



EMPLOYMENT SECURITY RULES

REVISED TO JUNE 30, 1972

TITLE 12
SUBTITLE D

New Jersey Administrative Code
Department of Labor and Industry

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STATE OF NEW JERSEY
DEPARTMENT OF LABOR AND INDUSTRY

Under the Governor's reorganization plan of 1972 for the Department of Labor and Industry, the Commissioner of Labor and Industry was designated as the executive and administrative head of the Department of Labor and Industry and the Employment Security Agency. Any references in these rules to the powers and duties of the Division of Employment Security and the director thereof shall be deemed to mean the Employment Security Agency and the Commissioner of Labor and Industry.

Employment Security Rules, Title 12, subtitle D, is to be inserted as part III of the New Jersey Employment Security Handbook, revised July, 1972.

(This sheet is to accompany Employment Security Rules [Part III of the New Jersey Employment Security Handbook]).

State of New Jersey
New Jersey Administrative Code
Title 12. Department of Labor and
Industry

Division of
Employment Security

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**OFFICIAL PUBLICATION
OF THE STATE OF NEW JERSEY**

William T. Cahill, Governor

Albert E. Bonacci, Director of Administrative Procedure

The New Jersey Administrative Code is an official publication of the State of New Jersey. It contains rules, regulations and other documents filed with the Division of Administrative Procedure pursuant to the Administrative Procedure Act of the Laws of 1968; (N.J.S.A. 52:14B-1 *et seq.*). The New Jersey Administrative Code shall constitute the official instrument of the State for codification of its rules (N.J.A.C. 15:15-1.5). Judicial notice shall be taken of the text of each rule published in the New Jersey Register (N.J.S.A. 52:14B-5(e)).

HOW TO CITE

The New Jersey Administrative Code may be referenced to as: N.J.A.C. The citation to a particular section in the Code shall include the numerical designations of the title, chapter, subchapter, and section referred to, preceded by the initials N.J.A.C. Example: N.J.A.C. 15:4-3.2.

TITLE 12
DEPARTMENT OF LABOR AND INDUSTRY

SUBTITLE D. DIVISION OF EMPLOYMENT SECURITY

Authority

Unless otherwise expressly noted, all provisions of this Subtitle D of Title 12 were adopted by the Director, Division of Employment Security, Department of Labor and Industry, pursuant to authority delegated at N.J.S.A. 43:21-1 *et seq.* and 43:21-25 *et seq.*, and were filed and became effective prior to September 1, 1969.



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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 taxes 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.

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 Employment Security in the Department of Labor and Industry.

“Division” means the Division of Employment Security in the Department of Labor and Industry.

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CONTRIBUTIONS, RECORDS AND REPORTS

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12:16-1.1 CONTRIBUTIONS, RECORDS & REPORTS

SUBCHAPTER 1. CONTRIBUTIONS BY EMPLOYERS

12:16-1.1 Accrual as remuneration earned

(a) Employers' contributions shall accrue and become due as remuneration is earned by workers in covered employment.

(b) Payments of employers' contributions shall be made as prescribed in this Subchapter, but the Director is authorized to require an employer or employers to pay contributions due on a monthly or other basis when, in his discretion, he considers it necessary to do so.

12:16-1.2 Due dates

Employers' contributions shall be paid and contribution reports filed on a quarterly basis as follows:

| Quarter Ending | Due Date * |
|----------------|------------|
| March 31 | April 30 |
| June 30 | July 31 |
| September 30 | October 31 |
| December 31 | January 31 |

except, however, that the Director is authorized to require an employer or employers to file contribution reports and pay contributions on a monthly or other basis when, in his discretion, he considers it necessary to do so.

*If the due date of any quarterly report falls on a Saturday, Sunday, or legal holiday, the due date will be the next succeeding day which is not a Saturday, Sunday, or legal holiday.

12:16-1.3 Bases of contribution payments

(a) The payment for each reporting period shall include contributions, computed with respect to wages paid for employment in all work periods (weekly, biweekly, semi-monthly, monthly) ended within the reporting period.

(b) In computing and paying employer contributions to the Unemployment Compensation Fund, a fractional part of a cent shall be disregarded unless it amounts to 1/2 cent or more, in which case it shall be increased to one cent.

12:16-1.4 First contributions of newly subject employer

(a) Except as to liability by election as provided in Subchapter 6 (Election of Coverage) of this Chapter the first contribution payment of an employer who becomes newly liable in any calendar year shall be payable on or before the due date of the reporting period in which the subject status accrues.

(b) The first payment of such an employer becoming liable in the course of a calendar year shall include his own contributions with respect to all wages paid for employment from the first day of the calendar year.

Cross Reference

As to due date, see Section 1.2 (Due dates) of this Chapter.

12:16-1.5 Installment payments of newly subject employer

(a) The Director, by special rule, in the case of a newly subject employer, may permit the payment of his first contribution in installments, but the last installment shall be payable not later than the last day for filing tax returns in order to obtain full credit under the Federal Unemployment Tax Act.

(b) If the amount of any such installment for which any due date is assigned is not paid on or before such date, the total amount of the unpaid contribution shall become payable upon notice and demand by the Director.

12:16-1.6 Voluntary payment of additional contributions

(a) A voluntary payment of additional contributions must be made within 30 days after the date of mailing of the Notice of Employer Contribution Rate unless, for good cause, the date of payment has been extended by the Director for not more than an additional 60 days.

(b) No payment forwarded as additional contributions will be applied to the recomputation or redetermination of an employer's rate for the current tax year (July 1-June 30) if the employer is delinquent as to any period prior to the current tax year. In such case, the remittance will be first applied to the past indebtedness and the balance, if any, will be considered as additional contributions.

(c) Any adjustment resulting from the payment of additional contributions "shall be made only in the form of credits against accrued or future contributions".

