the benefit year, in accordance
31 with any initial determination allowing benefits, and under which
32 benefits have not been exhausted, and each notification of a benefit
33 payment shall be a notification of an affirmative subsequent
34 determination. The allowance of benefits by the deputy on any such
35 determination, or the denial of benefits by the deputy on any such
36 determination, shall be appealable in the same manner and under
37 the same limitations as is provided in the case of initial
38 determinations.

39 (c) Appeals. Unless such appeal is withdrawn, an appeal
40 tribunal, after affording the parties reasonable opportunity for fair
41 hearing, shall affirm or modify the findings of fact and the
42 determination. The parties shall be duly notified of such tribunal's
43 decision, together with its reasons therefor, which shall be deemed
44 to be the final decision of the board of review, unless further appeal
45 is initiated pursuant to subsection (e) of this section within 10 days
46 after the date of notification or mailing of the decision for any
47 decision made on or before December 1, 2010, or within 20 days

1 after the date of notification or mailing of such decision for any
2 decision made after December 1, 2010.

3 (d) Appeal tribunals. To hear and decide disputed benefit
4 claims, including appeals from determinations with respect to
5 demands for refunds of benefits under subsection (d) of R.S.43:21-
6 16, the director with the approval of the Commissioner of Labor and
7 Workforce Development shall establish impartial appeal tribunals
8 consisting of a salaried body of examiners under the supervision of
9 a Chief Appeals Examiner, all of whom shall be appointed pursuant
10 to the provisions of Title 11A of the New Jersey Statutes, Civil
11 Service and other applicable statutes.

12 (e) Board of review. The board of review may on its own
13 motion affirm, modify, or set aside any decision of an appeal
14 tribunal on the basis of the evidence previously submitted in such
15 case, or direct the taking of additional evidence, or may permit any
16 of the parties to such decision to initiate further appeals before it.
17 The board of review shall permit such further appeal by any of the
18 parties interested in a decision of an appeal tribunal which is not
19 unanimous and from any determination which has been overruled or
20 modified by any appeal tribunal. The board of review may remove
21 to itself or transfer to another appeal tribunal the proceedings on
22 any claim pending before an appeal tribunal. Any proceedings so
23 removed to the board of review shall be heard by a quorum thereof
24 in accordance with the requirements of subsection (c) of this
25 section. The board of review shall promptly notify the interested
26 parties of its findings and decision.

27 (f) Procedure. The manner in which disputed benefit claims,
28 and appeals from determinations with respect to (1) claims for
29 benefits and (2) demands for refunds of benefits under subsection
30 (d) of R.S.43:21-16 shall be presented, the reports thereon required
31 from the claimant and from employers, and the conduct of hearings
32 and appeals shall be in accordance with rules prescribed by the
33 board of review for determining the rights of the parties, whether or
34 not such rules conform to common law or statutory rules of
35 evidence and other technical rules of procedure. A full and
36 complete record shall be kept of all proceedings in connection with
37 a disputed claim. All testimony at any hearing upon a disputed
38 claim shall be recorded, but need not be transcribed unless the
39 disputed claim is further appealed.

40 (g) Witness fees. Witnesses subpoenaed pursuant to this section
41 shall be allowed fees at a rate fixed by the director. Such fees and
42 all expenses of proceedings involving disputed claims shall be
43 deemed a part of the expense of administering this chapter
44 (R.S.43:21-1 et seq.).

45 (h) Court review. Any decision of the board of review shall
46 become final as to any party upon the mailing of a copy thereof to
47 such party or to his attorney, or upon the mailing of a copy thereof
48 to such party at his last-known address. The Division of

1 Unemployment and Temporary Disability Insurance and any party
2 to a proceeding before the board of review may secure judicial
3 review of the final decision of the board of review. Any party not
4 joining in the appeal shall be made a defendant; the board of review
5 shall be deemed to be a party to any judicial action involving the
6 review of, or appeal from, any of its decisions, and may be
7 represented in any such judicial action by any qualified attorney,
8 who may be a regular salaried employee of the board of review or
9 has been designated by it for that purpose, or, at the board of
10 review's request, by the Attorney General.

11 (i) Failure to give notice. The failure of any public officer or
12 employee at any time heretofore or hereafter to give notice of
13 determination or decision required in subsections (b), (c) and (e) of
14 this section, as originally passed or amended, shall not relieve any
15 employer's account of any charge by reason of any benefits paid,
16 unless and until that employer can show to the satisfaction of the
17 director of the division that the said benefits, in whole or in part,
18 would not have been charged or chargeable to his account had such
19 notice been given. Any determination hereunder by the director
20 shall be subject to court review.

21 (cf: P.L.2010, c.82, s.1)

22

23 2. This act shall take effect on the ²[90th] 120th² day after
24 enactment.

25

26

27

28

29 _____
30 Allows for unemployment insurance beneficiaries to file, reopen,
cancel or close claims online.

