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**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 1999, CHAPTER 391, *approved January 18, 2000*  
Senate, No. 869 (*First Reprint*)

1 **AN ACT** concerning unemployment compensation for certain victims  
2 of domestic violence and amending R.S.43:21-5.

3

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

6

7 1. R.S.43:21-5 is amended to read as follows:

8 43:21-5. Disqualification for benefits

9 An individual shall be disqualified for benefits:

10 (a) For the week in which the individual has left work voluntarily  
11 without good cause attributable to such work, and for each week  
12 thereafter until the individual becomes reemployed and works four  
13 weeks in employment, which may include employment for the federal  
14 government, and has earned in employment at least six times the  
15 individual's weekly benefit rate, as determined in each case. This  
16 subsection shall apply to any individual seeking unemployment benefits  
17 on the basis of employment in the production and harvesting of  
18 agricultural crops, including any individual who was employed in the  
19 production and harvesting of agricultural crops on a contract basis and  
20 who has refused an offer of continuing work with that employer  
21 following the completion of the minimum period of work required to  
22 fulfill the contract.

23 (b) For the week in which the individual has been suspended or  
24 discharged for misconduct connected with the work, and for the five  
25 weeks which immediately follow that week (in addition to the waiting  
26 period), as determined in each case. In the event the discharge should  
27 be rescinded by the employer voluntarily or as a result of mediation or  
28 arbitration, this subsection (b) shall not apply, provided, however, an  
29 individual who is restored to employment with back pay shall return  
30 any benefits received under this chapter for any week of  
31 unemployment for which the individual is subsequently compensated  
32 by the employer.

33 If the discharge was for gross misconduct connected with the work  
34 because of the commission of an act punishable as a crime of the first,  
35 second, third or fourth degree under the "New Jersey Code of Criminal  
36 Justice," N.J.S.2C:1-1 et seq., the individual shall be disqualified in  
37 accordance with the disqualification prescribed in subsection (a) of this  
38 section and no benefit rights shall accrue to any individual based upon  
39 wages from that employer for services rendered prior to the day upon  
40 which the individual was discharged.

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Senate SWF committee amendments adopted May 20, 1999.

1 The director shall insure that any appeal of a determination holding  
2 the individual disqualified for gross misconduct in connection with the  
3 work shall be expeditiously processed by the appeal tribunal.

4 (c) If it is found that the individual has failed, without good cause,  
5 either to apply for available, suitable work when so directed by the  
6 employment office or the director or to accept suitable work when it  
7 is offered, or to return to the individual's customary self-employment  
8 (if any) when so directed by the director. The disqualification shall  
9 continue for the week in which the failure occurred and for the three  
10 weeks which immediately follow that week (in addition to the waiting  
11 period), as determined:

12 (1) In determining whether or not any work is suitable for an  
13 individual, consideration shall be given to the degree of risk involved  
14 to health, safety, and morals, the individual's physical fitness and prior  
15 training, experience and prior earnings, the individual's length of  
16 unemployment and prospects for securing local work in the individual's  
17 customary occupation, and the distance of the available work from the  
18 individual's residence. In the case of work in the production and  
19 harvesting of agricultural crops, the work shall be deemed to be  
20 suitable without regard to the distance of the available work from the  
21 individual's residence if all costs of transportation are provided to the  
22 individual and the terms and conditions of hire are as favorable or  
23 more favorable to the individual as the terms and conditions of the  
24 individual's base year employment.

25 (2) Notwithstanding any other provisions of this chapter, no work  
26 shall be deemed suitable and benefits shall not be denied under this  
27 chapter to any otherwise eligible individual for refusing to accept new  
28 work under any of the following conditions: (a) if the position offered  
29 is vacant due directly to a strike, lockout, or other labor dispute; (b)  
30 if the remuneration, hours, or other conditions of the work offered are  
31 substantially less favorable to the individual than those prevailing for  
32 similar work in the locality; (c) if as a condition of being employed the  
33 individual would be required to join a company union or to resign from  
34 or refrain from joining any bona fide labor organization.

35 (d) If it is found that this unemployment is due to a stoppage of  
36 work which exists because of a labor dispute at the factory,  
37 establishment or other premises at which the individual is or was last  
38 employed. No disqualification under this subsection shall apply if it is  
39 shown that:

40 (1) The individual is not participating in or financing or directly  
41 interested in the labor dispute which caused the stoppage of work; and

42 (2) The individual does not belong to a grade or class of workers  
43 of which, immediately before the commencement of the stoppage,  
44 there were members employed at the premises at which the stoppage  
45 occurs, any of whom are participating in or financing or directly  
46 interested in the dispute; provided that if in any case in which (1) or

1 (2) above applies, separate branches of work which are commonly  
2 conducted as separate businesses in separate premises are conducted  
3 in separate departments of the same premises, each department shall,  
4 for the purpose of this subsection, be deemed to be a separate factory,  
5 establishment, or other premises.