(d) The voluntary payment of additional contributions will not affect:

12:16-1.7 CONTRIBUTIONS, RECORDS & REPORTS

1. The basic rate of 2.8 per cent which is assigned where there have not been three calendar years throughout which any individual in covered employment could have received benefits if eligible; or

2. An assigned rate, determined by the employer's reserve balance and the unemployment trust fund reserve ratio, which rate is assigned where during the past three calendar years, there has been, at least, one calendar year with respect to which no contributions were paid.

(e) The determination of the above amount of additional contributions and its adequacy are the sole responsibility of the employer.

12:16-1.7 Payment in guaranteed funds

The Director may, in his discretion, require payment in guaranteed funds of any amount required to be paid under the Unemployment Compensation Law of New Jersey or rules or regulations promulgated thereunder, in any case in which he considers such type of payment necessary or desirable.

12:16-1.8 Seamen's wages

(a) For the purpose of this Section, the term "work period" means the period of a voyage or engagement of the crew of a vessel under "Articles of Agreement" pursuant to Title 46 of the United States Code.

(b) Notwithstanding any other provisions of Sections 1.2 (Due dates) and 1.3 (Bases of contribution payments) of this Chapter, if a work period as defined in subsection (a) of this Section began in one calendar quarter and ended in another calendar quarter, the total amount of wages for such work period may be reported for the calendar quarter in which such work period terminated, and contributions with respect to wages so earned paid accordingly.

SUBCHAPTER 2. CONTRIBUTIONS BY WORKERS

12:16-2.1 Workers' contribution trust fund

(a) Every employer shall withhold his workers' contributions from their wages at each time of payment of such wages.

(b) In withholding workers' contributions from their wages and in paying any contributions to the Unemployment Compensation Fund, a

fractional part of a cent shall be disregarded unless it amounts to $\frac{1}{2}$ cent or more, in which case it shall be increased to one cent.

(c) The moneys so withheld, while in the possession of the employer, shall constitute a trust fund and the amount therefor shall be promptly credited to a separate account which shall be charged with the amount of each remittance to the Division for workers' contributions to the Unemployment Compensation Funds.

(d) Such account shall be kept posted up to date by the employer so as to show at all times the amount withheld from workers, the amount of each remittance to the Division, and the amount of workers' contributions withheld but not remitted to the Division.

12:16-2.2 Evidence of amounts withheld furnished workers

(a) Every employer, at the time of making each payment of wages, shall furnish to each of his workers a statement showing clearly the total amount deducted for contributions to the Division for the Unemployment Compensation Fund and the State Disability Benefits Fund.

(b) The statement shall be such as can be delivered to each worker in order to enable him to determine for himself whether the total amount of his contribution is correctly computed.

(c) A notation on a pay check or a pay envelope showing the total wages and, as a separate item, the amount deducted for contribution to the Division for the said funds will constitute compliance with the provisions of this Section.

12:16-2.3 Reporting and paying workers' contributions

(a) Every employer shall include on his contribution report the amount of contributions due and payable on behalf of his workers.

(b) Every contribution report shall be accompanied by a remittance for the amount of both the employer contributions and the contributions payable by the employer on behalf of his workers.

12:16-3.1 CONTRIBUTIONS, RECORDS & REPORTS

SUBCHAPTER 3. CONTRIBUTIONS BY ONE EMPLOYING
UNIT ON BEHALF OF ANOTHER

12:16-3.1 Certification of payroll information

(a) A subcontractor, or other employing unit which employs workers on whose wages contributions must be paid by some employer subject to the Unemployment Compensation Law, shall certify to such employer the same payroll information as the Division requires of the employer with respect to his workers who are hired directly.

(b) This information must be furnished to the employer by the subcontractor or other employing unit before the tenth day of each calendar month during the progress of its work, and within ten days after the completion of its work or after its contract of hire has terminated.

12:16-3.2 Liability of employer

To the number of its own workers and its own payroll, the employer shall add the number of workers so reported, and the amount of their wages paid, and shall remit both employer and employee contributions with respect to such workers, along with its own contributions, for the period covered.

SUBCHAPTER 4. REPORTS

12:16-4.1 Reports required

Every employer shall file such contribution and statistical reports, and reports of wages paid to individual workers as may from time to time be required of it by the Director, and every employing unit shall file such reports as may be required by the Director with respect to persons employed by it as shall be necessary to determine its status under the law.

12:16-4.2 Force and effect of instructions relating to reports

Instructions relating to any report or report form required or provided by the Division shall have the force and effect of regulations issued pursuant to subsection 43:21-11(b) of the Unemployment Compensation Law.

12:16-4.3 Penalty for failure to file reports

(a) The penalty prescribed by law for delinquency in filing reports (except for such reports as may be required under paragraph 43:21-6(b)(2) of the Unemployment Compensation Law) shall be computed for each report from and including the day after such report is due through the day before it is received in the central office of the Division at Trenton, New Jersey.

(b) If an employer or employing unit who has been granted an extension of time fails to file his report on or before the termination of the period of the extension for the filing thereof, the penalty for failure to file shall be payable from the original due date as if no extension had been granted.

12:16-4.4 Wages paid reported currently

(a) The Director may, in his discretion, require any employer or employing unit to report wages paid to each and every worker in his employ within seven days from the date of payment thereof, if the Director deems same necessary for the effective administration of the Unemployment Compensation Law.

(b) Any employer or employing unit required to comply with Section 4.1 (Reports required) of this Chapter will be duly notified by the Director.

12:16-4.5 Reporting wages, remuneration and other information

(a) Any employer or employing unit shall furnish the record of wages and remuneration paid to a worker, and such other information as may be required under the provisions of N.J.S.A. 43:21-6(b)(2).

(b) Failure to comply with subsection (a) of this Section will subject such employer or employing unit to the penalties prescribed in N.J.S.A. 43:21-16(b)(2).

12:16-4.6 Suspension of business

(a) Where a suspension (including a transfer) of the business operations in this State of any employer occurs, such employer shall give advance notice thereof to the Division. In the event that it is impracticable to give such advance notice, the employer shall notify the Division within 48 hours after such suspension (including a transfer).