SENATE, No. 2498

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED DECEMBER 6, 2010

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator JAMES BEACH

District 6 (Camden)

SYNOPSIS

Allows for unemployment insurance beneficiaries to file, reopen, cancel or close claims online.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/21/2010)

1 AN ACT concerning unemployment insurance benefit claims and
2 amending R.S.43:21-6.

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

6
7 1. R.S.43:21-6 is amended to read as follows:

8 (a) Filing. (1) Claims for benefits shall be made in accordance
9 with such regulations as the Director of the Division of
10 Unemployment and Temporary Disability Insurance of the
11 Department of Labor and Workforce Development of the State of
12 New Jersey may approve. Each employer shall post and maintain
13 on his premises printed notices of his subject status, of such design,
14 in such numbers and at such places as the director of the division
15 may determine to be necessary to give notice thereof to persons in
16 the employer's service. Each employer shall give to each individual
17 at the time he becomes unemployed a printed copy of benefit
18 instructions. Both the aforesaid notices and instructions shall be
19 supplied by the division to employers without cost to them.

20 (2) Any claimant may choose to file, reopen, cancel or close his
21 claim for unemployment insurance benefits at any time, 24 hours a
22 day and seven days a week, via the Internet on a website developed
23 by the division.

24 (3) After filing or reopening a claim for unemployment
25 insurance, an individual shall be required to report to the division in
26 order to claim completed weeks of unemployment insurance
27 benefits. The division shall promulgate rules and regulations
28 providing that all claimants may report to claim completed weeks of
29 unemployment benefits via a website that is available for use 24
30 hours a day and seven days a week. An individual shall be
31 ineligible for completed weeks of unemployment insurance benefits
32 unless he reports to the division via the website, or an alternative
33 method of reporting allowed by the division, within 45 days of the
34 last day of the designated benefit period.

35 For purposes of this subparagraph, a "designated benefit period"
36 is the two consecutive calendar weeks that can be claimed for
37 benefit payment and which ends on the Saturday of the second
38 week.

39 (b) (1) Procedure for making initial determinations with respect
40 to benefit years commencing on or after January 1, 1953.

41 A representative or representatives designated by the director of
42 the division and hereafter referred to as a "deputy" shall promptly
43 examine the claim, and shall notify the most recent employing unit
44 and, successively as necessary, each employer in inverse
45 chronological order during the base year. Such notification shall

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 require said employing unit and employer to furnish such
2 information to the deputy as may be necessary to determine the
3 claimant's eligibility and his benefit rights with respect to the
4 employer in question.

5 In his discretion, the director may appoint special deputies to
6 make initial or subsequent determinations under subsection (f) of
7 R.S.43:21-4 and subsection (d) of R.S.43-21-5.

8 If any employer or employing unit fails to respond to the request
9 for information within 10 days after the mailing, or communicating
10 by electronic means, of such request, the deputy shall rely entirely
11 on information from other sources, including an affidavit to the best
12 of the knowledge and belief of the claimant with respect to his
13 wages and time worked. Except in the event of fraud, if it is
14 determined that any information in such affidavit is erroneous, no
15 penalty shall be imposed on the claimant.

16 The deputy shall promptly make an initial determination based
17 upon the available information. The initial determination shall
18 show the weekly benefit amount payable, the maximum duration of
19 benefits with respect to the employer to whom the determination
20 relates, and the ratio of benefits chargeable to the employer's
21 account for benefit years commencing on or after July 1, 1986, and
22 also shall show whether the claimant is ineligible or disqualified for
23 benefits under the initial determination. The claimant and the
24 employer whose account may be charged for benefits payable
25 pursuant to said determination shall be promptly notified thereof.

26 Whenever an initial determination is based upon information
27 other than that supplied by an employer because such employer
28 failed to respond to the deputy's request for information, such initial
29 determination and any subsequent determination thereunder shall be
30 incontestable by the noncomplying employer, as to any charges to
31 his employer's account because of benefits paid prior to the close of
32 the calendar week following the receipt of his reply. Such initial
33 determination shall be altered if necessary upon receipt of
34 information from the employer, and any benefits paid or payable
35 with respect to weeks occurring subsequent to the close of the
36 calendar week following the receipt of the employer's reply shall be
37 paid in accordance with such altered initial determination.

38 The deputy shall issue a separate initial benefit determination
39 with respect to each of the claimant's base year employers, starting
40 with the most recent employer and continuing as necessary in the
41 inverse chronological order of the claimant's last date of
42 employment with each such employer. If an appeal is taken from
43 an initial determination, as hereinafter provided, by any employer
44 other than the first chargeable base year employer or for benefit
45 years commencing on or after July 1, 1986, that employer from
46 whom the individual was most recently separated, then such appeal
47 shall be limited in scope to include only one or more of the
48 following matters:

1 (A) The correctness of the benefit payments authorized to be
2 made under the determination;

3 (B) Fraud in connection with the claim pursuant to which the
4 initial determination is issued; or

5 (C) The refusal of suitable work offered by the chargeable
6 employer filing the appeal;

7 (D) Gross misconduct as provided in subsection (b) of
8 R.S.43:21-5.

9 The amount of benefits payable under an initial determination
10 may be reduced or canceled if necessary to avoid payment of
11 benefits for a number of weeks in excess of the maximum specified
12 in subsection (d) of R.S.43:21-3.