6 (e) For any week with respect to which the individual is receiving  
7 or has received remuneration in lieu of notice.

8 (f) For any week with respect to which or a part of which the  
9 individual has received or is seeking unemployment benefits under an  
10 unemployment compensation law of any other state or of the United  
11 States; provided that if the appropriate agency of the other state or of  
12 the United States finally determines that the individual is not entitled  
13 to unemployment benefits, this disqualification shall not apply.

14 (g) (1) For a period of one year from the date of the discovery by  
15 the division of the illegal receipt or attempted receipt of benefits  
16 contrary to the provisions of this chapter, as the result of any false or  
17 fraudulent representation; provided that any disqualification may be  
18 appealed in the same manner as any other disqualification imposed  
19 hereunder; and provided further that a conviction in the courts of this  
20 State arising out of the illegal receipt or attempted receipt of these  
21 benefits in any proceeding instituted against the individual under the  
22 provisions of this chapter or any other law of this State shall be  
23 conclusive upon the appeals tribunal and the board of review.

24 (2) A disqualification under this subsection shall not preclude the  
25 prosecution of any civil, criminal or administrative action or  
26 proceeding to enforce other provisions of this chapter for the  
27 assessment and collection of penalties or the refund of any amounts  
28 collected as benefits under the provisions of R.S.43:21-16, or to  
29 enforce any other law, where an individual obtains or attempts to  
30 obtain by theft or robbery or false statements or representations any  
31 money from any fund created or established under this chapter or any  
32 negotiable or nonnegotiable instrument for the payment of money from  
33 these funds, or to recover money erroneously or illegally obtained by  
34 an individual from any fund created or established under this chapter.

35 (h) (1) Notwithstanding any other provisions of this chapter  
36 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied  
37 benefits for any week because the individual is in training approved  
38 under section 236(a)(1) of the Trade Act of 1974, P.L.93-618, 19  
39 U.S.C. §2296, nor shall the individual be denied benefits by reason of  
40 leaving work to enter this training, provided the work left is not  
41 suitable employment, or because of the application to any week in  
42 training of provisions in this chapter (R.S.43:21-1 et seq.), or any  
43 applicable federal unemployment compensation law, relating to  
44 availability for work, active search for work, or refusal to accept  
45 work.

46 (2) For purposes of this subsection (h), the term "suitable"

1 employment means, with respect to an individual, work of a  
2 substantially equal or higher skill level than the individual's past  
3 adversely affected employment (as defined for purposes of the Trade  
4 Act of 1974, P.L.93-618, 19 U.S.C. §2102 et seq.), and wages for this  
5 work at not less than 80% of the individual's average weekly wage, as  
6 determined for the purposes of the Trade Act of 1974.

7 (i) For benefit years commencing after June 30, 1984, for any week  
8 in which the individual is a student in full attendance at, or on vacation  
9 from, an educational institution, as defined in subsection (y) of  
10 R.S.43:21-19; except that this subsection shall not apply to any  
11 individual attending a training program approved by the division to  
12 enhance the individual's employment opportunities, as defined under  
13 subsection (c) of R.S.43:21-4; nor shall this subsection apply to any  
14 individual who, during the individual's base year, earned sufficient  
15 wages, as defined under subsection (e) of R.S.43:21-4, while attending  
16 an educational institution during periods other than established and  
17 customary vacation periods or holiday recesses at the educational  
18 institution, to establish a claim for benefits. For purposes of this  
19 subsection, an individual shall be treated as a full-time student for any  
20 period:

21 (1) During which the individual is enrolled as a full-time student at  
22 an educational institution, or

23 (2) Which is between academic years or terms, if the individual was  
24 enrolled as a full-time student at an educational institution for the  
25 immediately preceding academic year or term.

26 (j) Notwithstanding any other provisions of this chapter  
27 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied  
28 benefits because the individual left work or was discharged due to  
29 circumstances <sup>1</sup>【directly】<sup>1</sup> resulting from the individual being a victim  
30 of domestic violence as defined in section 3 of P.L.1991,  
31 c.261 (C.2C:25-19). No employer's account shall be charged for the  
32 payment of benefits to an individual who left work due to  
33 circumstances <sup>1</sup>【directly】<sup>1</sup> resulting from the individual being a victim  
34 of domestic violence.

