

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

P.L.2017, CHAPTER 163, *approved July 21, 2017*
Assembly, No. 3438 (*First Reprint*)

1 AN ACT concerning unemployment benefits and amending
2 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, for any reason, whether the
18 unemployment is permanent or temporary, a printed copy of benefit
19 instructions. The benefit instructions given to the individual shall
20 include, but not be limited to, the following information: (A) the
21 date upon which the individual becomes unemployed, and, in the
22 case that the unemployment is temporary, to the extent possible, the
23 date upon which the individual is expected to be recalled to work;
24 and (B) that the individual may lose some or all of the benefits to
25 which he is entitled if he fails to file a claim in a timely manner.
26 Both the aforesaid notices and instructions, including information
27 detailing the time sensitivity of filing a claim, shall be supplied by
28 the division to employers without cost to them. Nothing in this
29 section shall be construed so as to require an employer to re-hire an
30 individual formerly in the employer's service.

31 (2) Any claimant, except for a claimant who has, for any period
32 during his base year, served in the military, worked for the federal
33 government, or worked outside the State of New Jersey, may
34 choose to certify, cancel or close his claim for unemployment
35 insurance benefits at any time, 24 hours a day and seven days a
36 week, via the Internet on a website developed by the division;
37 however, any claim that is certified, cancelled or closed after 7:00
38 PM will not be processed by the division until the next scheduled
39 posting date.

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:

¹Assembly AAP committee amendments adopted December 15, 2016.

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

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

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

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

23 The deputy shall **promptly** make an initial determination
24 **'based contingent'** upon the **'available'** receipt of all necessary¹
25 information and notify the claimant no later than three weeks from
26 the date on which the division received the claim for benefits. ¹If
27 an initial determination cannot be made due to the lack of
28 documentation, notification will be sent to the claimant providing a
29 status of the claim. The division will then have an additional two
30 weeks to obtain the missing information in order to make the initial
31 determination and advise the claimant accordingly.¹ The initial
32 determination shall show the weekly benefit amount payable, the
33 maximum duration of benefits with respect to the employer to
34 whom the determination relates, and the ratio of benefits chargeable
35 to the employer's account for benefit years commencing on or after
36 July 1, 1986, and also shall show whether the claimant is ineligible
37 or disqualified for benefits under the initial determination. The
38 **claimant and the** employer whose account may be charged for
39 benefits payable pursuant to said determination shall be promptly
40 notified thereof.

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

1 information from the employer, and any benefits paid or payable
2 with respect to weeks occurring subsequent to the close of the
3 calendar week following the receipt of the employer's reply shall be
4 paid in accordance with such altered initial determination.

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

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

18 (B) Fraud in connection with the claim pursuant to which the
19 initial determination is issued;

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

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

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

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

1 account shall be charged with benefits so paid, if the decision is
2 finally reversed.

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

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

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

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

1 decision made on or before December 1, 2010, or within 20 days
2 after the date of notification or mailing of such decision for any
3 decision made after December 1, 2010.

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

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

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

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

46 (h) Court review. Any decision of the board of review shall
47 become final as to any party upon the mailing of a copy thereof to
48 such party or to his attorney, or upon the mailing of a copy thereof

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

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

22 (j) With respect to benefit payments made on or after October
23 22, 2013, an employer's account shall not be relieved of charges
24 related to a benefit payment that was made erroneously from the
25 division if it is determined that:

26 (1) The erroneous benefit payment was made because the
27 employer, or an agent of the employer, failed to respond in a timely
28 or adequate manner to a request from the division for information
29 related to the claim for benefits; and

30 (2) The employer, or an agent of the employer, has established a
31 pattern of failing to respond in a timely or adequate manner to
32 requests from the division for information related to claims for
33 benefits.

34 Determinations of the division prohibiting the relief of charges
35 pursuant to this subsection shall be subject to appeal in the same
36 manner as other determinations of the division related to the
37 charging of employer accounts.

38 For purposes of subsection (j) of this section:

39 "Erroneous benefit payment" means a benefit payment that,
40 except for the failure by the employer, or an agent of the employer,
41 to respond in a timely or adequate manner to a request from the
42 division for information with respect to the claim for benefits,
43 would not have been made; and

44 "Pattern of failing" means repeated documented failure on the
45 part of the employer, or an agent of the employer, to respond to
46 requests from the division to the employer or employer's agent for
47 information related to a claim for benefits, except that an employer,
48 or an agent of an employer, shall not be determined to have engaged

1 in a "pattern of failing" if the number of failures to respond to
2 requests from the division for information related to claims for
3 benefits during the previous 365 calendar days is less than three, or
4 if the number of failures is less than two percent of the number of
5 requests from the division, whichever is greater.

6 (k) The Department of Labor and Workforce Development shall
7 establish and maintain a procedure by which personnel access rights
8 to the department's primary system for unemployment claims
9 receipt and processing are comprehensively reviewed every
10 calendar quarter. The procedure shall include an evaluation of
11 access needs to the primary unemployment claims receipt and
12 processing system for all department personnel and the adjustment,
13 addition, or deletion of access rights for department personnel based
14 on the quarterly review.

15 (cf: P.L.2015, c.42.)

16

17 2. This act shall take effect on the 90th day following
18 enactment.

19

20

21

22

23 _____
24 Requires initial determination of unemployment benefits to be
made within three weeks of filing of claim.