13 Unless the claimant or any interested party, within seven
14 calendar days after delivery of notification of an initial
15 determination or within 10 calendar days after such notification was
16 mailed to his or their last-known address and addresses, files an
17 appeal from such decision, such decision shall be final and benefits
18 shall be paid or denied in accordance therewith, except for such
19 determinations as may be altered in benefit amounts or duration as
20 provided in this paragraph. Benefits payable for periods pending an
21 appeal and not in dispute shall be paid as such benefits accrue;
22 provided that insofar as any such appeal is or may be an appeal
23 from a determination to the effect that the claimant is disqualified
24 under the provisions of R.S.43:21-5 or any amendments thereof or
25 supplements thereto, benefits pending determination of the appeal
26 shall be withheld only for the period of disqualification as provided
27 for in said section, and notwithstanding such appeal, the benefits
28 otherwise provided by this act shall be paid for the period
29 subsequent to such period of disqualification; and provided, also,
30 that if there are two determinations of entitlement, benefits for the
31 period covered by such determinations shall be paid regardless of
32 any appeal which may thereafter be taken, but no employer's
33 account shall be charged with benefits so paid, if the decision is
34 finally reversed.

35 (2) Procedure for making initial determinations in certain cases
36 of concurrent employment, with respect to benefit years
37 commencing on or after January 1, 1953 and prior to benefit years
38 commencing on or after July 1, 1986.

39 Notwithstanding any other provisions of this Title, if an
40 individual shows to the satisfaction of the deputy that there were at
41 least 13 weeks in his base period in each of which he earned wages
42 from two or more employers totaling \$30.00 or more but in each of
43 which there was no single employer from whom he earned as much
44 as \$100.00, then such individual's claim shall be determined in
45 accordance with the special provisions of this paragraph. In such
46 case, the deputy shall determine the individual's eligibility for
47 benefits, his average weekly wage, weekly benefit rate and
48 maximum total benefits as if all his base year employers were a

1 single employer. Such determination shall apportion the liability
2 for benefit charges thereunder to the individual's several base year
3 employers so that each employer's maximum liability for charges
4 thereunder bears approximately the same relation to the maximum
5 total benefits allowed as the wages earned by the individual from
6 each employer during the base year bears to his total wages earned
7 from all employers during the base year. Such initial determination
8 shall also specify the individual's last date of employment within
9 the base year with respect to each base year employer, and such
10 employers shall be charged for benefits paid under said initial
11 determination in the inverse chronological order of such last date of
12 employment.

13 (3) Procedure for making subsequent determinations with
14 respect to benefit years commencing on or after January 1, 1953.
15 The deputy shall make determinations with respect to claims for
16 benefits thereafter in the course of the benefit year, in accordance
17 with any initial determination allowing benefits, and under which
18 benefits have not been exhausted, and each notification of a benefit
19 payment shall be a notification of an affirmative subsequent
20 determination. The allowance of benefits by the deputy on any such
21 determination, or the denial of benefits by the deputy on any such
22 determination, shall be appealable in the same manner and under
23 the same limitations as is provided in the case of initial
24 determinations.

25 (c) Appeals. Unless such appeal is withdrawn, an appeal
26 tribunal, after affording the parties reasonable opportunity for fair
27 hearing, shall affirm or modify the findings of fact and the
28 determination. The parties shall be duly notified of such tribunal's
29 decision, together with its reasons therefor, which shall be deemed
30 to be the final decision of the board of review, unless further appeal
31 is initiated pursuant to subsection (e) of this section within 10 days
32 after the date of notification or mailing of the decision for any
33 decision made on or before December 1, 2010, or within 20 days
34 after the date of notification or mailing of such decision for any
35 decision made after December 1, 2010.

36 (d) Appeal tribunals. To hear and decide disputed benefit
37 claims, including appeals from determinations with respect to
38 demands for refunds of benefits under subsection (d) of R.S.43:21-
39 16, the director with the approval of the Commissioner of Labor and
40 Workforce Development shall establish impartial appeal tribunals
41 consisting of a salaried body of examiners under the supervision of
42 a Chief Appeals Examiner, all of whom shall be appointed pursuant
43 to the provisions of Title 11A of the New Jersey Statutes, Civil
44 Service and other applicable statutes.

45 (e) Board of review. The board of review may on its own
46 motion affirm, modify, or set aside any decision of an appeal
47 tribunal on the basis of the evidence previously submitted in such
48 case, or direct the taking of additional evidence, or may permit any

1 of the parties to such decision to initiate further appeals before it.
2 The board of review shall permit such further appeal by any of the
3 parties interested in a decision of an appeal tribunal which is not
4 unanimous and from any determination which has been overruled or
5 modified by any appeal tribunal. The board of review may remove
6 to itself or transfer to another appeal tribunal the proceedings on
7 any claim pending before an appeal tribunal. Any proceedings so
8 removed to the board of review shall be heard by a quorum thereof
9 in accordance with the requirements of subsection (c) of this
10 section. The board of review shall promptly notify the interested
11 parties of its findings and decision.

12 (f) Procedure. The manner in which disputed benefit claims,
13 and appeals from determinations with respect to (1) claims for
14 benefits and (2) demands for refunds of benefits under subsection
15 (d) of R.S.43:21-16 shall be presented, the reports thereon required
16 from the claimant and from employers, and the conduct of hearings
17 and appeals shall be in accordance with rules prescribed by the
18 board of review for determining the rights of the parties, whether or
19 not such rules conform to common law or statutory rules of
20 evidence and other technical rules of procedure. A full and
21 complete record shall be kept of all proceedings in connection with
22 a disputed claim. All testimony at any hearing upon a disputed
23 claim shall be recorded, but need not be transcribed unless the
24 disputed claim is further appealed.

