

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

N.J.S.A. 34:1-20, 34:1A-3(c), 43:21-1 et seq. and 44:8-114.

Source and Effective Date

R.1995 d.389, effective June 23, 1995.
See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).

Executive Order No. 66(1978) Expiration Date

Chapter 15, Scope, expires on June 23, 2000.

Chapter Historical Note

Chapter 12, Scope, was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 12 was readopted as R.1990 d.419, effective June 30, 1990. See: 22 N.J.R. 1895(b), 22 N.J.R. 2508(a). Chapter 12 was readopted as R.1995 d.389, effective June 23, 1995. See: Source and Effective Date. See, also, section annotations.

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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 to eligible workers who become unemployed or disabled.

(b) The unemployment benefits are paid from moneys contributed to a State Unemployment Compensation Fund, and temporary disability benefits from moneys contributed to the State Disability Benefits Fund or from private plans approved by the Department of Labor 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. Amended by R.1995 d.389, effective July 17, 1995.
See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).

Case Notes

Claimant was not in school full-time and was not entitled to additional unemployment benefits during training. Matter of A.P., 95 N.J.A.R.2d (UCC) 23.

Previous workers' compensation award for back injury did not preclude unemployment claimant's state plan disability award for pregnancy. Matter of A.E.D., 95 N.J.A.R.2d (UCC) 22.

Unemployment claimant's work filling in for employee on maternity leave was not outside employer's usual course of business. Matter of M.S., 95 N.J.A.R.2d (UCC) 21.

Unemployment claimant could not be paid benefits for disability that was compensable under workers' compensation. Matter of J.T.S., 95 N.J.A.R.2d (UCC) 18.

Discharge of unemployment claimant for failure to renew license necessary to his employment was misconduct. Matter of R.F.B., 95 N.J.A.R.2d (UCC) 17.

Unemployment claimant's resignation to avoid probation for absenteeism was without good cause. Matter of D.G.A.B., 95 N.J.A.R.2d (UCC) 16.

Late appeal by unemployment claimant misinformed as to timely appeal procedure was for good cause. Matter of C.B., 95 N.J.A.R.2d (UCC) 15.

Claimant laid off from preschool/day care facility during summer was not disqualified from unemployment. Matter of J.S.R., 95 N.J.A.R.2d (UCC) 14.

Resignation after unemployment claimant's position was changed was without good cause attributable to work. Matter of A.L.R., Jr., 95 N.J.A.R.2d (UCC) 13.

Unemployment claimant was ineligible for workforce development program grant and additional benefits during training. Matter of L.J.B., 95 N.J.A.R.2d (UCC) 10.

Acceptance of early retirement option was voluntary without good cause attributable to unemployment claimant's work. Matter of B.O., 95 N.J.A.R.2d (UCC) 9.

Unemployment claimant's acceptance of early retirement was voluntary with good cause attributable to work. Matter of E.F.B., 95 N.J.A.R.2d (UCC) 8.

Requirements for a work search waiver in connection with unemployment claim were met. Matter of G.A.W., 95 N.J.A.R.2d (UCC) 5.

Expression of an inability to work by unemployment claimant was not a refusal to perform available, suitable work. Matter of D.M.D., 95 N.J.A.R.2d (UCC) 4.

Leaving work and accepting employer's early retirement plan upon plant shutdown was voluntary without good cause on part of unemployment claimant. Matter of W.F.B., 95 N.J.A.R.2d (UCC) 3.

Separation after unemployment claimant's incarceration due to conviction of criminal offense was voluntary without good cause. Matter of J.J.L., 95 N.J.A.R.2d (UCC) 1.

Substitute teacher was not disqualified from unemployment when leaving position was not voluntary. Matter of C.W., 93 N.J.A.R.2d (UCC) 10.

Leaving of work due to congestive obstructive pulmonary disease was without good cause attributable to work. Matter of D.C., 93 N.J.A.R.2d (UCC) 9.

Maximum benefit allowance for unemployment was reduced on a weekly basis due to a pension offset. Matter of M.A.L., 93 N.J.A.R.2d (UCC) 8.

Discharge for theft of property disqualified claimant from receiving regular unemployment benefits. Matter of G.C., 93 N.J.A.R.2d (UCC) 6.

Refusal to work at new job site was not misconduct disqualifying claimant from receiving unemployment benefits. Matter of C.B., 93 N.J.A.R.2d (UCC) 6.

Refusal to take drug test was misconduct disqualifying claimant from unemployment benefits. Matter of J.D.M., 93 N.J.A.R.2d (UCC) 5.

Leaving employment for good cause attributable to one's work is not disqualifying unemployment. Matter of C.A.B., 93 N.J.A.R.2d (UCC) 4.

Loss of driver's license was voluntary act and was without good cause attributable to truck driver's work. Matter of H.S., 93 N.J.A.R.2d (UCC) 3.

Claimant's extended benefit entitlement shall be based on all age credits earned during the base year. Matter of J.R., 93 N.J.A.R.2d (UCC) 2.

Drug use as air traffic controller was misconduct disqualifying claimant from unemployment benefits. Matter of H.M., 93 N.J.A.R.2d (UCC) 1.

Release by physician for part-time work did not qualify claimant for unemployment compensation. Matter of A.S., 92 N.J.A.R.2d (UCC) 11.

Extended benefit entitlement under emergency unemployment was based on all wage credits earned during base year. Matter of J.R., 92 N.J.A.R.2d (UCC) 9.

Acceptance of full-time work elsewhere was with good cause and was not disqualifying. Matter of A.F., 92 N.J.A.R.2d (UCC) 7.

Voluntary act of leaving a job due to dissatisfaction with supervisor was without good cause. Matter of E.C., 92 N.J.A.R.2d (UCC) 6.

Separation of registered nurse from temporary work assignment was due to illness and was not voluntary leaving of work. Matter of P.G., 92 N.J.A.R.2d (UCC) 5.

Claimant's participation in work stoppage was active and operated to disqualify claimant upon suspension, Matter of J.L., 92 N.J.A.R.2d (UCC) 4.

Leaving part-time work which became unstable when claimant lost full-time job was not disqualifying. Matter of L.K., 92 N.J.A.R.2d (UCC) 2.

Loss of driver's license was not misconduct disqualifying bus mechanic from unemployment benefits upon discharge. Matter of T.C., 92 N.J.A.R.2d (UCC) 2.

Refusal to follow reasonable changes in procedure was misconduct disqualifying claimant from unemployment benefits upon discharge. Matter of F.G., 92 N.J.A.R.2d (UCC) 1.

12:15-1.2 Maximum weekly benefit rates

(a) In accordance with the provisions of the Unemployment Compensation Law, N.J.S.A. 43:21-1 et seq., the maximum weekly benefit rate for benefits under the Unemployment Compensation Law is hereby promulgated as being \$362.00 per week.

(b) The maximum weekly benefit rate for State Plan benefits under the Temporary Disability Benefits Law is hereby promulgated as being \$339.00 per week.

(c) These maximum benefits shall be effective for the calendar year 1996 on unemployment compensation benefit years and periods of disability commencing on or after January 1, 1996.

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).