35 <sup>1</sup>For the purposes of this subsection (j), the individual shall be  
36 treated as being a victim of domestic violence if the individual provides  
37 one or more of the following:

38 (1) A restraining order or other documentation of equitable relief  
39 issued by a court of competent jurisdiction;

40 (2) A police record documenting the domestic violence;

41 (3) Documentation that the perpetrator of the domestic violence  
42 has been convicted of one or more of the offenses enumerated in  
43 section 3 of P.L.1991, c.261 (C.2C:25-19);

44 (4) Medical documentation of the domestic violence;

45 (5) Certification from a certified Domestic Violence Specialist or  
46 the director of a designated domestic violence agency that the

1 individual is a victim of domestic violence; or

2 (6) Other documentation or certification of the domestic violence  
3 provided by a social worker, member of the clergy, shelter worker or  
4 other professional who has assisted the individual in dealing with the  
5 domestic violence.

6 For the purposes of this subsection (j):

7 "Certified Domestic Violence Specialist" means a person who has  
8 fulfilled the requirements of certification as a Domestic Violence  
9 Specialist established by the New Jersey Association of Domestic  
10 Violence Professionals; and "designated domestic violence agency"  
11 means a county-wide organization with a primary purpose to provide  
12 services to victims of domestic violence, and which provides services  
13 that conform to the core domestic violence services profile as defined  
14 by the Division of Youth and Family Services in the Department of  
15 Human Services and is under contract with the division for the express  
16 purpose of providing such services.<sup>1</sup>

17 (cf: P.L.1985, c.508, s.3)

18

19 2. This act shall take effect immediately.

20

21

22

23

24 Concerns UI benefits for victims of domestic violence.

**SENATE, No. 869**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

---

INTRODUCED MARCH 19, 1998

**Sponsored by:**

**Senator WYNONA M. LIPMAN**

**District 29 (Essex and Union)**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senator Vitale**

**SYNOPSIS**

Concerns UI benefits for victims of domestic violence.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT concerning unemployment compensation for certain victims  
2 of domestic violence and amending R.S.43:21-5.

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

6  
7 1. R.S.43:21-5 is amended to read as follows:

8 43:21-5. Disqualification for benefits

9 An individual shall be disqualified for benefits:

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12 thereafter until the individual becomes reemployed and works four  
13 weeks in employment, which may include employment for the federal  
14 government, and has earned in employment at least six times the  
15 individual's weekly benefit rate, as determined in each case. This  
16 subsection shall apply to any individual seeking unemployment benefits  
17 on the basis of employment in the production and harvesting of  
18 agricultural crops, including any individual who was employed in the  
19 production and harvesting of agricultural crops on a contract basis and  
20 who has refused an offer of continuing work with that employer  
21 following the completion of the minimum period of work required to  
22 fulfill the contract.

23 (b) For the week in which the individual has been suspended or  
24 discharged for misconduct connected with the work, and for the five  
25 weeks which immediately follow that week (in addition to the waiting  
26 period), as determined in each case. In the event the discharge should  
27 be rescinded by the employer voluntarily or as a result of mediation or  
28 arbitration, this subsection (b) shall not apply, provided, however, an  
29 individual who is restored to employment with back pay shall return  
30 any benefits received under this chapter for any week of  
31 unemployment for which the individual is subsequently compensated  
32 by the employer.

33 If the discharge was for gross misconduct connected with the work  
34 because of the commission of an act punishable as a crime of the first,  
35 second, third or fourth degree under the "New Jersey Code of Criminal  
36 Justice," N.J.S.2C:1-1 et seq., the individual shall be disqualified in  
37 accordance with the disqualification prescribed in subsection (a) of this  
38 section and no benefit rights shall accrue to any individual based upon  
39 wages from that employer for services rendered prior to the day upon  
40 which the individual was discharged.

41 The director shall insure that any appeal of a determination holding  
42 the individual disqualified for gross misconduct in connection with the  
43 work shall be expeditiously processed by the appeal tribunal.

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

**Matter underlined thus is new matter.**

1 (c) If it is found that the individual has failed, without good cause,  
2 either to apply for available, suitable work when so directed by the  
3 employment office or the director or to accept suitable work when it  
4 is offered, or to return to the individual's customary self-employment  
5 (if any) when so directed by the director. The disqualification shall  
6 continue for the week in which the failure occurred and for the three  
7 weeks which immediately follow that week (in addition to the waiting  
8 period), as determined:

9 (1) In determining whether or not any work is suitable for an  
10 individual, consideration shall be given to the degree of risk involved  
11 to health, safety, and morals, the individual's physical fitness and prior  
12 training, experience and prior earnings, the individual's length of  
13 unemployment and prospects for securing local work in the individual's  
14 customary occupation, and the distance of the available work from the  
15 individual's residence. In the case of work in the production and  
16 harvesting of agricultural crops, the work shall be deemed to be  
17 suitable without regard to the distance of the available work from the  
18 individual's residence if all costs of transportation are provided to the  
19 individual and the terms and conditions of hire are as favorable or  
20 more favorable to the individual as the terms and conditions of the  
21 individual's base year employment.