25 (g) Witness fees. Witnesses subpoenaed pursuant to this section
26 shall be allowed fees at a rate fixed by the director. Such fees and
27 all expenses of proceedings involving disputed claims shall be
28 deemed a part of the expense of administering this chapter
29 (R.S.43:21-1 et seq.).

30 (h) Court review. Any decision of the board of review shall
31 become final as to any party upon the mailing of a copy thereof to
32 such party or to his attorney, or upon the mailing of a copy thereof
33 to such party at his last-known address. The Division of
34 Unemployment and Temporary Disability Insurance and any party
35 to a proceeding before the board of review may secure judicial
36 review of the final decision of the board of review. Any party not
37 joining in the appeal shall be made a defendant; the board of review
38 shall be deemed to be a party to any judicial action involving the
39 review of, or appeal from, any of its decisions, and may be
40 represented in any such judicial action by any qualified attorney,
41 who may be a regular salaried employee of the board of review or
42 has been designated by it for that purpose, or, at the board of
43 review's request, by the Attorney General.

44 (i) Failure to give notice. The failure of any public officer or
45 employee at any time heretofore or hereafter to give notice of
46 determination or decision required in subsections (b), (c) and (e) of
47 this section, as originally passed or amended, shall not relieve any
48 employer's account of any charge by reason of any benefits paid,

1 unless and until that employer can show to the satisfaction of the
2 director of the division that the said benefits, in whole or in part,
3 would not have been charged or chargeable to his account had such
4 notice been given. Any determination hereunder by the director
5 shall be subject to court review.

6 (cf: P.L.2010, c.82, s.1)

7

8 2. This act shall take effect on the 90th day after enactment.

9

10

11

STATEMENT

12

13 This bill allows for any individual to file, reopen, cancel or close
14 his claim for unemployment insurance (UI) benefits online. The bill
15 requires the Director of the Division of Unemployment and
16 Temporary Disability Insurance of the Department of Labor and
17 Workforce Development to develop a website for the purpose of
18 filing, reopening, cancelling or closing a claim for benefits. The
19 website must be available for use by claimants at any time, 24 hours
20 a day and seven days a week.

21 Currently, only UI beneficiaries who wish to file or reopen a
22 claim may choose to do so online. However, to cancel or close a
23 claim for benefits, the claimant must make an appointment to speak
24 to a representative of the division, which may take several days, or
25 possibly weeks. This delay keeps claims open longer than is needed
26 and may result in unnecessary, unintentional or mistaken UI benefit
27 payments. Further, many UI beneficiaries are excluded from using
28 an online method of filing or reopening a claim. For example,
29 individuals who are claiming extended benefits or have served in
30 the military are currently ineligible to file or reopen a claim online.

31 The bill also requires individuals to report to the division in
32 order to claim completed weeks of UI benefits, after they have filed
33 an unemployment insurance claim. The bill provides that all
34 claimants may report to claim completed weeks of unemployment
35 benefits via a website that is available 24 hours a day and seven
36 days a week. Currently, according to N.J.A.C.12:17-4.3, an
37 individual is ineligible for benefits unless he reports to the division
38 via a website, or an alternative method of reporting prescribed by
39 the division, during the assigned week as determined by the
40 division, or within 21 calendar days of the last day of the designated
41 benefit period. This bill provides that a claimant may report to the
42 division to claim benefits via a website, or an alternative method of
43 reporting allowed by the division, within 45 days of the last day of
44 the designated benefit period. For purposes of the bill, "designated
45 benefit period" means the two consecutive calendar weeks that can
46 be claimed for benefit payment and which ends on the Saturday of
47 the second week.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2498

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2010

The Senate Budget and Appropriations committee reports favorably Senate Bill No. 2498, with committee amendments.

The bill allows for any individual to file, reopen, cancel or close the individual's claim for unemployment insurance (UI) benefits online. The bill requires the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development to develop a website for the purpose of filing, reopening, cancelling or closing a claim for benefits by claimants at any time, 24 hours a day and seven days a week.

Currently, only UI beneficiaries who wish to file or reopen a claim may choose to do so online. However, to cancel or close a claim for benefits, the claimant must make an appointment to speak to a representative of the division, which may take several days, or possibly weeks. This delay keeps claims open longer than is needed and may result in unnecessary, unintentional or mistaken UI benefit payments. Further, many UI beneficiaries are excluded from using an online method of filing or reopening a claim. For example, individuals who are claiming extended benefits or have served in the military are currently ineligible to file or reopen a claim online.

This bill is identical to Assembly Bill No. 3494 (2R).

COMMITTEE AMENDMENTS:

The amendments omit provisions from the bill that would have otherwise required:

- an individual report to the Division of Unemployment and Temporary Disability Insurance after filing or reopening a UI claim, in order to claim completed weeks of UI benefits;
- the division to provide a website, available for use 24 hours a day and seven days a week, that all claimants may use to report to claim completed weeks of benefits; and
- an individual to be ineligible for benefits unless the individual reports to the division via a website, or an alternative method of reporting allowed by the division, within 90 days of the last day of the designated benefit period.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

STATEMENT TO
[First Reprint]
SENATE, No. 2498

with Senate Floor Amendments
(Proposed by Senator GREENSTEIN)

ADOPTED: JANUARY 6, 2011

Currently, the bill provides that claimants may access a UI claims website, developed by the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development, 24 hours a day and seven days a week. This amendment provides that any claim completed on the website after 7:00 PM will not be processed until the next scheduled posting date.

