

**CHAPTER 15****SCOPE****Authority**

N.J.S.A. 34:1-5, 34:1-20, 34:1A-3(e), 43:21-3(c), 43:21-4(e),  
43:21-7(b)(3), 43:21-7.3(e), 43:21-19(t), 43:21-27,  
43:21-40 and 43:21-41.

**Source and Effective Date**

R.1990 d.419, effective July 30, 1990.  
See: 22 N.J.R. 1895(b), 22 N.J.R. 2508(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 15, Scope, expires on July 30, 1995.

**Chapter Historical Note**

Chapter 15, Scope, was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 15 was readopted as R.1990 d.419. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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**SUBCHAPTER 1. GENERAL PROVISIONS****12:15-1.1 Purpose and scope of rules and regulations**

(a) Under the Unemployment Compensation Law and the temporary disability benefits law, benefits financed from tax or contributions are paid workers who become unemployed, generally because of lack of work or disability.

(b) The unemployment benefits are paid from moneys contributed to a State fund, and temporary disability benefits from moneys contributed to a State fund or from private plans approved by the division and established by employers for such purposes.

(c) The rules and regulations contained in this subchapter are agency statements of general applicability, and are intended to assist in the implementation of the basic provisions of the laws pertaining to unemployment compensation and temporary disability benefits.

New rule, R.1985 d.423, effective August 19, 1985.

See: 17 N.J.R. 1378(a), 17 N.J.R. 2046(b).

This section expired December 31, 1984 and was readopted as a new rule pursuant to Executive Order 66(1978) effective August 19, 1985.

**12:15-1.2 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Director” means the Director of the Division of Unemployment and Temporary Disability Insurance in the Department of Labor.

“Department” means the New Jersey Department of Labor.

“Division” means the Division of Unemployment and Temporary Disability Insurance in the Department of Labor.

“Controller” means the Controller of the Department of Labor.

Amended by R.1984 d.516, effective November 5, 1984.

See: 16 N.J.R. 2237(a), 16 N.J.R. 3046(a).

Substantially amended.

New Rule, R.1985 d.423, effective August 19, 1985.

See: 17 N.J.R. 1378(a), 17 N.J.R. 2046(b).

This section expired December 31, 1984 and was readopted as a new rule pursuant to Executive Order 66(1978) effective August 19, 1985.

Amended by R.1990 d.419, effective August 20, 1990.

See: 22 N.J.R. 1895(b), 22 N.J.R. 2508(a).

Amended “controller”.

**12:15-1.3 Maximum weekly benefit rates**

(a) In accordance with the provisions of the Unemployment Compensation Law, the maximum weekly benefit rate for benefits under the Unemployment Compensation Law is hereby promulgated as being \$354.00 per week.

(b) The maximum weekly benefit rate for State Plan benefits under the Temporary Disability Benefits Law is hereby promulgated as being \$331.00 per week.

(c) These maximum benefits shall be effective for the calendar year 1995 on benefit years and periods of disability commencing on or after January 1, 1995.

Amended by R.1973 d.219, effective January 1, 1974.

See: 5 N.J.R. 316(c).

Amended by R.1974 d.236, effective January 1, 1975.

See: 6 N.J.R. 352(b).

Amended by R.1975 d.250, effective January 1, 1976.

See: 7 N.J.R. 432(b).

Amended by R.1976 d.257, effective January 1, 1977.

See: 8 N.J.R. 424(c).

Amended by R.1977 d.297, effective January 1, 1978.

See: 9 N.J.R. 439(b).

Amended by R.1978 d.282, effective January 1, 1979.

See: 10 N.J.R. 400(b).

Amended by R.1979 d.321, effective January 1, 1980.

See: 11 N.J.R. 449(d).  
 Amended by R.1980 d.355, effective January 1, 1981.

See: 12 N.J.R. 543(b).  
 Amended by R.1981 d.419, effective November 2, 1981 (to be operative January 1, 1982).

See: 5 N.J.R. 602(b), 13 N.J.R. 777(a), 13 N.J.R. 894(b).  
 (a): "\$145.00" was "\$133.00".  
 (b): "1982" was "1981".

Amended by R.1982 d.383, effective November 1, 1982 (to be operative January 1, 1983).

