

Cafeteria worker laid off during summer months from educational institutions was not eligible for unemployment benefits. Matter of C.E.O'B., 93 N.J.A.R.2d (UCC) 23.

Leaving work to avoid a foot problem was for a good cause attributable to unemployment claimant's work. Matter of P.B.P., 93 N.J.A.R.2d (UCC) 22.

Continuance of leave of absence after temporary disability excluded application of alternate base year to unemployment claim. Matter of M.Z.S., 93 N.J.A.R.2d (UCC) 22.

Separation when unable to return from maternity leave was voluntary and disqualified claimant from unemployment benefits. Matter of K.C., 93 N.J.A.R.2d (UCC) 18.

Leaving work as waitress was without good cause attributable to work. Matter of J.P.O., 93 N.J.A.R.2d (UCC) 17.

Restricting one's availability to work on a job below minimum renders one ineligible for unemployment benefits. Matter of D.J.V., 93 N.J.A.R.2d (UCC) 16.

Aiding a competitor contrary to employer's interest is misconduct connected with work. Matter of J.W.A., 93 N.J.A.R.2d (UCC) 15.

Employment for college while completing an educational program was excludable from base week calculation for unemployment benefits. Matter of J.G.M., 93 N.J.A.R.2d (UCC) 13.

Leaving of work was not due to misconduct and, when involuntary, was not disqualifying. Matter of J.M.C., 93 N.J.A.R.2d (UCC) 13.

Claim for unemployment benefits was invalid absent required number of base weeks and earnings. Matter of L.N.V., 93 N.J.A.R.2d (UCC) 12.

Employer failed to prove that deliverymen were independent contractors. Independent Newspaper Delivery, Inc. v New Jersey Department of Labor, 93 N.J.A.R.2d (LBR) 11.

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.

Carpenters were not independent contractors. Jate Building Company Corp. v. New Jersey Department of Labor, 93 N.J.A.R.2d (LBR) 5.

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.

Undissolved corporation failed to show that it did not employ at least one employee. Sureway Excavators Corp. v. New Jersey Department of Labor, 93 N.J.A.R.2d (LBR) 3.

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.

Construction workers were not independent contractors. Beitz v. New Jersey Department of Labor, 93 N.J.A.R.2d (LBR) 1.

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.

Drywall installers were not independent contractors. Surran v. New Jersey Department of Labor, 92 N.J.A.R.2d (LBR) 37.

Limousine drivers were not independent contractors. A to Z Cab and Limousine Service, Inc., v. Department of Labor, 92 N.J.A.R.2d (LBR) 29.

Carpet installers were not independent contractors. Dilollo v. New Jersey Department of Labor, 92 N.J.A.R.2d (LBR) 21.

Drywall workers were not independent contractors. Executive Drywall Construction v. New Jersey Department of Labor, 92 N.J.A.R.2d (LBR) 16.

Construction workers were not independent contractors. Apicionek v. New Jersey Department of Labor, 92 N.J.A.R.2d (LBR) 13.

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.

Workers were not independent contractors. ACME Maintenance Corporation v. New Jersey Department of Labor, 92 N.J.A.R.2d (LBR) 1.

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 maxi-

imum weekly benefit rate under the Unemployment Compensation Law is hereby promulgated as being \$560.00 per week.

(b) The maximum weekly benefit rate for State Plan benefits under the Temporary Disability Benefits Law is hereby promulgated as being \$524.00 per week.

(c) These maximum benefits shall be effective for the calendar year 2008 on unemployment compensation benefit years and periods of disability commencing on or after January 1, 2008.

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).

Recodified from 12:15-1.3 and amended by R.1995 d.389, effective July 17, 1995.

See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).

Amended by R.1995 d.628, effective December 4, 1995.

See: 27 N.J.R. 3760(a), 27 N.J.R. 4898(a).

Amended by R.1996 d.513, effective November 4, 1996.

See: 28 N.J.R. 4044(a), 28 N.J.R. 4789(a).

Amended by R.1997 d.464, effective November 3, 1997.

See: 29 N.J.R. 3768(a), 29 N.J.R. 4689(b).