The amendment also removes the provision that a claimant may use the website to “file” or “reopen” a claim, and adds the provision that a claimant may use the website to “certify” a claim. This is to clarify that the purpose of this bill is to provide increased Internet access to claimants that are certifying their completed weeks of unemployment in order to collect their unemployment benefits, which is different from filing an initial claim for unemployment insurance. A claimant currently has the ability to “file” a claim for unemployment insurance on the Internet 24 hours a day and seven days a week.

The amendment prohibits a claimant who has, for any period during his base year, served in the military, worked for the federal government, or worked outside the State of New Jersey from using the UI claims website.

Finally, the amendment changes the effective date of the bill from the 90th day to the 120th day after enactment.

ASSEMBLY, No. 3494

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 15, 2010

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman CELESTE M. RILEY

District 3 (Salem, Cumberland and Gloucester)

Assemblyman PETER J. BARNES, III

District 18 (Middlesex)

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Assemblywoman NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

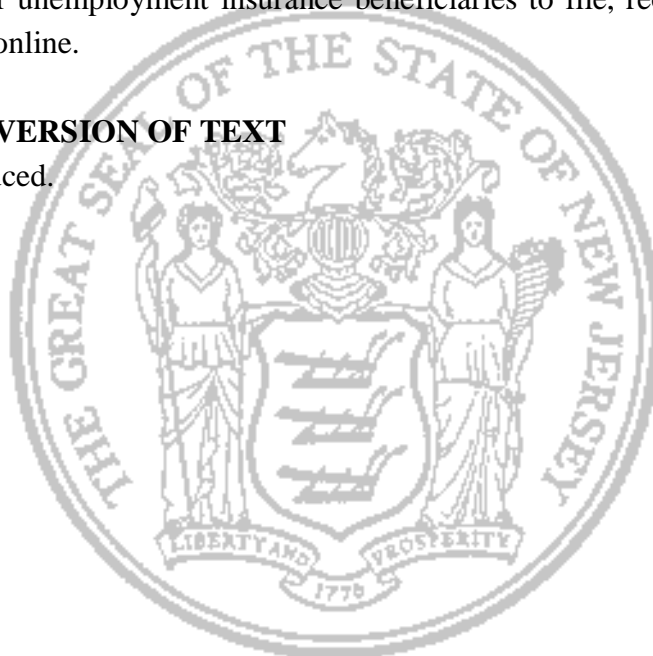
Assemblywoman Evans and Assemblyman Albano

SYNOPSIS

Allows for unemployment insurance beneficiaries to file, reopen, cancel or close claims online.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/16/2010)

1 AN ACT concerning unemployment insurance benefit claims and
2 amending R.S.43:21-6.

3

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

6

7 1. R.S.43:21-6 is amended to read as follows:

8 (a) Filing. (1) Claims for benefits shall be made in accordance
9 with such regulations as the Director of the Division of
10 Unemployment and Temporary Disability Insurance of the
11 Department of Labor and Workforce Development of the State of
12 New Jersey may approve. Each employer shall post and maintain
13 on his premises printed notices of his subject status, of such design,
14 in such numbers and at such places as the director of the division
15 may determine to be necessary to give notice thereof to persons in
16 the employer's service. Each employer shall give to each individual
17 at the time he becomes unemployed a printed copy of benefit
18 instructions. Both the aforesaid notices and instructions shall be
19 supplied by the division to employers without cost to them.

20 (2) Any claimant may choose to file, reopen, cancel or close his
21 claim for unemployment insurance benefits via the Internet on a
22 website developed by the division, which shall be available for use
23 by claimants 24 hours a day and seven days a week.

24 (3) After filing or reopening a claim for unemployment
25 insurance, an individual shall be required to report to the division in
26 order to claim completed weeks of unemployment insurance
27 benefits. The division shall promulgate rules and regulations
28 providing that all claimants may report to claim completed weeks of
29 unemployment benefits via a website that is available for use 24
30 hours a day and seven days a week. An individual shall be ineligible
31 for completed weeks of unemployment insurance benefits unless he
32 reports to the division via the website, or an alternative method of
33 reporting allowed by the division, within 90 days of the last day of
34 the designated benefit period.

35 For purposes of this subparagraph, a "designated benefit period"
36 is the two consecutive calendar weeks that can be claimed for
37 benefit payment and which ends on the Saturday of the second
38 week.

39 (b) (1) Procedure for making initial determinations with respect
40 to benefit years commencing on or after January 1, 1953.

41 A representative or representatives designated by the director of
42 the division and hereafter referred to as a "deputy" shall promptly
43 examine the claim, and shall notify the most recent employing unit
44 and, successively as necessary, each employer in inverse
45 chronological order during the base year. Such notification shall

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 require said employing unit and employer to furnish such
2 information to the deputy as may be necessary to determine the
3 claimant's eligibility and his benefit rights with respect to the
4 employer in question.

5 In his discretion, the director may appoint special deputies to
6 make initial or subsequent determinations under subsection (f) of
7 R.S.43:21-4 and subsection (d) of R.S.43-21-5.