22 (2) Notwithstanding any other provisions of this chapter, no work  
23 shall be deemed suitable and benefits shall not be denied under this  
24 chapter to any otherwise eligible individual for refusing to accept new  
25 work under any of the following conditions: (a) if the position offered  
26 is vacant due directly to a strike, lockout, or other labor dispute; (b)  
27 if the remuneration, hours, or other conditions of the work offered are  
28 substantially less favorable to the individual than those prevailing for  
29 similar work in the locality; (c) if as a condition of being employed the  
30 individual would be required to join a company union or to resign from  
31 or refrain from joining any bona fide labor organization.

32 (d) If it is found that this unemployment is due to a stoppage of  
33 work which exists because of a labor dispute at the factory,  
34 establishment or other premises at which the individual is or was last  
35 employed. No disqualification under this subsection shall apply if it is  
36 shown that:

37 (1) The individual is not participating in or financing or directly  
38 interested in the labor dispute which caused the stoppage of work; and

39 (2) The individual does not belong to a grade or class of workers  
40 of which, immediately before the commencement of the stoppage,  
41 there were members employed at the premises at which the stoppage  
42 occurs, any of whom are participating in or financing or directly  
43 interested in the dispute; provided that if in any case in which (1) or  
44 (2) above applies, separate branches of work which are commonly  
45 conducted as separate businesses in separate premises are conducted  
46 in separate departments of the same premises, each department shall,

1 for the purpose of this subsection, be deemed to be a separate factory,  
2 establishment, or other premises.

3 (e) For any week with respect to which the individual is receiving  
4 or has received remuneration in lieu of notice.

5 (f) For any week with respect to which or a part of which the  
6 individual has received or is seeking unemployment benefits under an  
7 unemployment compensation law of any other state or of the United  
8 States; provided that if the appropriate agency of the other state or of  
9 the United States finally determines that the individual is not entitled  
10 to unemployment benefits, this disqualification shall not apply.

11 (g) (1) For a period of one year from the date of the discovery by  
12 the division of the illegal receipt or attempted receipt of benefits  
13 contrary to the provisions of this chapter, as the result of any false or  
14 fraudulent representation; provided that any disqualification may be  
15 appealed in the same manner as any other disqualification imposed  
16 hereunder; and provided further that a conviction in the courts of this  
17 State arising out of the illegal receipt or attempted receipt of these  
18 benefits in any proceeding instituted against the individual under the  
19 provisions of this chapter or any other law of this State shall be  
20 conclusive upon the appeals tribunal and the board of review.

21 (2) A disqualification under this subsection shall not preclude the  
22 prosecution of any civil, criminal or administrative action or  
23 proceeding to enforce other provisions of this chapter for the  
24 assessment and collection of penalties or the refund of any amounts  
25 collected as benefits under the provisions of R.S. 43:21-16, or to  
26 enforce any other law, where an individual obtains or attempts to  
27 obtain by theft or robbery or false statements or representations any  
28 money from any fund created or established under this chapter or any  
29 negotiable or nonnegotiable instrument for the payment of money from  
30 these funds, or to recover money erroneously or illegally obtained by  
31 an individual from any fund created or established under this chapter.

32 (h) (1) Notwithstanding any other provisions of this chapter  
33 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied  
34 benefits for any week because the individual is in training approved  
35 under section 236(a)(1) of the Trade Act of 1974, P.L.93-618, 19  
36 U.S.C. §2296, nor shall the individual be denied benefits by reason of  
37 leaving work to enter this training, provided the work left is not  
38 suitable employment, or because of the application to any week in  
39 training of provisions in this chapter (R.S.43:21-1 et seq.), or any  
40 applicable federal unemployment compensation law, relating to  
41 availability for work, active search for work, or refusal to accept  
42 work.

43 (2) For purposes of this subsection (h), the term "suitable"  
44 employment means, with respect to an individual, work of a  
45 substantially equal or higher skill level than the individual's past  
46 adversely affected employment (as defined for purposes of the Trade

1 Act of 1974, P.L.93-618, 19 U.S.C. §2102 et seq.), and wages for this  
2 work at not less than 80% of the individual's average weekly wage, as  
3 determined for the purposes of the Trade Act of 1974.