In (a) and (b), changed the benefit rates; and in (c), substituted "1998" for "1997".

Amended by R.1998 d.546, effective November 16, 1998.

See: 30 N.J.R. 3150(a), 30 N.J.R. 4052(a).

In (a), raised the maximum weekly benefit from \$390.00 to \$407.00; in (b), raised the maximum weekly benefit from \$364.00 to \$381.00; and in (c), changed the calendar year from 1998 to 1999 throughout.

Amended by R.1999 d.438, effective December 20, 1999.

See: 31 N.J.R. 3035(a), 31 N.J.R. 4284(a).

In (a) and (b), increased rates; and in (c), substituted references to 2000 for references to 1999 throughout.

Amended by R.2000 d.488, effective December 4, 2000.

See: 32 N.J.R. 3379(a), 32 N.J.R. 4258(c).

In (a) and (b), increased dollar amounts; and in (c), changed the calendar year from 2000 to 2001.

Amended by R.2001 d.406, effective November 5, 2001.

See: 33 N.J.R. 2945(a), 33 N.J.R. 3752(a).

In (a), substituted "\$475.00" for "\$446.00"; in (b), substituted "\$444.00" for "\$417.00"; in (c), substituted "2002" for "2001" throughout.

Amended by R.2002 d.391, effective December 2, 2002.

See: 34 N.J.R. 3056(a), 34 N.J.R. 4222(a).

In (a), substituted "\$482.00" for "\$475.00"; in (b), substituted "\$450.00" for "\$444.00"; in (c), substituted "2003" for "2002" throughout.

Amended by R.2003 d.505, effective December 15, 2003.

See: 35 N.J.R. 4038(a), 35 N.J.R. 5546(b).

In (a), substituted "\$ 490.00" for "\$ 482.00"; in (b), substituted "\$ 459.00" for "\$ 450.00"; in (c), substituted "2004" for "2003" throughout.

Amended by R.2004 d.473, effective December 20, 2004.

See: 36 N.J.R. 3986(a), 36 N.J.R. 5684(c).

Increased the weekly benefit rate throughout; in (c), substituted "2005" for "2004" throughout.

Amended by R.2005 d.449, effective December 19, 2005.

See: 37 N.J.R. 3219(a), 37 N.J.R. 5045(a).

In (a), increased the benefit rate from \$503.00 to \$521.00; in (b), increased the benefit rate from \$470.00 to \$488.00; in (c), updated the calendar year from 2005 to 2006 in two places.

Amended by R.2006 d.448, effective December 18, 2006.

See: 38 N.J.R. 3487(a), 38 N.J.R. 5389(a).

In (a), substituted "\$536.00" for "\$521.00"; in (b), substituted "\$502.00" for "\$488.00", and in (c), substituted "2007" for "2006" twice.

Amended by R.2007 d.389, effective December 17, 2007.

See: 39 N.J.R. 3713(a), 39 N.J.R. 5347(a).

In (a), substituted "\$560.00" for "\$536.00"; in (b), substituted "\$524.00" for "\$502.00"; and in (c), substituted "2008" for "2007" twice.

12:15-1.3 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 \$27,700 during the calendar year 2008.

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).
 Recodified from 12:15-1.4 by R.1995 d.389, effective July 17, 1995.
 See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).
 Amended by R.1995 d.628, effective December 4, 1995.
 See: 27 N.J.R. 3760(a), 27 N.J.R. 4898(a).
 Amended by R.1996 d.513, effective November 4, 1996.
 See: 28 N.J.R. 4044(a), 28 N.J.R. 4789(a).
 Amended by R.1997 d.464, effective November 3, 1997.
 See: 29 N.J.R. 3768(a), 29 N.J.R. 4689(b).
 Changed the benefit rate and substituted "1998" for "1997".
 Amended by R.1998 d.546, effective November 16, 1998.

See: 30 N.J.R. 3150(a), 30 N.J.R. 4052(a).

Raised the taxable wage base from \$19,300 to \$20,200 and changed the calendar year from 1998 to 1999.

Amended by R.1999 d.438, effective December 20, 1999.

See: 31 N.J.R. 3035(a), 31 N.J.R. 4284(a).

