

43:21-4

LEGISLATIVE HISTORY CHECKLIST

NJSA 43:21-4

Laws of 1974 Chapter 85

Bill No. A 563

Sponsor(s) Foran

Date Introduced Pre-filed

Committee: Assembly Labor Relations

Senate Labor, Industry & Professions

Amended during passage ~~Yes~~ No

Date of passage: Assembly April 16

Senate June 13

Date of approval August 21

Following statements are attached if available:

Sponsor statement ~~Yes~~ No

Committee Statement: Assembly Yes No

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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FEB 1977

ASSEMBLY, No. 563

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman FORAN

AN ACT concerning unemployment compensation for persons serving on jury duty, and amending R. S. 43:21-4.

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

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

2 43:21-4. Benefit eligibility conditions. An unemployed individual  
3 shall be eligible to receive benefits with respect to any week only if  
4 it appears that:

5 (a) He has registered for work at, and thereafter continued to  
6 report at, an employment office in accordance with such regulations  
7 as the division may prescribe, except that the division may, by  
8 regulation, waive or alter either or both of the requirements of this  
9 subsection as to individuals attached to regular jobs, and as to such  
10 other types of cases or situations with respect to which the division  
11 finds that compliance with such requirements would be oppressive,  
12 or would be inconsistent with the purpose of this act; provided,  
13 that no such regulation shall conflict with subsection (a) of R. S.  
14 43:21-3.

15 (b) He has made a claim for benefits in accordance with the pro-  
16 visions of subsection (a) of R. S. 43:21-6.

17 (c) He is able to work, and is available for work, and has demon-  
18 strated that he is actively seeking work, except as hereinafter pro-  
19 vided in this subsection or in subsection (f) of this section:

20 (1) No woman shall be deemed to be able or available for work  
21 during the 4 weeks immediately before the expected birth of her  
22 child or the 4 weeks immediately following the birth of her child, in  
23 either of which cases the division may require the production of a  
24 doctor's certificate to establish such dates;

25 (2) The director may, in his discretion, modify the requirement  
26 of actively seeking work if, in his judgment, such modification of  
27 this requirement is warranted by economic conditions.

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

28 No individual, who is otherwise eligible, shall be deemed ineligible,  
29 or unavailable for work, because he is on vacation, without pay,  
30 during said week, if said vacation is not the result of his own action  
31 as distinguished from any collective action of a collective bargaining  
32 agent or other action beyond his individual control; nor subject].  
33 *Subject* to such limitations and conditions as the division may  
34 prescribe, [shall any otherwise eligible] *an* individual, who is  
35 *otherwise eligible, shall not be deemed unavailable for work or*  
36 *ineligible because he is attending a training program [which has*  
37 *been] approved for him by the division to enhance his employment*  
38 *opportunities [be deemed unavailable for work or ineligible because*  
39 *he is attending such training program], or because he failed or*  
40 *refused to accept work while attending such program. An un-*  
41 *employed individual, who is otherwise eligible, shall not be deemed*  
42 *unavailable for work or ineligible solely by reason of his attend-*  
43 *ance before a court in response to a summons for service on a jury.*

44 (d) He has been totally or partially unemployed for a waiting  
45 period of 1 week in the benefit year which includes that week. When  
46 benefits become payable with respect to the third consecutive week  
47 next following the waiting period, he shall be eligible to receive  
48 benefits as appropriate with respect to the waiting period. No week  
49 shall be counted as a week of unemployment for the purposes of this  
50 subsection:

51 (1) if benefits have been paid, or are payable with respect  
52 thereto; provided, that the requirements of this paragraph shall be  
53 waived with respect to any benefits paid or payable for a waiting  
54 period as provided in this subsection;

55 (2) if it has constituted a waiting period week under temporary  
56 disability benefits law;

57 (3) unless the individual fulfills the requirements of subsections  
58 (a) and (c) of this section;

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

61 (e) With respect to a base year as defined in subsection (c) of  
62 R. S. 43:21-19 he has established at least 17 base weeks as defined  
63 in subsection (t) (1) of R. S. 43:21-19, or, in the alternative, has  
64 earned \$1,350.00 or more in his base year.