ASSEMBLY, No. 3438

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 7, 2016

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

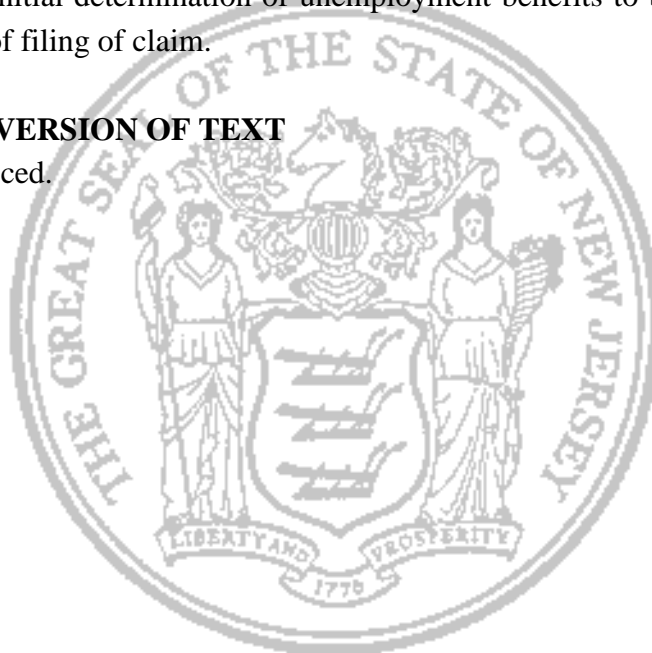
Assemblyman Egan, Assemblywoman Lampitt and Assemblyman Caputo

SYNOPSIS

Requires initial determination of unemployment benefits to be made within three weeks of filing of claim.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2016)

1 AN ACT concerning unemployment benefits and amending
2 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,
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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, for any reason, whether the
18 unemployment is permanent or temporary, a printed copy of benefit
19 instructions. The benefit instructions given to the individual shall
20 include, but not be limited to, the following information: (A) the
21 date upon which the individual becomes unemployed, and, in the
22 case that the unemployment is temporary, to the extent possible, the
23 date upon which the individual is expected to be recalled to work;
24 and (B) that the individual may lose some or all of the benefits to
25 which he is entitled if he fails to file a claim in a timely manner.
26 Both the aforesaid notices and instructions, including information
27 detailing the time sensitivity of filing a claim, shall be supplied by
28 the division to employers without cost to them. Nothing in this
29 section shall be construed so as to require an employer to re-hire an
30 individual formerly in the employer's service.

31 (2) Any claimant, except for a claimant who has, for any period
32 during his base year, served in the military, worked for the federal
33 government, or worked outside the State of New Jersey, may
34 choose to certify, cancel or close his claim for unemployment
35 insurance benefits at any time, 24 hours a day and seven days a
36 week, via the Internet on a website developed by the division;
37 however, any claim that is certified, cancelled or closed after 7:00
38 PM will not be processed by the division until the next scheduled
39 posting date.

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

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

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 chronological order during the base year. Such notification shall
2 require said employing unit and employer to furnish such
3 information to the deputy as may be necessary to determine the
4 claimant's eligibility and his benefit rights with respect to the
5 employer in question.

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

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

17 The deputy shall **promptly** make an initial determination based
18 upon the available information and notify the claimant no later than
19 three weeks from the date on which the division received the claim
20 for benefits. The initial determination shall show the weekly
21 benefit amount payable, the maximum duration of benefits with
22 respect to the employer to whom the determination relates, and the
23 ratio of benefits chargeable to the employer's account for benefit
24 years commencing on or after July 1, 1986, and also shall show
25 whether the claimant is ineligible or disqualified for benefits under
26 the initial determination. The **claimant and the** employer whose
27 account may be charged for benefits payable pursuant to said
28 determination shall be promptly notified thereof.

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

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42 with respect to each of the claimant's base year employers, starting
43 with the most recent employer and continuing as necessary in the
44 inverse chronological order of the claimant's last date of
45 employment with each such employer. If an appeal is taken from
46 an initial determination, as hereinafter provided, by any employer
47 other than the first chargeable base year employer or for benefit
48 years commencing on or after July 1, 1986, that employer from

1 whom the individual was most recently separated, then such appeal
2 shall be limited in scope to include only one or more of the
3 following matters:

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

6 (B) Fraud in connection with the claim pursuant to which the
7 initial determination is issued;

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

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

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

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

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

42 Notwithstanding any other provisions of this Title, if an
43 individual shows to the satisfaction of the deputy that there were at
44 least 13 weeks in his base period in each of which he earned wages
45 from two or more employers totaling \$30.00 or more but in each of
46 which there was no single employer from whom he earned as much
47 as \$100.00, then such individual's claim shall be determined in
48 accordance with the special provisions of this paragraph. In such

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

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

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

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

1 (e) Board of review. The board of review may on its own
2 motion affirm, modify, or set aside any decision of an appeal
3 tribunal on the basis of the evidence previously submitted in such
4 case, or direct the taking of additional evidence, or may permit any
5 of the parties to such decision to initiate further appeals before it.
6 The board of review shall permit such further appeal by any of the
7 parties interested in a decision of an appeal tribunal which is not
8 unanimous and from any determination which has been overruled or
9 modified by any appeal tribunal. The board of review may remove
10 to itself or transfer to another appeal tribunal the proceedings on
11 any claim pending before an appeal tribunal. Any proceedings so
12 removed to the board of review shall be heard by a quorum thereof
13 in accordance with the requirements of subsection (c) of this
14 section. The board of review shall promptly notify the interested
15 parties of its findings and decision.