Increased the taxable wage base, and substituted a reference to 2000 for a reference to 1999.

Amended by R.2000 d.488, effective December 4, 2000.

See: 32 N.J.R. 3379(a), 32 N.J.R. 4258(c).

Increased dollar amount and changed the calendar year from 2000 to 2001.

Amended by R.2001 d.406, effective November 5, 2001.

See: 33 N.J.R. 2945(a), 33 N.J.R. 3752(a).

Substituted "\$23,500" for "\$22,100" and "2002" for "2001".

Amended by R.2002 d.391, effective December 2, 2002.

See: 34 N.J.R. 3056(a), 34 N.J.R. 4222(a).

Substituted "\$23,900" for "\$23,500" and "2003" for "2002".

Amended by R.2003 d.505, effective December 15, 2003.

See: 35 N.J.R. 4038(a), 35 N.J.R. 5546(b).

Substituted "\$ 24,300" for "\$ 23,900" and "2004" for "2003".

Amended by R.2004 d.473, effective December 20, 2004.

See: 36 N.J.R. 3986(a), 36 N.J.R. 5684(c).

Substituted "\$24,900" for "\$24,300" and "2005" for "2004".

Amended by R.2005 d.449, effective December 19, 2005.

See: 37 N.J.R. 3219(a), 37 N.J.R. 5045(a).

Increased the contribution amount from \$24,900 to \$25,800; updated the calendar year from 2005 to 2006.

Amended by R.2006 d.448, effective December 18, 2006.

See: 38 N.J.R. 3487(a), 38 N.J.R. 5389(a).

Substituted "\$26,600" for "\$25,800" and "2007" for "2006".

Amended by R.2007 d.389, effective December 17, 2007.

See: 39 N.J.R. 3713(a), 39 N.J.R. 5347(a).

Substituted "\$27,700" for "\$26,600" and "2008" for "2007".

12:15-1.4 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 five-tenths of one percent (0.5 percent) for the entire calendar year.

(b) This contribution rate shall be effective on taxable wages paid in the calendar year 2008.

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 "1¼ 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).
 1 3/10 percent changed to 1 2/10 percent.
 Amended by R.1988 d.535, effective November 7, 1988.
 See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).
 1 2/10 percent changed to 1 1/10 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).
 Recodified from 12:15-1.5 by R.1995 d.389, effective July 17, 1995.
 See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).
 Amended by R.1995 d.628, effective December 4, 1995.
 See: 27 N.J.R. 3760(a), 27 N.J.R. 4898(a).
 Amended by R.1996 d.513, effective November 4, 1996.
 See: 28 N.J.R. 4044(a), 28 N.J.R. 4789(a).
 Amended by R.1997 d.464, effective November 3, 1997.
 See: 29 N.J.R. 3768(a), 29 N.J.R. 4689(b).
 Substituted "1998" for "1997".
 Amended by R.1998 d.546, effective November 16, 1998.
 See: 30 N.J.R. 3150(a), 30 N.J.R. 4052(a).
 In (b), changed the calendar year from 1998 to 1999.
 Amended by R.1999 d.438, effective December 20, 1999.
 See: 31 N.J.R. 3035(a), 31 N.J.R. 4284(a).
 In (b), substituted a reference to 2000 for a reference to 1999.
 Amended by R.2000 d.488, effective December 4, 2000.
 See: 32 N.J.R. 3379(a), 32 N.J.R. 4258(c).
 In (b), changed the calendar year from 2000 to 2001.
 Amended by R.2001 d.406, effective November 5, 2001.
 See: 33 N.J.R. 2945(a), 33 N.J.R. 3752(a).
 In (b), substituted "2002" for "2001".
 Amended by R.2002 d.391, effective December 2, 2002.
 See: 34 N.J.R. 3056(a), 34 N.J.R. 4222(a).
 In (b), substituted "2003" for "2002".
 Amended by R.2003 d.505, effective December 15, 2003.
 See: 35 N.J.R. 4038(a), 35 N.J.R. 5546(b).
 In (b), substituted "2004" for "2003".
 Amended by R.2004 d.473, effective December 20, 2004.
 See: 36 N.J.R. 3986(a), 36 N.J.R. 5684(c).
 In (b), substituted "2005" for "2004".
 Amended by R.2005 d.449, effective December 19, 2005.
 See: 37 N.J.R. 3219(a), 37 N.J.R. 5045(a).
 In (b), updated the calendar year from 2005 to 2006.
 Amended by R.2006 d.448, effective December 18, 2006.
 See: 38 N.J.R. 3487(a), 38 N.J.R. 5389(a).
 In (b), substituted "2007" for "2006".
 Amended by R.2007 d.389, effective December 17, 2007.
 See: 39 N.J.R. 3713(a), 39 N.J.R. 5347(a).
 In (a), substituted "five-tenths of one percent (0.5 percent)" for "four-tenths of one percent (0.4 percent)"; and in (b), substituted "2008" for "2007".