12:16-5.1 CONTRIBUTIONS, RECORDS & REPORTS

(b) Such notice shall be filed with the Chief Auditor, Division of Employment Security, Trenton, New Jersey, and shall contain the following information:

1. The name and address of the employer;
2. The expected date or date of suspension or transfer of business operations;
3. The reason(s) for such action;
4. Whether such suspension or transfer of operations is permanent or temporary;
5. Whether wage and separation information will be available for a period of one year from date of suspension or transfer of business operations;
6. The name and address of the person or organization from whom such information will be obtainable.

(c) Upon receipt and examination of the notice required above, the Division shall determine whether or not the employer shall be required to furnish wage and separation reports.

SUBCHAPTER 5. RECORDS

12:16-5.1 Payroll records

(a) Every employing unit having workers in employment, regardless of whether such unit is or is not an "employer" as defined in the Unemployment Compensation Law of New Jersey, shall keep payroll records which shall show, for each pay period:

1. The beginning and ending dates;
2. The full name of each employee and the day or days in each calendar week on which he performs services for remuneration;
3. The total amount of remuneration paid to each employee showing separately cash, including commissions and bonuses; the cash value of all compensation in any medium other than cash; gratuities received regularly in the course of employment if reported by the employee, or if not so reported, the minimum wage rate prescribed under applicable laws of this State or of the United States or the amount of remuneration actually received by the employee from his employing unit, whichever is the higher;

and service charges collected by the employer and distributed to workers in lieu of gratuities and tips;

4. The total amount of all remuneration paid to all employees.

12:16-5.2 Individual worker records

(a) Each employing unit shall keep a record for each worker engaged in employment containing:

1. His full name, address, and Social Security account number;
2. His total remuneration paid in each pay period showing separately cash, including commissions and bonuses; the cash value of all compensation in any medium other than cash; gratuities received regularly in the course of employment if reported by the employee, or if not so reported, the minimum wage rate prescribed under applicable laws of this State or of the United States, or the amount of remuneration actually received by the employee from his employing unit, whichever is the higher, and service charges collected by the employer and distributed to workers in lieu of gratuities and tips;
3. Record under a "special payments" heading the amount of any special payments such as bonuses and gifts which have been paid during the pay period but which relate to employment in a prior period. Show separately under this head: money payments, reasonable cash value of other remuneration, the nature of such payments, the period during which the services were performed for which special payments were payable;
4. The date on which he was hired, rehired or returned to work after temporary layoff. The date he was separated from employment and the reason for such separation;
5. Such information as may be necessary to determine his remuneration on a calendar week basis.

12:16-5.3 Certification of information to nonregistered primary contractor

(a) Whenever any nonregistered primary contractor contracts with or has under it any contractor or subcontractor for any employment which is part of its usual trade, occupation, profession or business, such contractor or subcontractor shall, with respect to each of his employees performing services under the contract or subcontract, certify to such primary contractor the information as it applies to the performance of such contract or subcontract, required under Sections 5.1 (Payroll records) and 5.2 (Individual worker records) of this Chapter.

12:16-5.4 CONTRIBUTIONS, RECORDS & REPORTS

(b) This information during and, when necessary, immediately following the performance of the contract or subcontract, must be furnished to the primary contractor of the contractor or subcontractor on or before the fifth day following the last day of each pay period of the contractor or subcontractor.

12:16-5.4 Time records kept; inspection

All records required by these regulations shall be kept safe and readily accessible at the New Jersey place of business of the employing unit required to keep such records. Such records shall at all reasonable times be open for inspection by authorized representatives of the Division and shall be preserved for the current calendar year and for the four preceding calendar years.

SUBCHAPTER 6. ELECTION OF COVERAGE

12:16-6.1 Application for election

(a) An employing unit desiring to elect to become subject to the Unemployment Compensation Law of New Jersey may request from the Division forms for voluntary election to become an employer under the Law, or to extend its coverage to individuals performing services which do not constitute employment as defined in the Law.

(b) The forms for voluntary election to become an employer under the Unemployment Compensation Law of New Jersey or to extend coverage shall be prescribed by the Director.

12:16-6.2 Date of filing

The date of filing of a voluntary election shall be deemed to be the date on which the written election, signed by a legally authorized individual, is received by the Division.

12:16-6.3 Election subject to Director's approval

(a) Any written election for a period prior to the date of filing shall become binding upon approval by the Director, and notification of the approval shall be forwarded to the employer.

(b) If for any reason the Director does not approve such voluntary election, the employing unit shall be notified of the reasons why such approval was withheld.

12:16-6.4 Effect of election approval

(a) Each approval of an election shall state the date as of which the approval is effective.

(b) The first contribution payment, of any employing unit which elects to become an employer, shall become due and shall be paid on or before the due date (see Section 1.2 (Due date) of this Chapter) of the reporting period during which the conditions of becoming an employer by election are satisfied, and shall include employer contributions with respect to all wages paid on and after the date stated in such approval (as of which such employing unit becomes an employer), up to and including the last pay period in the reporting period in which the conditions of becoming an employer by election are satisfied.

(c) Such first payment shall also include workers' contributions with respect to all wages paid for employment occurring after the date when the employing unit satisfied all the conditions of becoming an employer by election, up to and including the last pay period in the reporting period in which such conditions were satisfied.

SUBCHAPTER 7. IDENTIFICATION OF COVERED WORKERS

12:16-7.1 Ascertain worker's Social Security account number

Each employer shall ascertain the Social Security account number of each worker employed by him in employment subject to the Unemployment Compensation Law of New Jersey, and list such number on his records.

12:16-7.2 Report worker's Social Security account number

Each employer shall report a worker's account number in making any report required by the Division with respect to such worker.

12:16-7.3 CONTRIBUTIONS, RECORDS & REPORTS

12:16-7.3 Evidence of application for Social Security account number

(a) If an employer has in his employ a worker engaged in employment who does not have an account number, he shall request the worker to show him a receipt issued by an office of the Social Security Administration indicating that the worker has filed an application for an account number.