See: 14 N.J.R. 969(a), 14 N.J.R. 1218(b).  
 Maximum benefit rate changed from \$145.00 to \$158.00 per week.

Amended by R.1983 d.521, effective November 21, 1983, operative January 1, 1984.

See: 15 N.J.R. 1434(a), 15 N.J.R. 1944(c).  
 1984 disability benefits increased from \$158.00 to \$170.00 per week.

Amended by R.1984 d.517, effective November 5, 1984 (operative January 1, 1985).

See: 16 N.J.R. 2343(a), 16 N.J.R. 3049(a).  
 New (b); (b) changed to (c).

Amended by R.1985 d.545, effective November 4, 1985 (operative January 1, 1986).

See: 17 N.J.R. 2079(a), 17 N.J.R. 2666(a).  
 Benefit rates changed.

Amended by R.1986 d.451, effective November 17, 1986 (operative January 1, 1987).

See: 18 N.J.R. 1787(a), 18 N.J.R. 2330(b).  
 Benefit rates changed.

Amended by R.1987 d.468, effective November 16, 1987 (operative January 1, 1988).

See: 19 N.J.R. 1622(a), 19 N.J.R. 2196(a).  
 Benefit rates changed.

Amended by R.1988 d.535, effective November 7, 1988.

See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).  
 Benefit rates raised and date changed.

Amended by R.1989 d.565, effective November 6, 1989.

See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).  
 Maximum weekly benefit rates increased in (a) and (b); effective date of benefits changed to January 1, 1990.

Amended by R.1990 d.597, effective December 3, 1990.

See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).  
 In (a)-(b): maximum weekly benefit rates increased to \$291.00 from \$279.00 and to \$272.00 from \$261.00, respectively, for calendar year 1991.

Amended by R.1991 d.573, effective November 18, 1991.

See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).  
 Maximum weekly benefit rates increased in (a) and (b); effective date of benefits changed to January 1, 1992.

Amended by R.1992 d.454, effective November 16, 1992.

See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).  
 Revised text.

Amended by R.1993 d.589, effective November 15, 1993.

See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).  
 Amended by R.1994 d.552, effective November 7, 1994.

See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).

#### 12:15-1.4 Taxable wage base under the Unemployment Compensation Law

In accordance with the provisions of N.J.S.A. 43:21-7(b)(3), the "wages" of any individual with respect to any one employer for the purpose of contributions under the Unemployment Compensation Law shall include the first \$17,600 during the calendar year 1995.

R.1975 d.251, effective August 18, 1975.  
 See: 7 N.J.R. 432(c).  
 Amended by R.1976 d.258, effective January 1, 1977.  
 See: 8 N.J.R. 424(b).  
 Amended by R.1977 d.298, effective January 1, 1978.  
 See: 9 N.J.R. 439(c).  
 Amended by R.1978 d.281, effective January 1, 1979.

See: 10 N.J.R. 400(a).  
 Amended by R.1979 d.320, effective January 1, 1980.

See: 11 N.J.R. 449(c).  
 Amended by R.1980 d.356, effective January 1, 1981.

See: 12 N.J.R. 543(c).  
 Amended by R.1981 d.421, effective November 2, 1981 (to be operative January 1, 1982).

See: 13 N.J.R. 602(c), 13 N.J.R. 777(b), 13 N.J.R. 894(b).  
 (a): "\$8,200" was "\$7,500".  
 (b): "1982" was "1981".

Amended by R.1982 d.382, effective November 1, 1982 (operative January 1, 1983).

See: 14 N.J.R. 970(a), 14 N.J.R. 1219(a).  
 Taxable wage base changed from \$8,200 to \$8,800 per year.

Amended by R.1983 d.522, effective November 21, 1983, operative January 1, 1984.

See: 15 N.J.R. 1435(a), 15 N.J.R. 1944(d).  
 1984 taxable wage base increased from \$8,800 to \$9,600.

Amended by R.1984 d.519, effective November 5, 1984.

See: 16 N.J.R. 2344(a), 16 N.J.R. 3049(b).  
 "\$10,100" was "\$9,600" and "1985" was "1984".

Amended by R.1985 d.545, effective November 4, 1985 (operative January 1, 1986).

See: 17 N.J.R. 2079(b), 17 N.J.R. 2667(a).  
 Contributions raised from \$10,100 to \$10,700.