12:15-1.5 Base week

In accordance with the provisions of N.J.S.A. 43:21-19(c)(1) and (t)(3) and 43:21-27(h)(4), the base week amount is hereby promulgated as being \$143.00 per week for calendar year 2008.

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).
 Recodified from 12:15-1.6 and amended by R.1995 d.389, effective July 17, 1995.
 See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).
 Amended by R.1995 d.628, effective December 4, 1995.
 See: 27 N.J.R. 3760(a), 27 N.J.R. 4898(a).
 Amended by R.1996 d.513, effective November 4, 1996.
 See: 28 N.J.R. 4044(a), 28 N.J.R. 4789(a).
 Amended by R.1997 d.464, effective November 3, 1997.
 See: 29 N.J.R. 3768(a), 29 N.J.R. 4689(b).
 In (a), changed the benefit rate; and in (a) and (b), substituted "1998" for "1997".
 Amended by R.1998 d.546, effective November 16, 1998.
 See: 30 N.J.R. 3150(a), 30 N.J.R. 4052(a).
 In (a), raised the base week amount from \$138.00 to \$144.00 and changed the calendar year from 1998 to 1999; and in (b), changed the calendar year from 1998 to 1999.
 Amended by R.1999 d.438, effective December 20, 1999.
 See: 31 N.J.R. 3035(a), 31 N.J.R. 4284(a).
 Increased base week amounts, and substituted references to 2000 for references to 1999 throughout.
 Amended by R.2000 d.488, effective December 4, 2000.
 See: 32 N.J.R. 3379(a), 32 N.J.R. 4258(c).
 In (a), increased dollar amount; and in (a) and (b), changed the calendar year from 2000 to 2001.
 Amended by R.2001 d.298, effective August 20, 2001.
 See: 33 N.J.R. 1849(a), 33 N.J.R. 2814(b).
 Amended N.J.S.A. references and substituted "\$103.00" for "\$158.00"; deleted (b).

Amended by R.2001 d.406, effective November 5, 2001.
See: 33 N.J.R. 2945(a), 33 N.J.R. 3752(a).
Substituted "2002" for "2001".
Amended by R.2002 d.391, effective December 2, 2002.
See: 34 N.J.R. 3056(a), 34 N.J.R. 4222(a).
Substituted "2003" for "2002".
Amended by R.2003 d.505, effective December 15, 2003.
See: 35 N.J.R. 4038(a), 35 N.J.R. 5546(b).
Substituted "2004" for "2003".
Amended by R.2004 d.473, effective December 20, 2004.
See: 36 N.J.R. 3986(a), 36 N.J.R. 5684(c).
Substituted "2005" for "2004".
Amended by R.2005 d.449, effective December 19, 2005.
See: 37 N.J.R. 3219(a), 37 N.J.R. 5045(a).
Increased the base week amount from \$103.00 to \$123.00; updated the calendar year from 2005 to 2006.
Amended by R.2006 d.448, effective December 18, 2006.
See: 38 N.J.R. 3487(a), 38 N.J.R. 5389(a).
Substituted "\$143.00" for "\$123.00" and "2007" for "2006".
Amended by R.2007 d.389, effective December 17, 2007.
See: 39 N.J.R. 3713(a), 39 N.J.R. 5347(a).
Substituted "2008" for "2007".