4 (i) For benefit years commencing after June 30, 1984, for any week  
5 in which the individual is a student in full attendance at, or on vacation  
6 from, an educational institution, as defined in subsection (y) of  
7 R.S.43:21-19; except that this subsection shall not apply to any  
8 individual attending a training program approved by the division to  
9 enhance the individual's employment opportunities, as defined under  
10 subsection (c) of R.S.43:21-4; nor shall this subsection apply to any  
11 individual who, during the individual's base year, earned sufficient  
12 wages, as defined under subsection (e) of R.S.43:21-4, while attending  
13 an educational institution during periods other than established and  
14 customary vacation periods or holiday recesses at the educational  
15 institution, to establish a claim for benefits. For purposes of this  
16 subsection, an individual shall be treated as a full-time student for any  
17 period:

18 (1) During which the individual is enrolled as a full-time student at  
19 an educational institution, or

20 (2) Which is between academic years or terms, if the individual was  
21 enrolled as a full-time student at an educational institution for the  
22 immediately preceding academic year or term.

23 (j) Notwithstanding any other provisions of this chapter  
24 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied  
25 benefits because the individual left work or was discharged due to  
26 circumstances directly resulting from the individual being a victim of  
27 domestic violence as defined in section 3 of P.L.1991,  
28 c.261 (C.2C:25-19). No employer's account shall be charged for the  
29 payment of benefits to an individual who left work due to  
30 circumstances directly resulting from the individual being a victim of  
31 domestic violence.

32 (cf: P.L.1985, c.508, s.3)

33

34 2. This act shall take effect immediately.

35

36

37

#### STATEMENT

38

39 This bill amends the "unemployment compensation law" to prevent  
40 any otherwise eligible individual from being denied unemployment  
41 benefits because the individual left work or was discharged due to  
42 circumstances directly resulting from the individual being a victim of  
43 domestic violence. The purpose of the bill is to prevent economic  
44 concerns from causing a victim to hesitate in taking all appropriate  
45 actions to increase personal safety in what may potentially be a  
46 life-threatening situation.

1       The bill also provides that no employer's account be charged for the  
2 payment of benefits to an individual who left work due to  
3 circumstances directly resulting from the individual being a victim of  
4 domestic violence.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 869**

**STATE OF NEW JERSEY**

DATED: DECEMBER 6, 1999

The Assembly Labor Committee reports favorably Senate Bill No. 869 (1R).

This bill amends the "unemployment compensation law" (R.S.43:21-1 et seq.) to prevent any otherwise eligible individual from being denied unemployment benefits because the individual left work or was discharged due to circumstances directly resulting from the individual being a victim of domestic violence. Benefits are prohibited unless an individual provides at least one of the forms of documentation of domestic violence enumerated in the bill. The benefits would not be charged to any employer's account. The purpose of the bill is to prevent economic concerns from causing a victim to hesitate in taking all appropriate actions to increase personal safety in what may potentially be a life-threatening situation.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY  
SERVICES COMMITTEE

STATEMENT TO

**SENATE, No. 869**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 20 ,1999

The Senate Women's Issues, Children and Family Services Committee reports favorably and with committee amendments Senate Bill No. 869.

As amended by committee, this bill amends R.S.43:21-5 of the State's "unemployment compensation law" to prevent any otherwise eligible individual from being denied unemployment benefits because the individual left work or was discharged due to circumstances resulting from the individual being a victim of domestic violence. The purpose of the bill is to prevent economic concerns from causing a victim to hesitate in taking all appropriate actions to increase personal safety in what may potentially be a life-threatening situation.

The bill also provides that no employer's account be charged for the payment of benefits to an individual who left work due to circumstances resulting from the individual being a victim of domestic violence.

The committee amended the bill to require that in order for an individual to be treated as a victim of domestic violence under the provisions of the bill, the individual shall provide one or more of the following:

1. A restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
2. A police record documenting the domestic violence;
3. Documentation that the perpetrator of the domestic violence has been convicted of one or more of the offenses enumerated in N.J.S.A.2C:25-19;
4. Medical documentation of the domestic violence;
5. Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the individual is a victim of domestic violence; or
6. Other documentation or certification of the domestic violence provided by a social worker, member of the clergy, shelter worker or other professional who has assisted the individual in dealing with the domestic violence.

The committee also amended the bill to delete the requirement for qualification under the bill that the circumstances "directly" result from domestic violence and to define the terms "Certified Domestic Violence Specialist" and "designated domestic violence agency."



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 869**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 8, 1999

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 869 (1R).