Amended by R.1986 d.452, effective November 17, 1986 (operative January 1, 1987).

See: 18 N.J.R. 1787(b), 18 N.J.R. 2330(c).  
 Contributions raised from \$10,700 to \$11,300.

Amended by R.1987 d.469, effective November 16, 1987 (operative January 1, 1988).

See: 19 N.J.R. 1623(a), N.J.R. 2196(b).  
 Contributions raised from \$11,300 to \$12,000.

Amended by R.1988 d.535, effective November 7, 1988.

See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).  
 Contributions raised from \$12,000 to \$12,800.

Amended by R.1989 d.565, effective November 6, 1989.

See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).  
 Taxable wage base raised to \$13,900 during the 1990 calendar year.

Amended by R.1990 d.597, effective December 3, 1990.

See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).  
 Taxable wage base raised to \$14,400 for the 1991 calendar year.

Amended by R.1991 d.573, effective November 18, 1991.

See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).  
 Taxable wage base raised to \$15,300 for the 1992 calendar year.

Amended by R.1992 d.454, effective November 16, 1992.

See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).  
 Revised text.

Amended by R.1993 d.589, effective November 15, 1993.

See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).  
 Amended by R.1994 d.552, effective November 7, 1994.

See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).

#### 12:15-1.5 Contribution rate of governmental entities and instrumentalities

(a) In accordance with the provisions of N.J.S.A. 43:21-7.3(e), the contribution rate for all governmental entities and instrumentalities electing to pay contributions under the Unemployment Compensation Law is hereby promulgated as being four-tenths of one percent (0.4 percent) for the entire calendar year.

(b) This contribution rate shall be effective on taxable wages paid in the calendar year 1995.

R.1978 d.305, effective January 1, 1979.  
 See: 10 N.J.R. 445(b).  
 Amended by R.1979 d.327, effective January 1, 1980.  
 See: 11 N.J.R. 450(a).  
 Amended by R.1980 d.354, effective January 1, 1981.

See: 12 N.J.R. 543(a).  
 Amended by R.1981 d.418, effective November 2, 1981 (to be operative January 1, 1982).  
 See: 13 N.J.R. 603(a), 13 N.J.R. 777(c).  
 (b): "1982" was "1981".  
 Amended by R.1982 d.381, effective November 1, 1982 (operative January 1, 1983).  
 See: 14 N.J.R. 970(b), 14 N.J.R. 1219(b).  
 Contribution rate changed from two percent (2%) to one and one-half percent (1.5%).  
 Amended by R.1983 d.612, effective January 3, 1984.  
 See: 15 N.J.R. 1829(a), 16 N.J.R. 50(a).  
 1984 rate maintained at same rate of 1983.  
 Amended by R.1984 d.518, effective November 5, 1984 (operative January 1, 1985).  
 See: 16 N.J.R. 2344(b), 16 N.J.R. 3050(a).  
 Year changed to "1985" from "1984".  
 Amended by R.1985 d.543, effective November 4, 1985 (operative January 1, 1986).  
 See: 17 N.J.R. 2079(c), 17 N.J.R. 2667(b).  
 "1½ percent" changed to "1½ percent".  
 Amended by R.1986 d.456, effective November 17, 1986 (operative January 1, 1987).  
 See: 18 N.J.R. 1788(c), 18 N.J.R. 2331(a).  
 Year changed from 1986 to 1987.  
 Amended by R.1987 d.473, effective November 16, 1987 (operative January 1, 1988).  
 See: 19 N.J.R. 1624(b), 19 N.J.R. 2196(c).  
 1¾ percent changed to 1½ percent.  
 Amended by R.1988 d.535, effective November 7, 1988.  
 See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).  
 1½ percent changed to 1¼ percent.  
 Amended by R.1989 d.565, effective November 6, 1989.  
 See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).  
 Contribution rate lowered to 0.8 percent; benefit year changed to 1990.  
 Amended by R.1990 d.597, effective December 3, 1990.  
 See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).  
 Contribution rate changed to 0.6 percent for 1991 calendar year.  
 Amended by R.1991 d.573, effective November 18, 1991.  
 See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).  
 Contribution rate changed to 0.4 percent for 1992 calendar year.  
 Amended by R.1992 d.454, effective November 16, 1992.  
 See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).  
 Revised (b).  
 Amended by R.1993 d.589, effective November 15, 1993.  
 See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).  
 Amended by R.1994 d.552, effective November 7, 1994.  
 See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).