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

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

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

1 (i) Failure to give notice. The failure of any public officer or
2 employee at any time heretofore or hereafter to give notice of
3 determination or decision required in subsections (b), (c) and (e) of
4 this section, as originally passed or amended, shall not relieve any
5 employer's account of any charge by reason of any benefits paid,
6 unless and until that employer can show to the satisfaction of the
7 director of the division that the said benefits, in whole or in part,
8 would not have been charged or chargeable to his account had such
9 notice been given. Any determination hereunder by the director
10 shall be subject to court review.

11 (j) With respect to benefit payments made on or after October
12 22, 2013, an employer's account shall not be relieved of charges
13 related to a benefit payment that was made erroneously from the
14 division if it is determined that:

15 (1) The erroneous benefit payment was made because the
16 employer, or an agent of the employer, failed to respond in a timely
17 or adequate manner to a request from the division for information
18 related to the claim for benefits; and

19 (2) The employer, or an agent of the employer, has established a
20 pattern of failing to respond in a timely or adequate manner to
21 requests from the division for information related to claims for
22 benefits.

23 Determinations of the division prohibiting the relief of charges
24 pursuant to this subsection shall be subject to appeal in the same
25 manner as other determinations of the division related to the
26 charging of employer accounts.

27 For purposes of subsection (j) of this section:

28 "Erroneous benefit payment" means a benefit payment that,
29 except for the failure by the employer, or an agent of the employer,
30 to respond in a timely or adequate manner to a request from the
31 division for information with respect to the claim for benefits,
32 would not have been made; and

33 "Pattern of failing" means repeated documented failure on the
34 part of the employer, or an agent of the employer, to respond to
35 requests from the division to the employer or employer's agent for
36 information related to a claim for benefits, except that an employer,
37 or an agent of an employer, shall not be determined to have engaged
38 in a "pattern of failing" if the number of failures to respond to
39 requests from the division for information related to claims for
40 benefits during the previous 365 calendar days is less than three, or
41 if the number of failures is less than two percent of the number of
42 requests from the division, whichever is greater.

43 (k) The Department of Labor and Workforce Development shall
44 establish and maintain a procedure by which personnel access rights
45 to the department's primary system for unemployment claims
46 receipt and processing are comprehensively reviewed every
47 calendar quarter. The procedure shall include an evaluation of
48 access needs to the primary unemployment claims receipt and

1 processing system for all department personnel and the adjustment,
2 addition, or deletion of access rights for department personnel based
3 on the quarterly review.
4 (cf: P.L.2015, c.42.)

5
6 2. This act shall take effect on the 90th day following
7 enactment.

8

9

10 STATEMENT

11

12 This bill requires the Division of Unemployment and Temporary
13 Disability Insurance in the Department of Labor and Workforce
14 Development to make the initial determination of a claim for
15 unemployment benefits and notify the claimant no later than three
16 weeks from the date when the claim is received by the division.
17 Under current law, the initial determination is required to be made
18 “promptly,” but no time period is specified.

19 This bill is intended to speed up the payment of unemployment
20 claims. Individuals who become unemployed are faced with a
21 financial hardship, and rely on unemployment benefits to pay bills
22 and meet daily expenses. Ensuring that the initial determination of
23 benefits is made in a timely fashion will help them receive their
24 benefits sooner.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3438

STATE OF NEW JERSEY

DATED: JUNE 6, 2016

The Assembly Labor Committee reports favorably Assembly Bill No. 3438.

This bill requires the Division of Unemployment and Temporary Disability Insurance in the Department of Labor and Workforce Development to make the initial determination of a claim for unemployment benefits and notify the claimant no later than three weeks from the date when the claim is received by the division. Under current law, the initial determination is required to be made “promptly,” but no time period is specified.

This bill is intended to speed up the payment of unemployment claims. Individuals who become unemployed are faced with a financial hardship, and rely on unemployment benefits to pay bills and meet daily expenses. Ensuring that the initial determination of benefits is made in a timely fashion will help them receive their benefits sooner.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3438

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3438, with committee amendments.

As amended, this bill requires the Division of Unemployment and Temporary Disability Insurance in the Department of Labor and Workforce Development to make the initial determination of a claim for unemployment benefits and notify the claimant no later than three weeks from the date when the claim is received by the division, contingent on the receipt of all necessary information. If the initial determination cannot be made due to the lack of documentation, notification will be sent to the claimant providing a status of the claim. The division will then have an additional two weeks to obtain the missing information to make the initial determination and advise the claimant accordingly.

Under current law, the initial determination is required to be made “promptly,” but no time period is specified.

This bill is intended to speed up the payment of unemployment claims. Individuals who become unemployed are faced with a financial hardship, and rely on unemployment benefits to pay bills and meet daily expenses. Ensuring that the initial determination of benefits is made in a timely fashion will help them receive their benefits sooner.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the enactment of Assembly Bill No. 3438 of 2016 may result in an indeterminate annual cost to the Unemployment Compensation Auxiliary Fund (UCAF), due to an increase in unemployment insurance (UI) administrative expenses. The OLS notes, however, that any administrative expenses associated with this bill may be absorbed into the existing operating and personnel budgets of the Division of Unemployment and Temporary Disability Insurance and/or funded by the federal reimbursement for UI administrative costs, thereby minimizing or avoiding any cost to the UCAF.

COMMITTEE AMENDMENTS:

The amendments add the provision concerning the two week additional period in which to obtain any missing information.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3438

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3438 (1R).