This bill amends R.S.43:21-5 of the State's "unemployment compensation law" to prevent any otherwise eligible individual from being denied unemployment benefits because the individual left work or was discharged due to circumstances resulting from the individual being a victim of domestic violence. The purpose of the bill is to prevent economic concerns from causing a victim to hesitate in taking all appropriate actions to increase personal safety in what may potentially be a life-threatening situation.

The bill requires that for an individual to be treated as a victim of domestic violence under the provisions of the bill, the individual shall provide at least one of the following forms of documentation:

1. A restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
2. A police record documenting the domestic violence;
3. Documentation that the perpetrator of the domestic violence has been convicted of one or more of the offenses enumerated in N.J.S.A.2C:25-19;
4. Medical documentation of the domestic violence;
5. Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the individual is a victim of domestic violence; or
6. Other documentation or certification of the domestic violence provided by a social worker, member of the clergy, shelter worker or other professional who has assisted the individual in dealing with the domestic violence.

The bill also provides that no employer's account be charged for the payment of benefits to an individual who left work due to circumstances resulting from the individual being a victim of domestic violence.

### FISCAL IMPACT

The fiscal impact of this bill is not likely to be substantial. Whether this bill will increase costs for the unemployment compensation fund

will depend on future claims which may or may not arise under the bills' provisions. If claims are made as the result of the bill, impact on rates will depend on a series of other more salient factors.

# ASSEMBLY, No. 2366

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 14, 1998

**Sponsored by:**

**Assemblyman KENNETH C. LEFEVRE**

**District 2 (Atlantic)**

**Assemblyman FRANCIS J. BLEE**

**District 2 (Atlantic)**

**Co-Sponsored by:**

**Assemblywoman Heck and Assemblyman Conaway**

**SYNOPSIS**

Concerns UI benefits for victims of domestic violence.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/11/2000)**

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14 government, and has earned in employment at least six times the  
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16 subsection shall apply to any individual seeking unemployment benefits  
17 on the basis of employment in the production and harvesting of  
18 agricultural crops, including any individual who was employed in the  
19 production and harvesting of agricultural crops on a contract basis and  
20 who has refused an offer of continuing work with that employer  
21 following the completion of the minimum period of work required to  
22 fulfill the contract.

23 (b) For the week in which the individual has been suspended or  
24 discharged for misconduct connected with the work, and for the five  
25 weeks which immediately follow that week (in addition to the waiting  
26 period), as determined in each case. In the event the discharge should  
27 be rescinded by the employer voluntarily or as a result of mediation or  
28 arbitration, this subsection (b) shall not apply, provided, however, an  
29 individual who is restored to employment with back pay shall return  
30 any benefits received under this chapter for any week of  
31 unemployment for which the individual is subsequently compensated  
32 by the employer.

33 If the discharge was for gross misconduct connected with the work  
34 because of the commission of an act punishable as a crime of the first,  
35 second, third or fourth degree under the "New Jersey Code of Criminal  
36 Justice," N.J.S.2C:1-1 et seq., the individual shall be disqualified in  
37 accordance with the disqualification prescribed in subsection (a) of this  
38 section and no benefit rights shall accrue to any individual based upon  
39 wages from that employer for services rendered prior to the day upon  
40 which the individual was discharged.

41 The director shall insure that any appeal of a determination holding  
42 the individual disqualified for gross misconduct in connection with the  
43 work shall be expeditiously processed by the appeal tribunal.

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

**Matter underlined thus is new matter.**

1 (c) If it is found that the individual has failed, without good cause,  
2 either to apply for available, suitable work when so directed by the  
3 employment office or the director or to accept suitable work when it  
4 is offered, or to return to the individual's customary self-employment  
5 (if any) when so directed by the director. The disqualification shall  
6 continue for the week in which the failure occurred and for the three  
7 weeks which immediately follow that week (in addition to the waiting  
8 period), as determined:

9 (1) In determining whether or not any work is suitable for an  
10 individual, consideration shall be given to the degree of risk involved  
11 to health, safety, and morals, the individual's physical fitness and prior  
12 training, experience and prior earnings, the individual's length of  
13 unemployment and prospects for securing local work in the individual's  
14 customary occupation, and the distance of the available work from the  
15 individual's residence. In the case of work in the production and  
16 harvesting of agricultural crops, the work shall be deemed to be  
17 suitable without regard to the distance of the available work from the  
18 individual's residence if all costs of transportation are provided to the  
19 individual and the terms and conditions of hire are as favorable or  
20 more favorable to the individual as the terms and conditions of the  
21 individual's base year employment.

