

(e) Where a mass separation has not occurred but is threatened or likely to occur the employer shall submit to the Division when requested such information as may be required.

(f) The employer is also required to deliver Form BC-10 (prescribed in Section 20.01) to each worker at the time of mass separation.

As amended, R.1984 d.516, eff. November 5, 1984.

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

Deleted "employment service" and substituted "unemployment insurance claims".

12:17-1.5 Notice of unemployment due to labor dispute

In case of unemployment due to a labor dispute, the employer or employing unit shall file immediately with the local unemployment insurance claims office nearest the place of employment a notice setting forth the existence of such dispute, the approximate number of workers involved, the name and address of the bargaining agency if any, together with a brief statement of the nature of the dispute.

As amended, R.1984 d.516, eff. November 5, 1984.

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

Deleted "employment service" and substituted "unemployment insurance claims".

12:17-1.6 Notice of temporary separation from work

(a) Whenever a worker is temporarily separated from his work through no fault of his own or not of his own accord, the employer, upon request by the local unemployment insurance claims office, shall verify the expected duration of the worker's period of unemployment, the reason for his separation, and the date on which the employer expects the worker to return to his work.

(b) If the period of temporary unemployment is for four weeks or less and the employer has furnished the information required in subsection (a) of this Section, the worker will be entitled to benefits if he meets all of the requirements of subsections (a), (b), (c), (d) and (e) of N.J.S.A. 43:21-4, except that the employer's verification that he expects the worker to return to work within the four-week period will dispense with the requirement of actively seeking work during such period.

As amended, R.1984 d.516, eff. November 5, 1984.

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

Deleted "employment service" and substituted "unemployment insurance claims".

SUBCHAPTER 2. REGISTRATION FOR WORK AND CLAIM FOR BENEFITS

12:17-2.1 Claims and registration

(a) Each individual who desires to claim benefits shall report to an unemployment insurance claims office and file

a claim during the week for which he or she desires to claim the benefits and not after that week has passed. The effective date of the new claim establishes the period of time during which wages can be used for determining the monetary entitlement.

1. Each individual shall report in person to file an initial claim for benefits. The effective date of the claim for benefits shall be the Sunday of the week in which the claim is filed.

(b) Each individual shall report in person to the local employment service office as directed by the Division to register for work and for other job related activities. Failure to report without good cause shall render the individual ineligible for benefits for the week in which such failure to report occurs. For purposes of this section, good cause means any situation over which the claimant did not have control and which was so compelling as to prevent the claimant from reporting as required by the Division.

(c) To maintain continuing eligibility for benefits, an individual shall continue to file weekly claims in person or by mail in accordance with instructions from the Division. No weekly claim for benefits will be allowed until the claimant has signed and furnished to the Division a claim for benefits on the prescribed form.

(d) Each individual shall file a weekly claim as soon as possible after the last week ending date shown on the claim. The Division shall consider that a weekly claim for benefits has been filed timely if postmarked or received by the Division within 14 days after the last week ending date shown on the claim. The Division shall accept claims received after the deadline if good cause has been shown by the individual for late filing, provided that the individual reports by mail or in person as soon as possible thereafter.

1. Each individual, when directed by the Division, shall report in person to the local unemployment insurance claims office for scheduled interviews. Failure to report in person without good cause shall result in ineligibility for the week in which the failure occurs.

(e) Each individual may reopen his or her claim any time during the 52-week period after first filing a claim, by reporting to a local unemployment insurance office in person as outlined in (a)1 above.

1. Each individual who fails to report by mail for four consecutive weeks of benefits must report to the unemployment insurance office in person to reopen the claim.

2. Each individual who returns to full employment during more than one calendar week in a reporting cycle must report in person to reopen the claim.

(f) The Division shall deny benefit rights to each individual who fails to report as directed by the Division except when the failure to report is due to reemployment and the claimant has notified, in writing, the local unemployment

insurance claims office at which he or she has been reporting of the reason for the failure to report within 14 days after the last week ending date being claimed.

(g) Each individual who, without good cause, reports before the designated reporting time may be required to report at the designated time. Each individual who, after being warned, and without good cause, has reported after the designated reporting time may be required to report again at a future day and time.

(h) The Division may permit an individual to report to any other local unemployment insurance claims office if the individual demonstrates to the satisfaction of the Division that he or she is unable to continue to report to the local office where he or she originally filed the claim.