(b) The receipt shall be retained by the worker.

12:16-7.4 Employer to inform worker without Social Security account number

An employer shall inform each worker who has not secured a Social Security account number that such number must be filed on or before the seventh day after the date on which the worker first performs services in employment, except that the application shall be filed on or before the date the employment is terminated if such date precedes such seventh day.

12:16-7.5 Employer to inform worker in certain cases

An employer shall inform his worker in instances in which the information is pertinent that he should apply at any Social Security district office or branch office with respect to replacement of a lost Social Security account number card, changes of the number desired by the employee, required changes of name because of marriage or otherwise, or corrections of any inaccurate information given when applying for a Social Security account number.

SUBCHAPTER 8. NOTICE TO WORKERS

12:16-8.1 Unemployment compensation coverage

(a) Every employer subject to the provisions of the Unemployment Compensation Law of New Jersey (including every employer who has elected to become subject pursuant to N.J.S.A. 43:21-8) shall post and maintain printed notices to his employees informing them that he is covered by the Unemployment Compensation Law of New Jersey, and has been so registered by the Division.

(b) Such notices shall be of such design and in such numbers, and shall be posted at such places as the Director may determine to be necessary to so inform employees.

(c) No such notice shall be posted by any person, employing unit or employer who has not complied with the provisions of the Unemployment Compensation Law and to whom an unemployment compensation registration number has not been assigned by the Division, or who, in accordance with the provisions of the law, has ceased to be an employer as defined in the law.

12:16-8.2 Termination of subject status

Every employing unit which has ceased to be a subject employer, pursuant to provisions of Section 43:21-8 of the Unemployment Compensation Law, shall post and maintain notice of such fact on forms supplied by the Division, in order to inform its workers that they are not in covered employment and are not liable for contributions to the Unemployment Compensation Fund.

SUBCHAPTER 9. WITNESS FEES AND MILEAGE ALLOWANCES

12:16-9.1 Subpoena *ad testificandum*

There shall be allowed witness fees at the rate of \$1.00 for each day of attendance upon a hearing in response to a subpoena *ad testificandum* and mileage at the rate of \$0.10 per mile from the residence of the witness to the place of hearing and return.

12:16-9.2 Subpoena *duces tecum*

There shall be allowed witness fees at the rate of \$2.00 for each day of attendance upon a hearing in response to a subpoena *duces tecum* and mileage at the rate of \$0.10 per mile from the residence of the witness to the place of hearing and return.

SUBCHAPTER 10. HEARINGS

12:16-10.1 Scope of Subchapter

All hearings involving any question of coverage, or status, or liability for contributions, penalties and interest, or of reporting, or of refunds, or of rates

12:16–10.2 CONTRIBUTIONS, RECORDS & REPORTS

of contribution shall be conducted in accordance with the procedure hereinafter prescribed in this Subchapter.

12:16–10.2 Appearances

Appearances for and on behalf of interested parties at hearings and proceedings shall be limited to accredited lawyers of the New Jersey Bar.

12:16–10.3 Application

(a) Any written notice of determination by a representative of the Division, as to any question of coverage or status or liability for contributions, penalties and interest, or of reporting, or of refunds, or of rates of contribution shall be deemed final, unless any party with an interest in the matter shall make written request for a hearing within 20 days after the receipt of the notification, or thereafter upon good cause shown.

(b) Requests for hearings shall be directed to the Division, attention of hearing officer.

12:16–10.4 Scheduling

(a) When a hearing is requested, the hearing officer shall supply necessary forms of "petition for hearing", which shall be completed and returned to him within ten days after receipt thereof.

(b) Upon the filing of the "petition of hearing" copies shall be furnished to the chief auditor and the chief counsel.

(c) A "notice of hearing" shall be sent to the parties with an interest of record, specifying the place, date and time of the hearing at least ten days prior to the date of the hearing.

(d) A copy of such notice shall be furnished to the chief counsel.

(e) All hearings shall be promptly scheduled.

12:16–10.5 Conduct

(a) All hearings shall be formal and held before a hearing officer designated by the Director.

(b) The hearing officer may issue subpoenas to compel the attendance of witnesses, production of books, records and all other papers necessary as evidence in the proceedings, may administer oaths, examine and cross-examine witnesses, and do such other acts as may be necessary for the hearing and determination of the issues involved.

(c) The chief counsel, his representative or any qualified representative of the Division, shall have the right to appear at any hearing and examine and cross-examine any witnesses, and adduce evidence.

(d) A technical observance of the rules of evidence shall not be required.

(e) The testimony shall be confined to developing the facts pertinent and relevant to the issues.

(f) Stipulations in writing of facts agreed upon may be made a part of the record.

(g) A complete stenographic record of the hearing shall be made and, if necessary, transcribed.

(h) When the hearing is concluded, oral argument upon both the law and the facts may be presented or required; briefs or written memoranda may be presented, or required within a reasonable time to be fixed by the hearing officer.

(i) Any interested party may withdraw from the proceedings by filing with the hearing officer written notice to that effect.

(j) Failure to appear at a scheduled hearing shall be considered as a withdrawal from, or an abandonment of interest in the proceedings unless within five days thereafter it is shown to the satisfaction of the hearing officer that there was good cause for such failure.

(k) Adjournments of hearings shall be granted at the discretion of the hearing officer.

(l) The hearing officer shall deliver to the Director a complete record of the proceedings, together with his findings of fact.

12:16-10.6 Decisions and notification

(a) All determinations and decisions shall be made by the Director.

(b) Copies of all determinations made by the Director shall be supplied or mailed to all interested parties by the hearing officer and attested by him.

(c) Any determination and decision of the Director shall become final as to any party upon the mailing of a copy thereof to such party or to his attorney, or upon the mailing of a copy thereof to such party at his last-known address.

12:16–10.7 CONTRIBUTIONS, RECORDS & REPORTS

12:16–10.7 Review of decisions

(a) Any determination or decision of the Director shall be reviewable by the Commissioner of Labor and Industry, provided application therefor is made within 20 days after the same become final.