22 (2) Notwithstanding any other provisions of this chapter, no work  
23 shall be deemed suitable and benefits shall not be denied under this  
24 chapter to any otherwise eligible individual for refusing to accept new  
25 work under any of the following conditions: (a) if the position offered  
26 is vacant due directly to a strike, lockout, or other labor dispute; (b)  
27 if the remuneration, hours, or other conditions of the work offered are  
28 substantially less favorable to the individual than those prevailing for  
29 similar work in the locality; (c) if as a condition of being employed the  
30 individual would be required to join a company union or to resign from  
31 or refrain from joining any bona fide labor organization.

32 (d) If it is found that this unemployment is due to a stoppage of  
33 work which exists because of a labor dispute at the factory,  
34 establishment or other premises at which the individual is or was last  
35 employed. No disqualification under this subsection shall apply if it is  
36 shown that:

37 (1) The individual is not participating in or financing or directly  
38 interested in the labor dispute which caused the stoppage of work; and

39 (2) The individual does not belong to a grade or class of workers  
40 of which, immediately before the commencement of the stoppage,  
41 there were members employed at the premises at which the stoppage  
42 occurs, any of whom are participating in or financing or directly  
43 interested in the dispute; provided that if in any case in which (1) or  
44 (2) above applies, separate branches of work which are commonly  
45 conducted as separate businesses in separate premises are conducted  
46 in separate departments of the same premises, each department shall,

1 for the purpose of this subsection, be deemed to be a separate factory,  
2 establishment, or other premises.

3 (e) For any week with respect to which the individual is receiving  
4 or has received remuneration in lieu of notice.

5 (f) For any week with respect to which or a part of which the  
6 individual has received or is seeking unemployment benefits under an  
7 unemployment compensation law of any other state or of the United  
8 States; provided that if the appropriate agency of the other state or of  
9 the United States finally determines that the individual is not entitled  
10 to unemployment benefits, this disqualification shall not apply.

11 (g) (1) For a period of one year from the date of the discovery by  
12 the division of the illegal receipt or attempted receipt of benefits  
13 contrary to the provisions of this chapter, as the result of any false or  
14 fraudulent representation; provided that any disqualification may be  
15 appealed in the same manner as any other disqualification imposed  
16 hereunder; and provided further that a conviction in the courts of this  
17 State arising out of the illegal receipt or attempted receipt of these  
18 benefits in any proceeding instituted against the individual under the  
19 provisions of this chapter or any other law of this State shall be  
20 conclusive upon the appeals tribunal and the board of review.

21 (2) A disqualification under this subsection shall not preclude the  
22 prosecution of any civil, criminal or administrative action or  
23 proceeding to enforce other provisions of this chapter for the  
24 assessment and collection of penalties or the refund of any amounts  
25 collected as benefits under the provisions of R.S. 43:21-16, or to  
26 enforce any other law, where an individual obtains or attempts to  
27 obtain by theft or robbery or false statements or representations any  
28 money from any fund created or established under this chapter or any  
29 negotiable or nonnegotiable instrument for the payment of money from  
30 these funds, or to recover money erroneously or illegally obtained by  
31 an individual from any fund created or established under this chapter.

32 (h) (1) Notwithstanding any other provisions of this chapter  
33 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied  
34 benefits for any week because the individual is in training approved  
35 under section 236(a)(1) of the Trade Act of 1974, P.L.93-618, 19  
36 U.S.C. §2296, nor shall the individual be denied benefits by reason of  
37 leaving work to enter this training, provided the work left is not  
38 suitable employment, or because of the application to any week in  
39 training of provisions in this chapter (R.S.43:21-1 et seq.), or any  
40 applicable federal unemployment compensation law, relating to  
41 availability for work, active search for work, or refusal to accept  
42 work.

43 (2) For purposes of this subsection (h), the term "suitable"  
44 employment means, with respect to an individual, work of a  
45 substantially equal or higher skill level than the individual's past  
46 adversely affected employment (as defined for purposes of the Trade

1 Act of 1974, P.L.93-618, 19 U.S.C. §2102 et seq.), and wages for this  
2 work at not less than 80% of the individual's average weekly wage, as  
3 determined for the purposes of the Trade Act of 1974.

4 (i) For benefit years commencing after June 30, 1984, for any week  
5 in which the individual is a student in full attendance at, or on vacation  
6 from, an educational institution, as defined in subsection (y) of  
7 R.S.43:21-19; except that this subsection shall not apply to any  
8 individual attending a training program approved by the division to  
9 enhance the individual's employment opportunities, as defined under  
10 subsection (c) of R.S.43:21-4; nor shall this subsection apply to any  
11 individual who, during the individual's base year, earned sufficient  
12 wages, as defined under subsection (e) of R.S.43:21-4, while attending  
13 an educational institution during periods other than established and  
14 customary vacation periods or holiday recesses at the educational  
15 institution, to establish a claim for benefits. For purposes of this  
16 subsection, an individual shall be treated as a full-time student for any  
17 period:

18 (1) During which the individual is enrolled as a full-time student at  
19 an educational institution, or

20 (2) Which is between academic years or terms, if the individual was  
21 enrolled as a full-time student at an educational institution for the  
22 immediately preceding academic year or term.