This bill requires the Division of Unemployment and Temporary Disability Insurance in the Department of Labor and Workforce Development to make the initial determination of a claim for unemployment benefits and notify the claimant no later than three weeks from the date when the claim is received by the division, contingent on the receipt of all necessary information. If the initial determination cannot be made due to the lack of documentation, notification will be sent to the claimant providing a status of the claim. The division will then have an additional two weeks to obtain the missing information to make the initial determination and advise the claimant accordingly.

Under current law, the initial determination is required to be made “promptly,” but no time period is specified.

This bill is intended to speed up the payment of unemployment claims. Individuals who become unemployed are faced with financial hardship and rely on unemployment benefits to pay bills and meet daily expenses. By ensuring that the initial determination of benefits is made in a timely fashion, this bill will help claimants receive their benefits in a quicker fashion.

As reported, this bill is identical to Senate Bill No. 1564, as amended and reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the enactment of this bill may result in an indeterminate annual cost to the Unemployment Compensation Auxiliary Fund (UCAF), due to an increase in unemployment insurance (UI) administrative expenses. The OLS notes, however, that any administrative expenses associated with this bill may be absorbed into the existing operating and personnel budgets of the Division of Unemployment and Temporary Disability Insurance, or funded by the federal reimbursement for UI administrative costs, or both, thereby minimizing or avoiding any cost to the UCAF.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3438

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JANUARY 4, 2017

SUMMARY

- Synopsis:** Requires initial determination of unemployment benefits to be made within three weeks of filing of claim.
- Type of Impact:** State Cost Increase; Unemployment Compensation Auxiliary Fund.
- Agencies Affected:** Department of Labor and Workforce Development, Division of Unemployment and Temporary Disability Insurance.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Government Cost – Increase in Administrative Costs	Indeterminate – See comments below

- The Office of Legislative Services (OLS) concludes that the enactment of Assembly Bill No. 3438 (1R) of 2016 may result in an indeterminate annual cost to the Unemployment Compensation Auxiliary Fund (UCAF), due to an increase in unemployment insurance (UI) administrative expenses. The OLS notes, however, that any administrative expenses associated with this bill may be absorbed into the existing operating and personnel budgets of the Division of Unemployment and Temporary Disability Insurance and/or funded by the federal reimbursement for UI administrative costs, thereby minimizing or avoiding any cost to the UCAF.

BILL DESCRIPTION

Assembly Bill No. 3438 (1R) of 2016 requires the Division of Unemployment and Temporary Disability Insurance in the Department of Labor and Workforce Development (DOLWD) to make the initial determination of a claim for unemployment benefits and notify the claimant no later than three weeks from the date when the claim is received by the division contingent on the receipt of all necessary information. If the initial determination cannot be made due to a lack of documentation, notification will be sent to the claimant providing a status of the claim. The division will then have an additional two weeks to obtain the missing information to make the initial determination and advise the claimant accordingly.

Under current law, the initial determination is required to be made “promptly,” but no time period is specified.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the enactment of Assembly Bill No. 3438 (1R) of 2016 may result in an indeterminate annual cost to the UCAF due to an increase in UI administrative expenses.

The New Jersey UI program is administered by the Division of Unemployment and Temporary Disability Insurance in the DOLWD, but the federal government provides funding to finance the administration of the program. The DOLWD, however, has utilized money from the UCAF, a repository for all interest and penalties imposed upon State employers for violation of UI regulations, for certain UI costs.

For example, the FY 2016 Appropriations Act includes a \$16 million appropriation from the UCAF to support UI collection activities as well as costs associated with certain State required notifications to UI claimants. This was an \$11 million dollar increase from the previous fiscal year. According to the DOLWD, the increased appropriation was necessary to offset an inadequate federal reimbursement for UI administrative costs and to maintain the Division's response level to claims and manage its existing workload. There was an identical \$16 million appropriation from the UCAF in the FY 2017 Appropriations Act.

The OLS concludes that the provisions of this bill, requiring the Division to make the initial determination of unemployment benefits within three weeks of receiving a claim contingent upon the receipt of all necessary information, may result in an indeterminate additional cost to the UCAF, due to an increase in UI administrative expenses. The OLS notes, however, that any administrative expenses associated with this bill may be absorbed into the existing operating and personnel expenses of the Division and/or funded by the federal reimbursement for UI administrative costs, thereby minimizing or avoiding any cost to the UCAF.

As a reference, the United States Department of Labor reports that in October 2016 67.6 percent of the 18,883 UI claimants in New Jersey received a first payment within 21 days of the Division receiving the initial claim. Furthermore, in the same month, 97.6 percent of claimants received a first payment within 70 days. This data fluctuates from month to month. For example, for the data available thus far for 2016, the lowest percentage month of claimants receiving a first payment in 21 days was 65.7 percent, while the highest was 86.4 percent.

Section: Commerce, Labor and Industry

Analyst: Sarah M. Schmidt
Associate Research Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1564

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Requires initial determination of unemployment benefits to be made within three weeks of filing of claim.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/14/2017)

S1564 TURNER, BEACH

2

1 AN ACT concerning unemployment benefits and amending
2 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, for any reason, whether the
18 unemployment is permanent or temporary, a printed copy of benefit
19 instructions. The benefit instructions given to the individual shall
20 include, but not be limited to, the following information: (A) the
21 date upon which the individual becomes unemployed, and, in the
22 case that the unemployment is temporary, to the extent possible, the
23 date upon which the individual is expected to be recalled to work;
24 and (B) that the individual may lose some or all of the benefits to
25 which he is entitled if he fails to file a claim in a timely manner.
26 Both the aforesaid notices and instructions, including information
27 detailing the time sensitivity of filing a claim, shall be supplied by
28 the division to employers without cost to them. Nothing in this
29 section shall be construed so as to require an employer to re-hire an
30 individual formerly in the employer's service.