(b) The determination and decision of the Commissioner shall become final as to any party upon the mailing of a copy thereof to such party or to his attorney, or upon the mailing of a copy thereof to such party at his last-known address.

12:16–10.8 Request for rehearing

(a) Applications or requests for a rehearing or a redetermination shall be made within 20 days after the determination and decision of the Director or Commissioner has become final.

(b) Such applications or requests shall be directed to the Division, attention of hearing officer.

SUBCHAPTER 11. JOINT ACCOUNTS

12:16–11.1 Application

(a) Two or more employers desiring to have their accounts joined for the purpose of Section 43:21–7 of the Unemployment Compensation Law may request from the Division forms for making application therefor.

(b) Such forms shall be completed and filed jointly by all the employers desiring to have their accounts joined into one account.

(c) The form of application for establishment of a joint account shall be prescribed by the Director.

12:16–11.2 Eligibility

(a) A joint account shall be established only after it has been shown to the satisfaction of the Director that:

1. The employers desiring to have their accounts joined have made a written request for the establishment of a joint account prior to January 31 of the calendar year in which the joint account is to be established; and

2. Such employers have filed with the Division Form UC-38, Application For Establishment of a Joint Account not later than May 31 of such calendar year;

3. At the time of application, all the employers requesting such joint account have employment covered by the New Jersey Unemployment Compensation Law and are owned or controlled directly or indirectly by the same interests;

4. None of such employers was participating in another joint account throughout the preceding calendar year;

5. The requirements of paragraphs (3) and (4) of subsection 43:21-7(c) of the Unemployment Compensation Law have been met in fact by all such employers;

6. Such employers intend to maintain the common ownership or control for at least three calendar years and will notify the Division promptly of any change in such ownership or control; and

7. All contributions, interest and penalties which have become due from such employers on or before the date of application have been paid.

12:16-11.3 Effective date; duration

(a) A joint account shall be established only as of the first day of January of any calendar year and shall become effective after approval by the Director.

(b) The joint account so established shall remain in force for not less than three full calendar years, subject to the provisions of Sections 11.5 (Modifications) and 11.6 (Dissolution) of this Chapter.

(c) Contribution rates based on such joint accounts shall become effective for the fiscal year which begins on the first day of July of each calendar year following the approval of the application.

12:16-11.4 Maintenance

(a) Separate accounts shall be maintained for each employer participating in a joint account.

(b) At the beginning of each calendar year the separate accounts shall be combined for the purpose of computing a joint contribution rate.

(c) Such joint rate shall be the contribution rate for each employer participating in the joint account.

12:16–11.5 CONTRIBUTIONS, RECORDS & REPORTS

12:16–11.5 Modification

(a) Another employer may be added to an existing joint account if all the employers involved jointly make application for a new joint account and comply with the requirements of this Subchapter in its entirety.

(b) If during any calendar year an employing unit participating in a joint account ceases to be an employer under the New Jersey Unemployment Compensation Law, or ceases to be owned or controlled by the same interests, such employing unit shall be separated from the joint accounts as of the first day of such calendar year, but shall continue for the current fiscal year with the contribution rate computed under the joint account.

12:16–11.6 Dissolution

(a) Joint accounts may be dissolved as of January 1 of any calendar year under any one of the conditions set forth below:

1. If at any time the Division finds that with respect to such calendar year any one of the eligibility conditions set forth in Section 11.2 (Eligibility) of this Chapter with respect to employment, contributions, interest and penalties, and ownership or control, no longer exists or existed and that it would not be in the best interest of the State to continue the joint account.

2. If at any time the Division finds that with respect to such calendar year only one of the employing units whose accounts have been joined remained or remains an employer within the meaning of the New Jersey Unemployment Compensation Law.

3. Upon written application of one or more of the employers whose accounts have been joined, if such application is filed with the Division on or before January 31 of such calendar year and the Division finds that the joint account has been in existence for at least three calendar years. The form of application for dissolution of a joint account shall be prescribed by the Director.

SUBCHAPTER 12. TRANSFER OF EMPLOYMENT
EXPERIENCE

12:16–12.1 Transfer of predecessor's whole experience

(a) Upon receipt of notification that a predecessor employer has transferred his organization, trade or business, or substantially all his assets

to a successor in interest, the Division shall transfer the employment experience of the predecessor employer to the successor in interest if the employment experience of the predecessor with respect to the organization, trade or business, or assets may be considered indicative of the anticipated employment experience of the successor in interest.

(b) Unless the predecessor employer was owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the successor in interest, or the predecessor employer and the successor in interest were owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the same interest or interests, the transfer of the employment experience of the predecessor shall not be effective if such successor in interest, within four months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, files a written notice with the Division protesting the transfer of the employment experience of the predecessor employer.

12:16-12.2 Transfer of part of predecessor's experience by application

(a) A predecessor employer and successor in interest may jointly make application, on Form UC-47 (Joint Application for Transfer of Employment Experience), for transfer of that portion of the employment experience relating to that part of the organization, trade, assets or business acquired by the successor in interest, and the employment experience will be transferred if:

1. Either the predecessor or successor in interest shall notify the Division of the transfer and acquisition and of its intention to apply for a part transfer of the employment experience within four calendar months after the date of transfer and acquisition, or thereafter upon good cause shown; and,
2. Completes and files Form UC-47 with the Division within 30 days from the date of mailing thereof; and,
3. The employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business to be transferred may be considered indicative of the future employment experience of the successor in interest; and,
4. The part of the business transferred is a distinguishable and identifiable part to which may be allocated a definite portion of the predecessor's contributions, annual payrolls and benefit charges; and,
5. That the predecessor and/or successor in interest have or has furnished the information covering contributions, annual payrolls, benefit

12:16–12.3 CONTRIBUTIONS, RECORDS & REPORTS

charges and other data necessary to make the transfer on the records of the Division.