8 If any employer or employing unit fails to respond to the request
9 for information within 10 days after the mailing, or communicating
10 by electronic means, of such request, the deputy shall rely entirely
11 on information from other sources, including an affidavit to the best
12 of the knowledge and belief of the claimant with respect to his
13 wages and time worked. Except in the event of fraud, if it is
14 determined that any information in such affidavit is erroneous, no
15 penalty shall be imposed on the claimant.

16 The deputy shall promptly make an initial determination based
17 upon the available information. The initial determination shall
18 show the weekly benefit amount payable, the maximum duration of
19 benefits with respect to the employer to whom the determination
20 relates, and the ratio of benefits chargeable to the employer's
21 account for benefit years commencing on or after July 1, 1986, and
22 also shall show whether the claimant is ineligible or disqualified for
23 benefits under the initial determination. The claimant and the
24 employer whose account may be charged for benefits payable
25 pursuant to said determination shall be promptly notified thereof.

26 Whenever an initial determination is based upon information
27 other than that supplied by an employer because such employer
28 failed to respond to the deputy's request for information, such initial
29 determination and any subsequent determination thereunder shall be
30 incontestable by the noncomplying employer, as to any charges to
31 his employer's account because of benefits paid prior to the close of
32 the calendar week following the receipt of his reply. Such initial
33 determination shall be altered if necessary upon receipt of
34 information from the employer, and any benefits paid or payable
35 with respect to weeks occurring subsequent to the close of the
36 calendar week following the receipt of the employer's reply shall be
37 paid in accordance with such altered initial determination.

38 The deputy shall issue a separate initial benefit determination
39 with respect to each of the claimant's base year employers, starting
40 with the most recent employer and continuing as necessary in the
41 inverse chronological order of the claimant's last date of
42 employment with each such employer. If an appeal is taken from
43 an initial determination, as hereinafter provided, by any employer
44 other than the first chargeable base year employer or for benefit
45 years commencing on or after July 1, 1986, that employer from
46 whom the individual was most recently separated, then such appeal
47 shall be limited in scope to include only one or more of the
48 following matters:

1 (A) The correctness of the benefit payments authorized to be
2 made under the determination;

3 (B) Fraud in connection with the claim pursuant to which the
4 initial determination is issued; or

5 (C) The refusal of suitable work offered by the chargeable
6 employer filing the appeal;

7 (D) Gross misconduct as provided in subsection (b) of
8 R.S.43:21-5.

9 The amount of benefits payable under an initial determination
10 may be reduced or canceled if necessary to avoid payment of
11 benefits for a number of weeks in excess of the maximum specified
12 in subsection (d) of R.S.43:21-3.

13 Unless the claimant or any interested party, within seven
14 calendar days after delivery of notification of an initial
15 determination or within 10 calendar days after such notification was
16 mailed to his or their last-known address and addresses, files an
17 appeal from such decision, such decision shall be final and benefits
18 shall be paid or denied in accordance therewith, except for such
19 determinations as may be altered in benefit amounts or duration as
20 provided in this paragraph. Benefits payable for periods pending an
21 appeal and not in dispute shall be paid as such benefits accrue;
22 provided that insofar as any such appeal is or may be an appeal
23 from a determination to the effect that the claimant is disqualified
24 under the provisions of R.S.43:21-5 or any amendments thereof or
25 supplements thereto, benefits pending determination of the appeal
26 shall be withheld only for the period of disqualification as provided
27 for in said section, and notwithstanding such appeal, the benefits
28 otherwise provided by this act shall be paid for the period
29 subsequent to such period of disqualification; and provided, also,
30 that if there are two determinations of entitlement, benefits for the
31 period covered by such determinations shall be paid regardless of
32 any appeal which may thereafter be taken, but no employer's
33 account shall be charged with benefits so paid, if the decision is
34 finally reversed.

35 (2) Procedure for making initial determinations in certain cases
36 of concurrent employment, with respect to benefit years
37 commencing on or after January 1, 1953 and prior to benefit years
38 commencing on or after July 1, 1986.

39 Notwithstanding any other provisions of this Title, if an
40 individual shows to the satisfaction of the deputy that there were at
41 least 13 weeks in his base period in each of which he earned wages
42 from two or more employers totaling \$30.00 or more but in each of
43 which there was no single employer from whom he earned as much
44 as \$100.00, then such individual's claim shall be determined in
45 accordance with the special provisions of this paragraph. In such
46 case, the deputy shall determine the individual's eligibility for
47 benefits, his average weekly wage, weekly benefit rate and
48 maximum total benefits as if all his base year employers were a

1 single employer. Such determination shall apportion the liability
2 for benefit charges thereunder to the individual's several base year
3 employers so that each employer's maximum liability for charges
4 thereunder bears approximately the same relation to the maximum
5 total benefits allowed as the wages earned by the individual from
6 each employer during the base year bears to his total wages earned
7 from all employers during the base year. Such initial determination
8 shall also specify the individual's last date of employment within
9 the base year with respect to each base year employer, and such
10 employers shall be charged for benefits paid under said initial
11 determination in the inverse chronological order of such last date of
12 employment.