31 (2) Any claimant, except for a claimant who has, for any period
32 during his base year, served in the military, worked for the federal
33 government, or worked outside the State of New Jersey, may
34 choose to certify, cancel or close his claim for unemployment
35 insurance benefits at any time, 24 hours a day and seven days a
36 week, via the Internet on a website developed by the division;
37 however, any claim that is certified, cancelled or closed after 7:00
38 PM will not be processed by the division until the next scheduled
39 posting date.

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

42 A representative or representatives designated by the director of
43 the division and hereafter referred to as a "deputy" shall promptly
44 examine the claim, and shall notify the most recent employing unit
45 and, successively as necessary, each employer in inverse
46 chronological order during the base year. Such notification shall
47 require said employing unit and employer to furnish such
48 information to the deputy as may be necessary to determine the

1 claimant's eligibility and his benefit rights with respect to the
2 employer in question.

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

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

14 The deputy shall **promptly** make an initial determination based
15 upon the available information and notify the claimant no later than
16 three weeks from the date on which the division received the claim
17 for benefits. The initial determination shall show the weekly
18 benefit amount payable, the maximum duration of benefits with
19 respect to the employer to whom the determination relates, and the
20 ratio of benefits chargeable to the employer's account for benefit
21 years commencing on or after July 1, 1986, and also shall show
22 whether the claimant is ineligible or disqualified for benefits under
23 the initial determination. The **claimant and the** employer whose
24 account may be charged for benefits payable pursuant to said
25 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:

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4

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;

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 **【subpenaed】** subpoenaed pursuant
26 to this section shall be allowed fees at a rate fixed by the director.
27 Such fees and all expenses of proceedings involving disputed
28 claims shall be deemed a part of the expense of administering this
29 chapter (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)
47 of this section, as originally passed or amended, shall not relieve
48 any employer's account of any charge by reason of any benefits

1 paid, unless and until that employer can show to the satisfaction of
2 the 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 (j) With respect to benefit payments made on or after October
7 22, 2013, an employer's account shall not be relieved of charges
8 related to a benefit payment that was made erroneously from the
9 division if it is determined that:

10 (1) The erroneous benefit payment was made because the
11 employer, or an agent of the employer, failed to respond in a timely
12 or adequate manner to a request from the division for information
13 related to the claim for benefits; and

14 (2) The employer, or an agent of the employer, has established a
15 pattern of failing to respond in a timely or adequate manner to
16 requests from the division for information related to claims for
17 benefits.

18 Determinations of the division prohibiting the relief of charges
19 pursuant to this subsection shall be subject to appeal in the same
20 manner as other determinations of the division related to the
21 charging of employer accounts.

22 For purposes of subsection (j) of this section:

23 "Erroneous benefit payment" means a benefit payment that,
24 except for the failure by the employer, or an agent of the employer,
25 to respond in a timely or adequate manner to a request from the
26 division for information with respect to the claim for benefits,
27 would not have been made; and

28 "Pattern of failing" means repeated documented failure on the
29 part of the employer, or an agent of the employer, to respond to
30 requests from the division to the employer or employer's agent for
31 information related to a claim for benefits, except that an employer,
32 or an agent of an employer, shall not be determined to have engaged
33 in a "pattern of failing" if the number of failures to respond to
34 requests from the division for information related to claims for
35 benefits during the previous 365 calendar days is less than three, or
36 if the number of failures is less than two percent of the number of
37 requests from the division, whichever is greater.

38 (k) The Department of Labor and Workforce Development shall
39 establish and maintain a procedure by which personnel access rights
40 to the department's primary system for unemployment claims
41 receipt and processing are comprehensively reviewed every
42 calendar quarter. The procedure shall include an evaluation of
43 access needs to the primary unemployment claims receipt and
44 processing system for all department personnel and the adjustment,
45 addition, or deletion of access rights for department personnel based
46 on the quarterly review.

47 (cf: P.L.2015, c.42.)

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8

1 2. This act shall take effect on the 90th day following
2 enactment.

3

4

5

STATEMENT

6

7 This bill requires the Division of Unemployment and Temporary
8 Disability Insurance in the Department of Labor and Workforce
9 Development to make the initial determination of a claim for
10 unemployment benefits and notify the claimant no later than three
11 weeks from the date when the claim is received by the division.
12 Under current law, the initial determination is required to be made
13 “promptly,” but no time period is specified.

14 This bill is intended to speed up the payment of unemployment
15 claims. Individuals who become unemployed are faced with a
16 financial hardship, and rely on unemployment benefits to pay bills
17 and meet daily expenses. Ensuring that the initial determination of
18 benefits is made in a timely fashion will help them receive their
19 benefits sooner.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1564

STATE OF NEW JERSEY

DATED: SEPTEMBER 8, 2016

The Senate Labor Committee reports favorably Senate Bill, No. 1564.

This bill requires the Division of Unemployment and Temporary Disability Insurance in the Department of Labor and Workforce Development to make the initial determination of a claim for unemployment benefits and notify the claimant no later than three weeks from the date when the claim is received by the division. Under current law, the initial determination is required to be made “promptly,” but no time period is specified.