12:16–12.3 Effective date of transfer

The employment experience transferred shall be used in determining the employer contribution rate of the successor in interest for the fiscal year beginning July 1 following the date of the acquisition.

12:16–12.4 Assignment of contribution rates for interim periods

(a) Any employer who acquires the organization, trade, assets or business, in whole or in part, of another employer, shall continue to pay contributions at the rate currently assigned to him for the period from the date of acquisition to July 1 following. When, however, the employment experience of the predecessor employer, with respect to the organization, trade, assets or business, which has been transferred, represents substantially all the employment experience of the successor-in-interest and may be considered indicative of the future employment experience of the successor-in-interest, the contribution rate of the successor-in-interest shall be determined by combining the transferred employment experience and the employment experience of the successor-in-interest as they appeared on the records of the Division at the close of the calendar year preceding the current fiscal year. Such rate shall be effective for the period from the date of acquisition to July 1 following. A predecessor employer who continues to operate a part of his business shall continue to pay contributions at his current rate for the period from the date of transfer to July 1 following, unless the contribution rate of the successor-in-interest has been recomputed as aforementioned. In the latter event, the contribution rate of the predecessor employer shall be recomputed on the basis of his employment experience which remains on the records of the Division at the close of the calendar year preceding the current fiscal year, after giving effect to the transfer, and such rate shall be effective from the date of transfer to July 1 following.

(b) Any employing unit which becomes a subject employer by virtue of acquiring the organization, trade, assets or business of an employer shall be assigned the contribution rate of the predecessor for the period from the date of acquisition to July 1 following.

(c) Any employing unit which becomes a subject employer by virtue of acquiring part of the organization, trade, assets or business of an employer shall be assigned the basic rate of a new employer for the period from the date of the acquisition to July 1 following.

(d) Any employing unit which becomes a subject employer by virtue of acquiring the organization, trade, assets or business of two or more employers shall be assigned the rate of the predecessors, if they have the same rate; or, if they do not have the same rate, they shall be assigned a contribution rate based upon the combined record of the predecessors at the close of the calendar year preceding the current fiscal year.

SUBCHAPTER 13. BENEFIT CHARGES

12:16-13.1 Employer's account charged; notice

Benefits paid shall be entered and charged against the account of the employer to whom such determination relates, and when the benefit payment is made, the Division shall promptly send either the stub of the benefit check or other form of notification to the employer against whose account the benefits are to be charged.

12:16-13.2 Annual summary statement

The Division shall furnish to each employer an annual summary statement of benefits charged to his account.

SUBCHAPTER 14. COVERAGE OF MULTI-STATE WORKERS

12:16-14.1 Application; reciprocal agreements

An employer or an employing unit may invoke the provisions of N.J.S.A. 43:21-21(e) to have all the services customarily performed for that employer or employing unit by an employee in two or more states covered in the state in which part of the service is performed, or in which the employee has his residence, or in which the employer or employing unit maintains a place of business, by filing with the agency an application on Form UC-49 (Employer's Election to Cover Multi-State Workers); provided, a reciprocal arrangement exists between the New Jersey agency and the agency or agencies of the other state or states involved; and provided further, the state designated by the employer elects and agrees to accept the coverage of all such services.

12:16–15.1 CONTRIBUTIONS, RECORDS & REPORTS

SUBCHAPTER 15. EXCESS REFUNDS

12:16–15.1 Excess from disability fund

(a) If a worker receives wages from more than one employer, and:

1. The sum of the contributions required and deducted from his wages and deposited in the State Disability Benefits Fund, plus the contributions, if any, required and deducted from his wages, toward the costs of benefits under one or more private plans approved under N.J.S.A. 43:21–33, or

2. The sum of all contributions required and deducted from his wages toward the costs of benefits under two or more such private plans, if covered only by said plans, exceeds \$15.00 with respect to employment in any calendar year prior to January 1, 1968 or \$18.00 in any calendar year thereafter, the excess thereof shall be paid to such worker from the State Disability Benefits Fund by the Division of Employment Security if the worker establishes his right to such refund and makes claim therefor within two years after the end of the calendar year in which the wages are received.

12:16–15.2 Excess from unemployment compensation

If a worker receives wages from more than one employer and the sum of the contributions required and deducted from his wages and deposited in the State Unemployment Compensation Fund exceeds \$7.50 with respect to services performed in any calendar year occurring prior to January 1, 1968 or \$9.00 in any calendar year thereafter, the excess thereof shall be paid to such workers by the Division of Employment Security, if the worker establishes his right to such refund and makes claim therefor within two years after the end of the calendar year in which the wages are received.

12:16–15.3 Wage deduction statements

(a) Employers shall furnish to workers statements on Form UC-52 (Employer Certification of Wages and Deductions for New Jersey Unemployment and Disability Insurance), showing clearly the wages paid to a worker during any calendar year from which the employer made deductions and the amounts of such deductions for each of the following:

1. Contributions to the Unemployment Compensation Fund;
2. Contributions to the State Disability Benefits Fund; and

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3. Deductions toward the costs of benefits under approved private plan(s) identifying such approved private plan(s) by the number assigned thereto by the Disability Insurance Service.

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SUBCHAPTER 1. SEPARATION AND DISQUALIFICATION NOTICES

12:17-1.1 Statement to workers at time of separation

(a) Whenever a worker, who, at the time, has been employed for at least one week, is separated from his work (permanently or for an indefinite period, or for an expected duration of seven or more days) under any conditions, the employer, at the time of such separation, shall deliver to such worker Form BC-10 (Instructions for Claiming Unemployment Benefits), instructing such worker to report promptly to a local employment service office. Such statement shall contain the employer's name, complete address, and his registration number.

(b) Failure to comply with such requirement will subject the defaulting employer to the penalties prescribed in N.J.S.A. 43:21-16(c).

12:17-1.2 Request for separation or wage information

(a) Upon request by the Division of Employment Security for information with respect to wages or the separation of any worker from an employer or employing unit, such employer or employing unit shall, within seven calendar days after the date of mailing the form covering such request, complete the form and return it to the unit which initiated the request.