65 (f) (1) He has suffered any accident or sickness not compensable  
66 under the Workmen's Compensation Law (Title 34 of the Revised  
67 Statutes) and resulting in his total disability to perform any work  
68 for remuneration, and would be eligible to receive benefits under  
69 this chapter (R. S. 43:21-1 et seq.) (without regard to the maximum

70 amount of benefits payable during any benefit year) except for his  
 71 inability to work and has furnished notice and proof of claim to the  
 72 division, in accordance with its rules and regulations, and payment  
 73 is not precluded by the provisions of R. S. 43:21-3 (d); provided,  
 74 however, that no benefits shall be payable under this subsection to  
 75 any individual:

76 (A) for any period during which such individual is not under  
 77 the care of a legally licensed physician, dentist or chiropodist;

78 (B) for any period of disability due to pregnancy or result-  
 79 ing childbirth, miscarriage, or abortion, except for disability  
 80 existing during the 4 weeks immediately before the expected  
 81 birth of child, and the 4 weeks following the termination of the  
 82 pregnancy;

83 (C) for any period of disability due to willfully or intention-  
 84 ally self-inflicted injury, or to injuries sustained in the perpe-  
 85 tration by the individual of a high misdemeanor;

86 (D) for any week with respect to which or a part of which he  
 87 has received or is seeking benefits under any unemployment  
 88 compensation or disability benefit law of any other state or of  
 89 the United States; provided, that if the appropriate agency of  
 90 such other state or of the United States finally determines that  
 91 he is not entitled to such benefits, this disqualification shall not  
 92 apply;

93-94 (E) for any week with respect to which or part of which he  
 95 has received or is seeking disability benefits under the tem-  
 96 porary disability benefits law;

97 (F) for any period of disability commencing while such in-  
 98 dividual is a "covered individual" as defined in subsection  
 99 3 (b) of the temporary disability benefits law (P. L. 1948, c.  
 100 110).

101 (2) Benefit payments under this subsection shall be charged to  
 102 and paid from the State disability benefits fund established by the  
 103 temporary disability benefits law, and shall not be charged to any  
 104 employer account in computing any employer's experience rate for  
 105 contributions payable under this chapter.

106 (g) Benefits based on service in employment defined in sub-  
 107 paragraphs (B) and (C) of R. S. 43:21-19 (i) (1) shall be payable  
 108 in the same amount and on the terms and subject to the same  
 109 conditions as benefits payable on the basis of other service subject  
 110 to the Unemployment Compensation Law; except that notwith-  
 111 standing any other provisions of the Unemployment Compensa-  
 112 tion Law, benefits based on service in an instructional, research,

113 or principal administrative capacity in an institution of higher  
114 education shall not be paid to an individual for any week of un-  
115 employment or period of disability during the period between 2  
116 successive academic years, or during a similar period between two  
117 regular terms, whether or not successive, or during a period of  
118 leave provided for in the individual's employment, if the individual  
119 has a contract or other method of understanding or contracts to  
120 perform services in any such capacity for any institution or institu-  
121 tions of higher education for both such academic years or both  
122 such terms. If, however, the individual performs service for an  
123 employer in an instructional, research or principal administrative  
124 capacity, as well as in any other capacity, and the amount of time  
125 in the other capacity is in excess of  $\frac{1}{2}$  of his total time, the excep-  
126 tion contained in this subsection (g) shall not apply.

127 (h) Notwithstanding any other provision of this chapter, the  
128 director may, to the extent that he deems efficient and economical  
129 provide for consolidated administration by one or more repre-  
130 sentatives or deputies of claims made pursuant to subsection (f)  
131 of this section with those made pursuant to article III (State plan)  
132 of the Temporary Disability Benefits Law.

1 2. This act shall take effect immediately.

SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

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STATEMENT TO  
ASSEMBLY, No. 563

STATE OF NEW JERSEY

DATED: MAY 13, 1974

This bill provides that an unemployed individual, who is otherwise eligible for unemployment compensation, shall not be deemed unavailable for work or ineligible because of attendance before a court in response to a summons for service on a jury.