This bill is intended to speed up the payment of unemployment claims. Individuals who become unemployed are faced with a financial hardship, and rely on unemployment benefits to pay bills and meet daily expenses. Ensuring that the initial determination of benefits is made in a timely fashion will help them receive their benefits sooner.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1564

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1564, with committee amendments.

As amended, this bill requires the Division of Unemployment and Temporary Disability Insurance in the Department of Labor and Workforce Development to make the initial determination of a claim for unemployment benefits and notify the claimant no later than three weeks from the date when the claim is received by the division. If the initial determination cannot be made due to the lack of documentation, notification will be sent to the claimant providing a status of the claim. The division will then have an additional two weeks to obtain the missing information to make the initial determination and advise the claimant accordingly.

Under current law, the initial determination is required to be made “promptly,” but no time period is specified.

This bill is intended to speed up the payment of unemployment claims. Individuals who become unemployed are faced with financial hardship and rely on unemployment benefits to pay bills and meet daily expenses. By ensuring that the initial determination of benefits is made in a timely fashion, this bill will help claimants receive their benefits in a quicker fashion.

As amended and reported, this bill is identical to Assembly Bill No. 3438 (1R), as also reported by the committee.

COMMITTEE AMENDMENTS:

The amendments add the provision concerning the two week additional period in which to obtain any missing information.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the enactment of this bill may result in an indeterminate annual cost to the Unemployment Compensation Auxiliary Fund (UCAF), due to an increase in unemployment insurance (UI) administrative expenses. The OLS notes, however, that any administrative expenses associated with this bill may be absorbed into the existing operating and personnel budgets of the Division of Unemployment and Temporary Disability Insurance, or both, or funded by the federal reimbursement for UI administrative costs, thereby minimizing or avoiding any cost to the UCAF.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1564 STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 22, 2017

SUMMARY

- Synopsis:** Requires initial determination of unemployment benefits to be made within three weeks of filing of claim.
- Type of Impact:** Annual State Cost Increase to Unemployment Compensation Auxiliary Fund.
- Agencies Affected:** Department of Labor and Workforce Development.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate – See comments below

- The Office of Legislative Services (OLS) concludes that the enactment of this bill may result in an indeterminate annual cost to the Unemployment Compensation Auxiliary Fund (UCAF) due to a potential increase in unemployment insurance (UI) administrative expenses. The OLS notes, however, that any administrative expenses associated with this bill may be absorbed into the existing operating and personnel expenses of the division or funded by the existing federal reimbursement for UI administrative costs, thereby minimizing or avoiding any additional cost to the UCAF.

BILL DESCRIPTION

Senate Bill No. 1564 (1R) of 2016 requires the Division of Unemployment and Temporary Disability Insurance in the Department of Labor and Workforce Development (DOLWD) to make the initial determination of a claim for unemployment benefits and notify the claimant no later than three weeks from the date of the claim's receipt. If the initial determination cannot be made due to a lack of documentation, notification will be sent to the claimant providing a status of the claim. The division will then have an additional two weeks to obtain the missing information to make the initial determination and advise the claimant accordingly.

Under current law, the initial determination is required to be made "promptly," but no time period is specified.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the enactment of this bill may result in an indeterminate annual cost to the UCAF due to a potential increase in UI administrative expenses.

The New Jersey UI program is administered by the Division of Unemployment and Temporary Disability Insurance in the DOLWD, but the federal government provides funding to finance the administration of the program. Specifically, the State receives a base federal funding amount for UI administrative expenditures, with additional funds distributed each quarter for actual UI claims workload above the base. In addition to the federal funding, however, the DOLWD has utilized money from the UCAF, a repository for all interest and penalties imposed upon State employers for violations of UI regulations, for certain UI administrative costs.

For example, the FY 2016 and FY 2017 Appropriations Acts each included a \$16.0 million appropriation from the UCAF to support UI collection activities as well as costs associated with certain State required notifications to UI claimants. The FY 2016 amount was an \$11.0 million increase from FY 2015. According to the DOLWD, the increased appropriation was necessary at the time to offset an “inadequate” federal reimbursement for UI administrative costs and to maintain the division’s response level to claims and manage its existing workload. Furthermore, according to the department, \$11.0 million of the \$16.0 million appropriation was expended in FY 2016.

The OLS concludes that the provisions of this bill, requiring the division to make the initial determination of unemployment benefits within three weeks of receiving a claim contingent upon the receipt of all necessary information, may result in an indeterminate additional annual cost to the UCAF due to a potential increase in UI administrative expenses. The OLS notes, however, that any administrative expenses associated with this bill may be absorbed into the existing operating and personnel expenses of the division or funded by the existing federal reimbursement for UI administrative costs, thereby minimizing or avoiding any additional cost to the UCAF.

The OLS notes further that the bill would not result in additional federal funding for UI administrative expenses, as the specific amount of federal funding is dependent on caseload, which the bill would not alter.

As a reference, the United States Department of Labor (USDOL) reports that in December 2016 about 79.2 percent of the 24,431 UI claimants in New Jersey received a first payment within 21 days of the division receiving the initial claim. Furthermore, in the same month, 98.3 percent of claimants received a first payment within 70 days. These data fluctuate from month to month. For example, for 2016, the lowest percentage month of claimants receiving a first payment in 21 days was 65.7 percent, while the highest was 86.4 percent. The USDOL does not provide data on the initial determination of unemployment benefits in New Jersey.