13 (3) Procedure for making subsequent determinations with
14 respect to benefit years commencing on or after January 1, 1953.
15 The deputy shall make determinations with respect to claims for
16 benefits thereafter in the course of the benefit year, in accordance
17 with any initial determination allowing benefits, and under which
18 benefits have not been exhausted, and each notification of a benefit
19 payment shall be a notification of an affirmative subsequent
20 determination. The allowance of benefits by the deputy on any such
21 determination, or the denial of benefits by the deputy on any such
22 determination, shall be appealable in the same manner and under
23 the same limitations as is provided in the case of initial
24 determinations.

25 (c) Appeals. Unless such appeal is withdrawn, an appeal
26 tribunal, after affording the parties reasonable opportunity for fair
27 hearing, shall affirm or modify the findings of fact and the
28 determination. The parties shall be duly notified of such tribunal's
29 decision, together with its reasons therefor, which shall be deemed
30 to be the final decision of the board of review, unless further appeal
31 is initiated pursuant to subsection (e) of this section within 10 days
32 after the date of notification or mailing of the decision for any
33 decision made on or before December 1, 2010, or within 20 days
34 after the date of notification or mailing of such decision for any
35 decision made after December 1, 2010.

36 (d) Appeal tribunals. To hear and decide disputed benefit
37 claims, including appeals from determinations with respect to
38 demands for refunds of benefits under subsection (d) of R.S.43:21-
39 16, the director with the approval of the Commissioner of Labor and
40 Workforce Development shall establish impartial appeal tribunals
41 consisting of a salaried body of examiners under the supervision of
42 a Chief Appeals Examiner, all of whom shall be appointed pursuant
43 to the provisions of Title 11A of the New Jersey Statutes, Civil
44 Service and other applicable statutes.

45 (e) Board of review. The board of review may on its own
46 motion affirm, modify, or set aside any decision of an appeal
47 tribunal on the basis of the evidence previously submitted in such
48 case, or direct the taking of additional evidence, or may permit any

1 of the parties to such decision to initiate further appeals before it.
2 The board of review shall permit such further appeal by any of the
3 parties interested in a decision of an appeal tribunal which is not
4 unanimous and from any determination which has been overruled or
5 modified by any appeal tribunal. The board of review may remove
6 to itself or transfer to another appeal tribunal the proceedings on
7 any claim pending before an appeal tribunal. Any proceedings so
8 removed to the board of review shall be heard by a quorum thereof
9 in accordance with the requirements of subsection (c) of this
10 section. The board of review shall promptly notify the interested
11 parties of its findings and decision.

12 (f) Procedure. The manner in which disputed benefit claims,
13 and appeals from determinations with respect to (1) claims for
14 benefits and (2) demands for refunds of benefits under subsection
15 (d) of R.S.43:21-16 shall be presented, the reports thereon required
16 from the claimant and from employers, and the conduct of hearings
17 and appeals shall be in accordance with rules prescribed by the
18 board of review for determining the rights of the parties, whether or
19 not such rules conform to common law or statutory rules of
20 evidence and other technical rules of procedure. A full and
21 complete record shall be kept of all proceedings in connection with
22 a disputed claim. All testimony at any hearing upon a disputed
23 claim shall be recorded, but need not be transcribed unless the
24 disputed claim is further appealed.

25 (g) Witness fees. Witnesses subpoenaed pursuant to this section
26 shall be allowed fees at a rate fixed by the director. Such fees and
27 all expenses of proceedings involving disputed claims shall be
28 deemed a part of the expense of administering this chapter
29 (R.S.43:21-1 et seq.).

30 (h) Court review. Any decision of the board of review shall
31 become final as to any party upon the mailing of a copy thereof to
32 such party or to his attorney, or upon the mailing of a copy thereof
33 to such party at his last-known address. The Division of
34 Unemployment and Temporary Disability Insurance and any party
35 to a proceeding before the board of review may secure judicial
36 review of the final decision of the board of review. Any party not
37 joining in the appeal shall be made a defendant; the board of review
38 shall be deemed to be a party to any judicial action involving the
39 review of, or appeal from, any of its decisions, and may be
40 represented in any such judicial action by any qualified attorney,
41 who may be a regular salaried employee of the board of review or
42 has been designated by it for that purpose, or, at the board of
43 review's request, by the Attorney General.

44 (i) Failure to give notice. The failure of any public officer or
45 employee at any time heretofore or hereafter to give notice of
46 determination or decision required in subsections (b), (c) and (e) of
47 this section, as originally passed or amended, shall not relieve any
48 employer's account of any charge by reason of any benefits paid,

1 unless and until that employer can show to the satisfaction of the
2 director of the division that the said benefits, in whole or in part,
3 would not have been charged or chargeable to his account had such
4 notice been given. Any determination hereunder by the director
5 shall be subject to court review.

6 (cf: P.L.2010, c.82, s.1)

7

8 2. This act shall take effect on the 90th day after enactment.

9

10

11

STATEMENT

12

13 This bill allows for any individual to file, reopen, cancel or close
14 his claim for unemployment insurance (UI) benefits online. The bill
15 requires the Director of the Division of Unemployment Insurance of
16 the Department of Labor and Workforce Development to develop a
17 website for the purpose of filing, reopening, cancelling or closing a
18 claim for benefits. The website must be available for use by
19 claimants 24 hours a day and seven days a week.