(b) Failure to comply with such requests will subject the defaulting employer to the penalties prescribed in N.J.S.A. 43:21-16(b)(2).

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12:17-1.3 Notice of failure to apply for or to accept suitable work

(a) When any individual fails to apply for, or to accept, suitable work when offered by a former employer, and such failure, in the opinion of the employer, disqualifies such individual for benefits, such employer shall, within 48 hours of such failure, complete Form BC 6 (Notice of Failure to Apply for or to Accept Suitable Work) and forward it to the proper local employment service office, setting forth the facts which in the opinion of the employer constitute such individual's failure, without good cause, to apply for, or to accept suitable work.

(b) Whenever any employer or employing unit is notified by a local employment service office that any individual has been referred to such employer or employing unit for work, the employer or employing unit shall, if such individual fails to apply for work within 24 hours after the time designated in such notification, forthwith advise the local employment office service making the referral.

12:17-1.4 Notice of unemployment due to mass separations

(a) The term "mass separation" means the separation of 50 or more workers in a single establishment (either permanently or for an indefinite period, or for an expected duration of seven or more days) at or about the same time and for the same reason, except where the separation or unemployment is due to a labor dispute.

(b) The employer shall, 48 hours prior to any mass separation, file a notice thereof with the local employment service office nearest the place of employment.

(c) Such notice shall contain the following information:

1. The name and address of the employer;
2. A statement setting forth the cause of the separation;
3. The number of workers affected;
4. The expected duration of the period of unemployment;
5. Whether or not the employer will continue in employment during the shutdown a sufficient number of persons to handle request for wage information that may be issued by local employment offices.

(d) Where the employer has no advance knowledge of the mass separation, such notice shall be filed within 24 hours after the mass separation occurs.

(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 separations.

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 employment service 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.

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 local employment service 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.

SUBCHAPTER 2. REGISTRATION FOR WORK AND CLAIM FOR BENEFITS

12:17-2.1 Claims and registrations for individuals generally

(a) Except as provided in Sections 2.2 (Claims and registrations for individuals located in isolated areas) and 2.3 (Claims and registrations of individuals unemployed due to a labor dispute or a mass separation) of this Chapter any individual claiming benefits or waiting period credit for

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unemployment shall report in person at the local employment service office nearest to his residence, and shall:

1. Register for work; and
2. File a claim for benefits.

(b) In order to establish eligibility for benefits or for waiting period credit for any week of unemployment, the claimant shall report during each such week on the day or days and at the time or times designated by a representative of the Division to the local employment service office at which he is registered for work. A claimant who has failed to report on his assigned reporting day shall be considered as having complied with this reporting requirement; provided, he reports in person as soon as possible thereafter but not later than seven days after his assigned reporting day; and provided further, he shows good cause for having failed to report sooner.

(c) In order to file a continued claim for benefits for a week or weeks of unemployment, the claimant shall report in person to the local employment service office on the day and time designated by a representative of the Division, after the completion of such week or weeks, and certify that with respect to such week or weeks he was unemployed, eligible and not subject to disqualification. The Division, for reasons found to constitute good cause for any individual's failure to report on the day and at the time designated for him to report at the local employment service office for the purpose of filing a continued claim, may accept a continued claim from such individual for the week or weeks in question; provided, he reports in person at the local employment service office within seven days after his assigned reporting day, or, if he is unable to so report, he notifies the local employment service office within such time of the reason for his failure to report on his reporting day.

(d) A claimant shall not be denied any benefit rights to which he is entitled, except for his inability to report on his assigned reporting day, when such inability is due to reemployment; provided, he notifies the local employment service office at which he has been reporting of the reason for his failure to report within seven days after his assigned reporting day.

(e) A claimant who, without good cause, reports before his designated reporting time may be required to report at the designated time. A claimant who, after being warned, and without good cause, has reported after his designated reporting time may be required to report again at a future designated day and time within the current benefit week or period.

(f) The Division, if satisfied of any individual's inability to report to the local employment service office at which he filed his claim for benefits and registered for work, may permit such individual to report to any other local employment service office.

(g) During periods when unusual unemployment conditions prevail, the Division, through the Director, may, subject to the approval of the Federal Bureau of Employment Security, direct claimants to report on a biweekly (fortnightly) basis, if and when it is for the best interests of all concerned.

12:17-2.2 Claims and registrations for individuals located in isolated areas

(a) In order to claim benefits or waiting period credit for unemployment, any individual residing in an isolated area served only by the itinerant service of the New Jersey State Employment Service shall report in person to such itinerant service at the point most accessible for him on the first scheduled appearance of such itinerant service at such point after the commencement of his unemployment, and shall:

1. Register for work; and
2. File a claim for benefits with such service.

(b) In order to establish eligibility for benefits or for waiting period credit for any week of unemployment, the claimant shall:

1. Continue to report, as directed by a representative of the Division, on the dates and in the manner specified by such representative for reporting;
2. File a continued claim for benefits.

(c) The first week of unemployment of any such individual shall commence with the first day of unemployment; provided, he shall report in person to such itinerant service and otherwise comply with the requirements of this Section.

12:17-2.3 Claims and registrations of individuals unemployed due to a labor dispute or mass separation

(a) A report by an employer or employing unit to the Division of the unemployment of any individual affected by a labor dispute, or a mass separation, or, in the absence of such a report, verification by the Division of the fact that any individual's unemployment is the result of a labor dispute or a mass separation, shall constitute registration for work and the commencement of the first week of unemployment for any such individual; provided, such individual shall appear in person and file a claim for benefits at the local employment service office nearest to his residence within seven days after the commencement of his unemployment due to a labor dispute or a mass separation.

12:17-2.4 UNEMPLOYMENT BENEFIT PAYMENTS

(b) In order to establish eligibility for benefits or for waiting period credit for any week of unemployment, the claimant shall:

1. Continue to report; and
2. File a continued claim for benefits.

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

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

1. That the individual claims benefits;
2. That he registers for work; and
3. Such other information as is required thereby.