Section: Commerce, Labor and Industry
Analyst: Sarah M. Schmidt
Associate Research Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

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Trenton, NJ – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttle, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttle, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttle, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttle, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttle, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

BILL SIGNINGS:

S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco) - Establishes data reporting requirements for emergency medical services providers and dispatch centers

SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty) - Authorizes health care providers to engage in telemedicine and telehealth

S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones) - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

S-1295/A-3701 (Vitale/Eustace, Munoz) - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter) - Revises statutes regarding practice of physical therapy

S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight) - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey) - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty) - Adds two nurse educators to the New Jersey Board of Nursing

S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt) - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey) - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo) - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson) - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin) - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano) - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji) - Establishes State food waste reduction goal of 50 percent by 2030

S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora) - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

S-3176/A-4898 (Madden/Mukherji, Singleton) - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones) - Extends voting rights of representatives of sending districts on receiving district board of education

S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey) - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

S-3331/A-5039 (Cruz-Perez/Jones) - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

SJR-105/AJR-157 (Diegnan, Cruz-Perez, Sweeney/Pinkin, Karabinchak, Coughlin) - Designates August 29, 2017 as Governor James Florio Day in New Jersey

SJR-113/AJR-165 (Gordon/Vainieri Huttie, Chiaravalloti) - Clarifies intent of law subjecting PANYNJ to open public records and freedom of information laws in New Jersey and New York

A-222/S-2171 (DeAngelo, Giblin, Singleton, Holley, Benson/Bateman, Greenstein, Stack) - "New Jersey Library Construction Bond Act"; authorizes issuance of \$125,000,000 in general obligation bonds to finance capital projects at public libraries; appropriates \$5,000

A-373/S-607 (Auth, Vainieri Huttie, McGuckin, Schepisi, Peterson, Jimenez/Addiego, A.R. Bucco) - Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime

A-555/S-1847 (Pinkin, Eustace/Diegnan) - Revises statutes concerning incorporation and governance of the Protestant Episcopal Church to remove gender-specific references

A-621/S-2328 (Lagana, Greenwald, Moriarty, Mosquera, Mukherji/Cruz-Perez, Turner) - Permits bowling alleys, including alleys licensed to sell alcoholic beverages, to conduct amusement games

A-1458/S-2449 (Lampitt, Mosquera, Downey, Singleton, Vainieri Huttie/Vitale, Ruiz) - Requires health care professionals engaged in prenatal care to provide parents of newborns with information on health insurance coverage for newborn children

A-1761/S-332 (Eustace, Mukherji, Gusciora/Scutari, Bateman) - Creates fencing crime involving stolen domestic companion animals

A-2060/S-2333 (Gusciora, Sumter, Oliver, Jasey, McKnight/Cruz-Perez, Turner) - Establishes process for consideration of offers from short sale buyers during residential mortgage foreclosures

A-2221/S-2453 (Benson, Russo, DeAngelo, A.M. Bucco/Diegnan, Greenstein) - Allows gross income taxpayers to use returns to make voluntary contributions to the Boy Scouts of America Councils in New Jersey

A-2441/S-2910 (Eustace, Gusciora, Kennedy, Mazzeo, Mukherji/Gordon, Turner) - Authorizes the Unclaimed Property Administrator to verify certain governmental debts before delivering abandoned property

A-2926/S-3197 (Greenwald, Vainieri Huttie, Schaer, Mukherji, Holley, Mosquera, Muoio, Sumter, Mazzeo/Cruz-Perez, Cunningham) - Repeals law suspending certain licenses, registrations and certifications for failure to repay student loans

A-2993/S-1305 (Conaway, Pinkin, Sumter, Wimberly, McKnight, Mukherji/Vitale, Madden) - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes

A-3347/S-2242 (Wolfe, Holley, Jasey, McKnight, Wimberly/Diegnan) - Establishes New Jersey School Safety Specialist Academy in Department of Education and requires school districts to designate school safety specialist

A-3438/S-1564 (DeAngelo, Danielsens, Holley, Houghtaling, Downey, Wimberly, Quijano/Turner, Beach) - Requires initial determination of unemployment benefits to be made within three weeks of filing of claim

A-3463/S-2038 (Coughlin/Vitale, Codey) - Updates references to DOC and DHS and refers to persons receiving services from DHS

A-3686/S-2423 (McKeon, Jasey, Munoz, Vainieri Huttie, A.M. Bucco/Codey, Oroho) - Establishes new crime of strict liability vehicular homicide; renames existing vehicular homicide as reckless vehicular homicide; designated as Ralph and David's Law

A-4011/S-2887 (Jones, Barclay, Moriarty, Mosquera, Greenwald, Lampitt, Mazzeo, Chiaravalloti/Cruz-Perez, Beach) - Designates USS New Jersey as New Jersey State Ship

A-4081/S-2662 (Lampitt, Vainieri Huttle, Benson, Wimberly, Greenwald/Allen, Sweeney) - "Charlie's Law"; Establishes civil penalties for persons who interfere with or deny persons with disabilities accompanied by service or guide dogs access to places of public accommodation

A-4088/S-2567 (Schaer, Jasey, Benson, Wimberly/Cruz-Perez, Singer) - Establishes "High School to College Readiness Commission" to examine issues and develop recommendations to enhance student preparation for postsecondary education

A-4175/S-2808 (Caride, McKnight, Holley, Pintor Marin, Wimberly/Ruiz, Turner) -Requires Commissioner of Education to develop guidance on identifying English language learners for gifted and talented programs