(i) During periods when unusual unemployment conditions prevail, or in the case of a temporary mass separation with a specific date of recall, the Division, through the Director, may, subject to the approval of the Employment and Training Administration of the United States Department of Labor, direct individuals to report on any periodic basis deemed to be in the best interests of all concerned.

Amended by R.1975 d.72, eff. April 7, 1975.

See: 7 N.J.R. 169(b).

Amended by R.1984 d.458, eff. October 15, 1984.

See: 16 N.J.R. 1456(a), 16 N.J.R. 2822(a).

Section substantially amended.

Amended by R.1986 d.286, effective July 21, 1986.

See: 18 N.J.R. 811(a), 18 N.J.R. 1478(a).

Old (a)1 deleted and new text inserted; (a)2 substantially amended.

Correction: (h)1 should read "Failure to report shall not be . . .".

See: 19 N.J.R. 1841(a).

Repeal and New Rule, R. 1990 d.420, effective August 20, 1990.

See: 22 N.J.R. 901(a), 22 N.J.R. 2508(b).

Section was "Claims and registration for individuals generally".

Case Notes

Claimant's letter to claims office stating that he was unable to report on appointed day was insufficient to comply with former rule requiring personal report. *Zimmerman v. Bd. of Review, Div. of Unemployment Security*, 132 N.J.Super. 316, 333 A.2d 554 (App.Div.1975).

Salesperson's delay in filing application for disability benefits did not disqualify her for weekly benefit. In the Matter of T.P., 96 N.J.A.R.2d (UCC) 4.

Compelling circumstances precluded rigid application of four-week time limit on application for unemployment benefits. In the Matter of C.M.M., 96 N.J.A.R.2d (UCC) 1.

12:17-2.2 Claimant identification

(a) The Division shall require each claimant to present proper identification, including a valid Social Security Card and other documentation showing his or her legal name and address in order to file a claim for benefits.

1. In the event a claimant is unable to present his or her Social Security Card for verification or if departmental records indicate any discrepancies with the Social Security Account Number presented, the Division will require the claimant to obtain a duplicate Social Security Card and/or to resolve any discrepancies.

2. Any person who refuses or fails to cooperate with the Division in any effort to verify the validity of a Social Security Account Number, may, after being given the opportunity for a hearing, be held ineligible for benefits from the date of claim and liable to refund any benefits previously paid.

Amended by R.1984 d.458, eff. October 15, 1984.

See: 16 N.J.R. 1456(a), 16 N.J.R. 2822(a).

This section was "Claims and registrations for individuals located in isolated areas".

New Rule, R.1987 d.103, effective February 17, 1987.

See: 18 N.J.R. 1683(b), 19 N.J.R. 363(c).

12:17-2.3 (Reserved)

12:17-2.4 Forms prescribed for recording claims for benefits for unemployment

(a) Claims for benefits for unemployment shall be made on the forms prescribed by the Director, setting forth:

1. That the individual claims benefits and such other information as is required.

(b) The claim for benefits for unemployment shall constitute the individual's claim for benefits or waiting period credit.

(c) Continued claims for benefits for unemployment shall be made on the forms prescribed by the Director, setting forth:

1. That the individual continues his claim for benefits;

2. That he is unemployed;

3. That since the last day for which he claimed unemployment insurance benefits, he has performed no services and earned no wages except as indicated; and

4. Such other information as is required.

(d) The continued claim for benefits for unemployment shall constitute both the individual's claim for benefits or waiting period credit.

(e) In isolated areas, in cases of mass separation, or unemployment due to a labor dispute, continued claims for benefits for unemployment may be filed by mail on forms prescribed by the Director if the Division finds that the reporting or filing of continued claims in person is impracticable.

Amended by R.1987 d.103, effective February 17, 1987.

See: 18 N.J.R. 1683(b), 19 N.J.R. 363(c).

Deleted (a)2 and 3, (c)3; (c)4. and 5. renumbered (c)3. and 4.

Case Notes

Claimant held liable to refund total amount of benefits received during period in which he failed to report part-time employment wages earned. *Malady v. Bd. of Review, Div. of Unemployment Security*, 159 N.J.Super. 530, 388 A.2d 982 (App.Div.1977), affirmed in part, reversed in part 76 N.J. 527, 388 A.2d 947 (1978) on remand 166 N.J.Super. 523, 400 A.2d 119.