#### 12:15-1.6 Base week

In accordance with the provisions of N.J.S.A. 43:21-19(t), the base week amount is hereby promulgated as being \$126.00 per week for calendar year 1995.

R.1984 d.521, effective November 5, 1984 (operative January 1, 1985).  
 See: 16 N.J.R. 2345(a), 16 N.J.R. 3050(b).  
 Amended by R.1985 d.525, effective October 21, 1985.  
 See: 17 N.J.R. 2007(b), 17 N.J.R. 2561(a).  
 Base week amount raised from \$51.00 to \$72.00.  
 Amended by R.1985 d.544, effective November 4, 1985 (operative January 1, 1986).  
 See: 17 N.J.R. 2080(a), 17 N.J.R. 2667(c).  
 Base week amount raised from "\$72.00" to "\$76.00".  
 Amended by R.1986 d.453, effective November 17, 1986 (operative January 1, 1987).  
 See: 18 N.J.R. 1787(c), 18 N.J.R. 2331(b).

Weekly rate raised and disability commencing date changed from October 1, 1986.  
 Amended by R.1987 d.470, effective November 16, 1987 (operative January 1, 1988).  
 See: 19 N.J.R. 1623(b), 19 N.J.R. 2196(d).  
 Base week raised from \$81.00 to \$86.00.  
 Amended by R.1988 d.535, effective November 7, 1988.  
 See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).  
 Base week raised from \$86.00 to \$92.00.  
 Amended by R.1989 d.565, effective November 6, 1989.  
 See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).  
 Base week amount raised to \$99.00 for 1990.  
 Amended by R.1990 d.597, effective December 3, 1990.  
 See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).  
 Base week amount raised to \$103.00 for 1991.  
 Amended by R.1991 d.573, effective November 18, 1991.  
 See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).  
 Base week amount raised to \$110.00 for 1992.  
 Amended by R.1992 d.454, effective November 16, 1992.  
 See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).  
 Revised text.  
 Amended by R.1993 d.589, effective November 15, 1993.  
 See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).  
 Amended by R.1994 d.552, effective November 7, 1994.  
 See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).

#### 12:15-1.7 Alternative earnings test

In accordance with the provisions of N.J.S.A. 43:21-4(e) and 43:21-41, in those instances in which the individual has not established 20 base weeks, the alternative earnings amount for establishing eligibility is hereby promulgated as being \$7,600 for benefit years and periods of disability commencing on or after January 1, 1995.

R.1984 d.520, effective November 5, 1984.  
 See: 16 N.J.R. 2345(b), 16 N.J.R. 3050(c).  
 Amended by R.1985 d.542, effective November 4, 1985 (operative January 1, 1986).  
 See: 17 N.J.R. 2080(b), 17 N.J.R. 2668(a).  
 Alternative earnings amount raised from \$4,100 to \$4,600.  
 Amended by R.1986 d.454, effective November 17, 1986 (operative January 1, 1987).  
 See: 18 N.J.R. 1788(a), 18 N.J.R. 2331(c).  
 Alternative earnings raised from \$4,600 to \$4,900.  
 Amended by R.1987 d.471, effective November 16, 1987 (operative January 1, 1988).  
 See: 19 N.J.R. 1623(b), 19 N.J.R. 2196(e).  
 Alternative earnings raised from \$4,900 to \$5,200.  
 Amended by R.1988 d.535, effective November 7, 1988.  
 See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).  
 Alternative earnings raised from \$5,200 to \$5,500.  
 Amended by R.1989 d.565, effective November 6, 1989.  
 See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).  
 Alternative earnings amount raised to \$6,000 for 1990.  
 Amended by R.1990 d.597, effective December 3, 1990.  
 See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).  
 Alternative earnings amount raised to \$6,200 for 1991.  
 Amended by R.1991 d.573, effective November 18, 1991.  
 See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).  
 Alternative earnings amount raised to \$6,600 for 1992.  
 Amended by R.1992 d.454, effective November 16, 1992.  
 See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).  
 Revised text.  
 Amended by R.1993 d.589, effective November 15, 1993.  
 See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).  
 Amended by R.1994 d.552, effective November 7, 1994.  
 See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).