A-4246/S-3194 (Dancer/Lesniak, Beck) - Decreases annual thoroughbred race dates to 50 minimum upon written consent from New Jersey Thoroughbred Horsemen's Association

A-4317/S-3206 (Prieto, Giblin/Diegnan) - Concerns violations of certain occupational licensing laws

A-4568/S-3017 (Vainieri Huttle, Eustace, Pinkin, Jasey, Johnson/Vitale, Ruiz) - Prohibits health insurers, SHBP, SEHBP, certain health care providers, and Medicaid from discriminating in providing coverage and services based on gender identity

A-4875/S-1996 (Muoio, Gusciora/Beach, Van Drew) - Requires gubernatorial candidates' statements be posted online

A-4969/S-3281 (Oliver, Giblin, Jasey, McKnight, Schaer, Wimberly/Gill, Cunningham) - Establishes Montclair State University as public research university

ACS for A-4994/S-3314 (McKeon, Burzichelli, Singleton, Caride/Sarlo, Oroho) - Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks

AJR-37/SJR-67 (Mosquera, Chaparro/Weinberg) - Designates June 21 of each year as "ASK Day" to promote children's health and gun safety

ACS for AJR-54/SJR-104 (Benson, Mosquera, Chiaravalloti, Holley, McKnight, Wimberly/Sweeney, Beach) - Designates April 2nd of each year as "World Autism Awareness Day"

AJR-72/SJR-31 (Gove, Rumpf, A.M. Bucco, Holley/A.R. Bucco) - Designates September 17 through September 23 of each year as "Constitution Week"

AJR-115/SJR-81 (Vainieri Huttle, Lampitt, Giblin, Benson/Diegnan, A.R. Bucco) - Designates third Friday in September of every year as Concussion Awareness Day

AJR-126/SJR-85 (Dancer, DeAngelo, Munoz, A.M. Bucco, Mukherji, Houghtaling, Downey/Allen, Madden) - Commemorates establishment and service of the New Jersey State Police and celebrates 95th anniversary of first graduating class

AJR-137/SJR-102 (Mazzeo/Whelan) - Urges United States President Trump, members of his administration, and Congress to oppose measures and actions to prohibit states from authorizing and conducting Internet gaming

BILLS VETOED:

SCS for S-1297, 1990/A-3751 (Vitale, Sweeney/Jasey, Coughlin) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots

A-31/S-3315 (Prieto, Muoio, Oliver, Schaer, Holley, Mukherji, Quijano, Wimberly, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Increases amount of benefits under Work First New Jersey program by 30 percent over three years and according to Social Security cost of living increases thereafter

A-33/S-3316 (Muoio, Vainieri Huttle, Mukherji, Oliver, Gusciora, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Repeals family cap in Work First New Jersey program

A-320/S-1018 (Singleton, Vainieri Huttle, Munoz, Moriarty, Lampitt, Sumter, Mukherji/Weinberg, Cruz-Perez) - **CONDITIONAL** - Establishes minimum Medicaid reimbursement rate for personal care services

A-1139/S-2616 (Holley, McKnight, Munoz, Kennedy, Mukherji, Pintor Marin, Wimberly/Ruiz, Vitale) - **CONDITIONAL** - Prohibits sale of unsafe supplemental mattresses designed for children's products

A-2297/S-659 (Vainieri Huttle, Sumter, Mukherji, Caride, Downey, Zwicker, Wimberly/Turner, Allen) - **CONDITIONAL** - Requires health insurance coverage for contraceptives to include prescriptions for 12 months

A-3338/S-862 (Eustace, Lagana, Vainieri Huttle, Muoio, Mukherji, Benson, Jimenez, Giblin, Moriarty, Lampitt/Stack, Weinberg) - **CONDITIONAL** - Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives

ACS for A-3480, 4119/S-2536 (Downey, Lampitt, Schaer, Houghtaling, Benson, Singleton, Muoio, DeAngelo/Gill, Weinberg) - **ABSOLUTE** - Concerns employer inquiries about worker's wage and salary experience

A-4253/S-2634 (Quijano, Mukherji, Vainieri Huttle, Eustace, Jones, McKeon/Weinberg, Diegnan) - CONDITIONAL - Establishes "New Jersey Nonprofit Security Grant Pilot Program"; appropriates \$3,000,000 over next three fiscal years

A-4453/S-2881 (Downey, Houghtaling/Ruiz) – CONDITIONAL - Requires pupils who reside on certain federal property to enroll in resident school district in accordance with schedule determined by executive county superintendent of schools

A-4496/S-2977 (Wimberly, Sumter, Lampitt/Lesniak) – CONDITIONAL - "Healthy Small Food Retailer Act"; provides funding to small food retailers to sell fresh and nutritious food; appropriates \$1 million

A-4587/SCS for S-2574 (Quijano, Vainieri Huttle, Mukherji, Giblin/Diegnan, Sarlo) – ABSOLUTE - Imposes State sales and use tax and hotel and motel occupancy fee on transient accommodations; authorizes various municipal taxes and fees on transient accommodations

A-4870/S-3226 (Prieto, Oliver, Quijano, Pintor Marin, Schaer, Vainieri Huttle, Eustace/Ruiz, Sweeney, Greenstein) – ABSOLUTE - "Safe Transportation Jobs and Fair Employment Rules Act"

ACS for A-4927/SCS for S-3085 (Prieto, Oliver, Gusciora, Jasey/Sweeney, Diegnan, Ruiz) – CONDITIONAL - Revises law concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave

###

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