Case Notes

Lack of sufficient base employment weeks precluded eligibility for additional unemployment compensation benefits during training. In the Matter of P.I.M., 96 N.J.A.R.2d (UCC) 10.

Employee working for two employers during a calendar week may have those weeks considered together to calculate his weekly benefit rate. In the Matter of F.M.P., 96 N.J.A.R.2d (UCC) 2.

12:15-1.6 Alternative earnings test

In accordance with the provisions of N.J.S.A. 43:21-4(e)(4)(B) and 43:21-41(d)(2), 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 \$7,200 for unemployment compensation benefit years and periods of disability commencing on or after January 1, 2007.

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).
Recodified from 12:15-1.7 and amended by R.1995 d.389, effective July 17, 1995.
See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).
Amended by R.1995 d.628, effective December 4, 1995.
See: 27 N.J.R. 3760(a), 27 N.J.R. 4898(a).
Amended by R.1996 d.513, effective November 4, 1996.
See: 28 N.J.R. 4044(a), 28 N.J.R. 4789(a).
Amended by R.1997 d.464, effective November 3, 1997.
See: 29 N.J.R. 3768(a), 29 N.J.R. 4689(b).
In (a), changed the benefit rate; and in (a) and (b), substituted "1998" for "1997".
Amended by R.1998 d.546, effective November 16, 1998.
See: 30 N.J.R. 3150(a), 30 N.J.R. 4052(a).
In (a), raised the alternative earnings amount from \$8,300 to \$8,700 and changed the calendar year from 1998 to 1999; and in (b), changed the calendar year from 1998 to 1999.
Amended by R.1999 d.438, effective December 20, 1999.
See: 31 N.J.R. 3035(a), 31 N.J.R. 4284(a).
Increased alternative earnings amounts, and substituted references to 2000 for references to 1999 throughout.
Amended by R.2000 d.488, effective December 4, 2000.
See: 32 N.J.R. 3379(a), 32 N.J.R. 4258(c).
In (a), increased dollar amount; and in (a) and (b), changed the calendar year from 2000 to 2001.
Amended by R.2001 d.298, effective August 20, 2001.
See: 33 N.J.R. 1849(a), 33 N.J.R. 2814(b).
Amended N.J.S.A. reference and substituted "\$5,200" for "\$9,500"; deleted (b).
Amended by R.2001 d.406, effective November 5, 2001.
See: 33 N.J.R. 2945(a), 33 N.J.R. 3752(a).
Substituted "2002" for "2001".
Amended by R.2002 d.391, effective December 2, 2002.
See: 34 N.J.R. 3056(a), 34 N.J.R. 4222(a).
Substituted "2003" for "2002".
Amended by R.2003 d.505, effective December 15, 2003.
See: 35 N.J.R. 4038(a), 35 N.J.R. 5546(b).
Substituted "2004" for "2003".
Amended by R.2004 d.473, effective December 20, 2004.
See: 36 N.J.R. 3986(a), 36 N.J.R. 5684(c).
Substituted "2005" for "2004".
Amended by R.2005 d.449, effective December 19, 2005.
See: 37 N.J.R. 3219(a), 37 N.J.R. 5045(a).
Increased the earnings amount from \$5,200 to \$6,200; updated the calendar year from 2005 to 2006.
Amended by R.2006 d.448, effective December 18, 2006.
See: 38 N.J.R. 3487(a), 38 N.J.R. 5389(a).
Substituted "\$7,200" for "\$6,200" and "2007" for "2006".

12:15-1.7 Definitions

The following words and terms, when used in N.J.A.C. 12:15-1.8, 1.9, and 1.10 shall have the following meanings:

"Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a domestic violence specialist established by the New Jersey Association of Domestic Violence Professionals.

"Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under the Prevention of Domestic Violence Act of 1991, N.J.S.A. 2C:25-17 et seq., by an adult or an emancipated minor:

1. Homicide (N.J.S.A. 2C:11-1 et seq.);
2. Assault (N.J.S.A. 2C:12-1);

3. Terroristic threats (N.J.S.A. 2C:12-3);
4. Kidnapping (N.J.S.A. 2C:13-1);
5. Criminal restraint (N.J.S.A. 2C:13-2);
6. False imprisonment (N.J.S.A. 2C:13-2);
7. Sexual assault (N.J.S.A. 2C:14-2);
8. Criminal sexual contact (N.J.S.A. 2C:14-3);
9. Lewdness (N.J.S.A. 2C:14-4);
10. Criminal mischief (N.J.S.A. 2C:17-3);
11. Burglary (N.J.S.A. 2C:18-2);
12. Criminal trespass (N.J.S.A. 2C:18-3);
13. Harassment (N.J.S.A. 2C:33-4); and/or
14. Stalking (N.J.S.A. 2C:12-10).

“Domestic Violence and Workforce Development Initiative Act training” means instruction with regard to the effective implementation of section 2, subsections (b), (c), (d) and (e) of the Domestic Violence and Workforce Development Initiative Act, P.L. 2005, c. 309 (N.J.S.A. 34:1A-1.7 et seq.).

“Domestic violence liaison” means a designated Department employee within each One-Stop Career Center, to whom a self-assessed victim of domestic violence shall be directed and whose functions shall include with regard to:

1. Unemployment compensation claimants, to make referrals to services determined to be appropriate in the case of the claimant, including, but not limited to, any appropriate referral to a designated domestic violence agency as defined at N.J.S.A. 43:21-5(j) or a community shelter for victims of domestic violence certified pursuant to standards and procedures established by N.J.S.A. 30:14-1 et seq., and to disclose the rights that the claimant may have to unemployment compensation pursuant to N.J.S.A. 43:21-5(j); or

2. Individuals utilizing counseling or employment services under N.J.S.A. 34:15B-38, 34:15D-7 or 43:21-59, to make referrals to services determined to be appropriate in the case of the individual, including, but not limited to, any appropriate referral to a designated domestic violence agency as defined at N.J.S.A. 43:21-5(j) or a community shelter for victims of domestic violence certified pursuant to standards and procedures established by N.J.S.A. 30:14-1 et seq., to disclose the rights that the individual may have to unemployment compensation pursuant to N.J.S.A. 43:21-5(j), and to assume responsibility for counseling the individual in the design of his or her Employability Development Plan, which plan shall be developed to include appropriate accommodations for the individual’s needs as a victim of domestic violence.

“Emancipated minor” means a person who is under 18 years of age but who has been married, has entered military

service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

“One-Stop Career Center” means any of the facilities established, sponsored or designated by the State, a political subdivision of the State and a Workforce Investment Board in a local area to coordinate or make available State and local programs providing employment and training services or other employment-directed and workforce development programs and activities, including job placement services, and any other similar facility, as may be established, sponsored or designated at any later time to coordinate or make available any of those programs, services or activities.

“Victim of domestic violence” means a person protected under the Prevention of Domestic Violence Act of 1991, N.J.S.A. 2C:25-17 et seq., and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or other person who is a present or former household member. “Victim of domestic violence” also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim anticipates having a child in common, if one of the parties is pregnant. “Victim of domestic violence” also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

New Rule, R.2008 d.280, effective September 15, 2008.
See: 40 N.J.R. 1750(a), 40 N.J.R. 5241(a).

12:15-1.8 Training of employees who will have direct, in-person, contact with victims of domestic violence in the context of processing of unemployment compensation claims

(a) All Department employees who process unemployment compensation claims and who the Department anticipates will have direct, in-person, contact with claimants shall receive Domestic Violence and Workforce Development Initiative Act training.

(b) Training provided under (a) above shall be conducted by a Certified Domestic Violence Specialist or, if a Certified Domestic Violence Specialist is not available to conduct the training, by another person approved by the Commissioner, in consultation with the Commissioner of the Department of Community Affairs, who possesses the following qualifications and expertise in the area of domestic violence:

1. 180 hours of domestic violence specific education; and
2. 1,000 hours of direct service experience with domestic violence clients.

(c) With regard to the qualifications listed in (b)1 and 2 above, at the discretion of the Commissioner, in consultation with the Commissioner of the Department of Community Affairs, direct service experience with domestic violence cli-