23 (j) Notwithstanding any other provisions of this chapter  
24 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied  
25 benefits because the individual left work or was discharged due to  
26 circumstances directly resulting from the individual being a victim of  
27 domestic violence as defined in section 3 of P.L.1991,  
28 c.261 (C.2C:25-19). No employer's account shall be charged for the  
29 payment of benefits to an individual who left work due to  
30 circumstances directly resulting from the individual being a victim of  
31 domestic violence.

32 (cf: P.L.1985, c.508, s.3)

33  
34 2. This act shall take effect immediately.

35  
36  
37 STATEMENT

38  
39 This bill amends the "unemployment compensation law" to prevent  
40 any otherwise eligible individual from being denied unemployment  
41 benefits because the individual left work or was discharged due to  
42 circumstances directly resulting from the individual being a victim of  
43 domestic violence. The purpose of the bill is to prevent economic  
44 concerns from causing a victim to hesitate in taking all appropriate  
45 actions to increase personal safety in what may potentially be a  
46 life-threatening situation.

**A2366 LEFEVRE, BLEE**

6

1       The bill also provides that no employer's account be charged for the  
2 payment of benefits to an individual who left work due to  
3 circumstances directly resulting from the individual being a victim of  
4 domestic violence.



# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2366**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 6, 1999

The Assembly Labor Committee reports favorably Assembly Bill No. 2366, with committee amendments.

As amended by the committee, this bill amends the "unemployment compensation law" (R.S.43:21-1 et seq.) to prevent any otherwise eligible individual from being denied unemployment benefits because the individual left work or was discharged due to circumstances directly resulting from the individual being a victim of domestic violence. Benefits are prohibited unless an individual provides at least one of the forms of documentation of domestic violence enumerated in the bill. The benefits would not be charged to any employer's account. The purpose of the bill is to prevent economic concerns from causing a victim to hesitate in taking all appropriate actions to increase personal safety in what may potentially be a life-threatening situation.

The committee amendments, which make the bill identical to S869 (1R), enumerate the forms of documentation of domestic violence which may be used by a victim seeking to qualify for benefits under the bill. The amendments also delete the requirement for qualification under the bill that the circumstances "directly" result from domestic violence and define the terms "Certified Domestic Violence Specialist" and "designated domestic violence agency."

*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: January 18, 2000

**GOVERNOR SIGNS BILLS TO STRENGTHEN PROGRAMS TO CURB  
DOMESTIC VIOLENCE; PROVIDE UNEMPLOYMENT BENEFITS  
TO VICTIMS OF DOMESTIC VIOLENCE**

Gov. Christie Whitman today signed legislation, which will strengthen state programs aimed at curbing domestic violence and grant eligibility for unemployment benefits to persons who may be forced to leave their jobs to safeguard themselves against life-threatening situations.

"These new laws will help us in our efforts to curb domestic violence by providing our police the training they need to protect victims, as well as the tools to help keep weapons out of the hands of persons who have a known history of this type of violent behavior. We are also providing a financial safety net for victims of domestic violence whose personal safety may be compromised to a point where they are forced to leave their jobs,"the Governor said.

The Governor signed the following bills:

**S-869**, sponsored by the late Senator Wynona Lipman (D-Essex/Union) and Senator Jack Sinagra (R-Middlesex) and Assembly Members Francis J. Blee (R-Atlantic) and Kenneth C. LeFevre (R-Atlantic), grants eligibility for unemployment insurance benefits to persons who may be forced to leave their jobs because of compelling personal safety reasons.

**A-1109**, sponsored by Senators Diane B. Allen (R-Burlington/Camden) and Peter A. Inverso (R-Mercer /Middlesex) and Assembly Members Joseph Azzolina (R-Middlesex/Monmouth) and Gerald J. Luongo (R-Camden/Gloucester), establishes a domestic violence central registry in the Administrative Office of the Courts for use by the courts and law enforcement agencies to check records of persons filing for firearms permits and for other appropriate purposes.

**A-2786**, sponsored by Assembly Members Arline M. Friscia (D-Middlesex) and Tom Smith (R-Monmouth) and Senators Joseph A. Palaia (R-Monmouth) and Shirley K. Turner (D-Mercer), clarifies and strengthens domestic violence training requirements for police officers and appropriates \$250,000 to implement the training programs.