20 Currently, only UI beneficiaries who wish to file or reopen a
21 claim may choose to do so online. However, to cancel or close a
22 claim for benefits, the claimant must make an appointment to speak
23 to a representative of the division, which may take several days, or
24 possibly weeks. This delay keeps claims open longer than is needed
25 and may result in unnecessary, unintentional or mistaken UI benefit
26 payments. Further, many UI beneficiaries are excluded from using
27 an online method of filing or reopening a claim. For example,
28 individuals who are claiming extended benefits or have served in
29 the military are ineligible to file or reopen a claim online.

30 The bill also requires individuals to report to the division in
31 order to claim completed weeks of UI benefits, after they have filed
32 an unemployment insurance claim. The bill provides that all
33 claimants may report to claim completed weeks of unemployment
34 benefits via a website that is available 24 hours a day and seven
35 days a week. Currently, according to N.J.A.C.12:17-4.3, an
36 individual is ineligible for benefits unless he reports to the division
37 via a website, or an alternative method of reporting prescribed by
38 the division, during the assigned week as determined by the
39 division, or within 21 calendar days of the last day of the designated
40 benefit period.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3494

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2010

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 3494.

As amended by the committee, this bill allows for any individual to file, reopen, cancel or close his claim for unemployment insurance (UI) benefits online. The bill requires the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development to develop a website for the purpose of filing, reopening, cancelling or closing a claim for benefits. The website must be available for use by claimants at any time, 24 hours a day and seven days a week.

Currently, only UI beneficiaries who wish to file or reopen a claim may choose to do so online. However, to cancel or close a claim for benefits, the claimant must make an appointment to speak to a representative of the division, which may take several days, or possibly weeks. This delay keeps claims open longer than is needed and may result in unnecessary, unintentional or mistaken UI benefit payments. Further, many UI beneficiaries are excluded from using an online method of filing or reopening a claim. For example, individuals who are claiming extended benefits or have served in the military are currently ineligible to file or reopen a claim online.

The bill also requires individuals to report to the division in order to claim completed weeks of UI benefits, after they have filed an unemployment insurance claim. The bill provides that all claimants may report to claim completed weeks of unemployment benefits via a website that is available 24 hours a day and seven days a week. Currently, according to N.J.A.C.12:17-4.3, an individual is ineligible for benefits unless he reports to the division via a website, or an alternative method of reporting prescribed by the division, during the assigned week as determined by the division, or within 21 calendar days of the last day of the designated benefit period. This bill provides that a claimant may report to the division to claim benefits via a website, or an alternative method of reporting allowed by the division, within 45 days of the last day of the designated benefit period. For purposes of the bill, "designated benefit period" means the two

consecutive calendar weeks that can be claimed for benefit payment and which ends on the Saturday of the second week.

COMMITTEE AMENDMENTS

1) Clarify that any claimant who chooses to file, reopen, cancel or close his claim for UI benefits may do so at *any* time, 24 hours a day and seven days a week, via the Internet on a website developed by the division; and

2) Reduce the maximum number of days within which a claimant may report to the division in order to claim completed weeks of UI benefits from 90 to 45 days.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3494

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2010

The Assembly Budget Committee reports favorably Assembly Bill No. 3494 (1R) with committee amendments.

Assembly Bill No. 3494 (1R), as amended, allows for any individual to file, reopen, cancel or close the individual's claim for unemployment insurance (UI) benefits online. The bill requires the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development to develop a website for the purpose of filing, reopening, cancelling or closing a claim for benefits by claimants at any time, 24 hours a day and seven days a week.

Currently, only UI beneficiaries who wish to file or reopen a claim may choose to do so online. However, to cancel or close a claim for benefits, the claimant must make an appointment to speak to a representative of the division, which may take several days, or possibly weeks. This delay keeps claims open longer than is needed and may result in unnecessary, unintentional or mistaken UI benefit payments. Further, many UI beneficiaries are excluded from using an online method of filing or reopening a claim. For example, individuals who are claiming extended benefits or have served in the military are currently ineligible to file or reopen a claim online.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments omit provisions from the bill that would have otherwise required that

- an individual report to the Division of Unemployment and Temporary Disability Insurance after filing or reopening a UI claim, in order to claim completed weeks of UI benefits;

- the division provide a website, available for use 24 hours a day and seven days a week, that all claimants may use to report to claim completed weeks of benefits; and

- an individual be ineligible for benefits unless the individual reports to the division via a website, or an alternative method of reporting allowed by the division, within 45 days of the last day of the designated benefit period.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 3494

with Assembly Floor Amendments
(Proposed by Assemblyman DEANGELO)

ADOPTED: JANUARY 6, 2011

Currently, the bill provides that claimants may access a UI claims website, developed by the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development, 24 hours a day and seven days a week. This amendment provides that any claim completed on the website after 7:00 PM will not be processed until the next scheduled posting date.

The amendment also removes the provision that a claimant may use the website to “file” or “reopen” a claim, and adds the provision that a claimant may use the website to “certify” a claim. This is to clarify that the purpose of this bill is to provide increased Internet access to claimants that are certifying their completed weeks of unemployment in order to collect their unemployment benefits, which is different from filing an initial claim for unemployment insurance. A claimant currently has the ability to “file” a claim for unemployment insurance on the Internet 24 hours a day and seven days a week.

The amendment prohibits a claimant who has, for any period during his base year, served in the military, worked for the federal government, or worked outside the State of New Jersey from using the UI claims website.

Finally, the amendment changes the effective date of the bill from the 90th day to the 120th day after enactment.