(b) The claim for benefits for unemployment shall constitute both the individual's registration for work and his 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 he registers for work;
4. 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
5. Such other information as is required thereby.

(d) The continued claim for benefits for unemployment shall constitute both the individual's registration for work and his 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.

12:17-2.5 Benefit determination notice

Each notice of benefit determination which the deputy is required to furnish to the claimant shall, in addition to stating the determination and its reasons, include a notice specifying the claimant's appeal rights, which shall

state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken.

SUBCHAPTER 3. DEFINITIONS

12:17-3.1 Weeks with reference to unemployment defined

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

“Benefit weeks” means:

1. A benefit week with respect to any partially unemployed individual who is employed by a regular employer or employing unit on the basis of a payroll period of seven consecutive days and who works less than his normal customary full-time hours for such employer or employing unit because of lack of full-time work shall coincide with such payroll period;

2. A benefit week with respect to any partially unemployed individual who is employed by a regular employer or employing unit on other than a weekly basis shall be any seven-consecutive-day period of unemployment chosen by the individual; provided, that no day of unemployment shall occur in more than one such week;

3. A benefit week with respect to any other individual shall be any seven-consecutive-day period of unemployment chosen by the individual; provided, that no day of unemployment shall occur in more than one such week.

“Week of partial unemployment” means a week in which an individual performs some services and/or earns remuneration which does not exceed his weekly benefit rate plus 20 per cent of such rate or \$5.00, whichever is the greater (fractional parts of a dollar omitted).

“Week of total unemployment” means a week in which an individual performs no services and with respect to which he receives no remuneration.

12:17-3.2 Week of disqualification defined

A week with respect to any disqualification arising under N.J.S.A. 43:21-5, except subsection (d) thereof, shall be a calendar week.

12:17-4.1 UNEMPLOYMENT BENEFIT PAYMENTS

**SUBCHAPTER 4. EMPLOYER RECORDS AND EVIDENCE
CONCERNING PARTIAL
UNEMPLOYMENT**

12:17-4.1 Regular employee records

(a) In addition to the requirements set forth in Sections 5.1 (Payroll records) and 5.2 (Individual worker records) of Chapter 16 of this Title, each employer shall keep his payroll records in such form that it would be possible from an inspection thereof to determine with respect to each regular employee in his employ who may be eligible for partial benefits:

1. Remuneration for each pay period week or, failing that, for any seven-consecutive-day period;
2. Whether any such period was a week of less than full-time work;
3. Time lost, if any, during such week when work was available.

12:17-4.2 Evidence of weekly partial unemployment

(a) In cases of less than full-time work, when the remuneration payable by an employer to an individual in his employ does not exceed 120 per cent of the maximum weekly benefit rate, the employer not later than the time when such remuneration is payable shall issue to the individual in writing a statement (in the form of a pay envelope, pay check stub, copy of pay check, or similar pay voucher) with respect to such week which shall show the following information:

1. The name and address of the employer;
2. The name of the worker;
3. The date of the last day of such week;
4. The amount of remuneration for such week;
5. A notation to the effect that such worker earned "less than full-time remuneration because of lack of work". Such notation is to be followed by the signature (actual or facsimile) of the employer or his authorized agent or other positive identification of the authority supplying the evidence.

SUBCHAPTER 5. CLAIMS FOR PARTIAL UNEMPLOYMENT BENEFITS

12:17-5.1 Registration and filing

(a) A claim to establish a benefit week under Section 3.1 (Weeks with reference to unemployment defined) of this Chapter shall be filed by the individual in person at a local employment service office and shall constitute such individual's notice of unemployment, registration for work and claim for benefits or waiting period credit, with respect to each such week of partial unemployment covered by the claim.

(b) Such claim shall not be valid if filed 28 or more days after the individual has been furnished by his employer with information as to his earnings in any such week as provided in Section 4.2 (Evidence of weekly unemployment) of this Chapter, except that the Director may, at his discretion, extend the period of validity if it is found desirable.

12:17-5.2 Extended registration period for cause

Notwithstanding the provisions of Section 5.1 (Registration and filing) of this Chapter, if the Director finds that the failure of any individual to register and file a claim for partial unemployment benefits within the time set forth in said Section 5.1 (Registration and filing) was due to failure on the part of the employer to comply with any of the provisions of Subchapter 4 (Employer Records and Evidence concerning Partial Employment) of this Chapter, or to coercion or to intimidation exercised by the employer to prevent the prompt filing of such claim or to failure by the agency to discharge its responsibilities promptly in connection with such partial unemployment, the Director shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of his potential rights to benefits and his earnings during the period of such partial unemployment; provided, that such period may not extend beyond 13 weeks subsequent to the end of the actual or potential benefit year during which the week of partial unemployment occurred.

12:17-6.1 UNEMPLOYMENT BENEFIT PAYMENTS

SUBCHAPTER 6. PAYMENT OF BENEFITS TO INTERSTATE CLAIMANTS

12:17-6.1 Cooperation with other states

This Subchapter shall govern the Division in its administrative cooperation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

12:17-6.2 Definitions

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

“Agent state” means any state in which an individual files a claim for benefits from another state.

“Benefits” means the compensation payable to an individual with respect to his unemployment, under the unemployment compensation law of any state.

“Interstate Benefit Payment Plan” means the plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

“Interstate claimant” means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term “interstate claimant” shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the Division finds that this exclusion would create undue hardship on such claimants in specified areas.

“Liable state” means state against which an individual files, through another state, a claim for benefits.

“State” includes the District of Columbia, the Virgin Islands and Puerto Rico.

“Week of unemployment” includes any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

12:17-6.3 Registration for work

(a) Each interstate claimant shall be registered for work, through any public employment office in the agent state when and as required by the law,

regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state.

(b) Each agent state shall duly report, to the liable state in question, whether each interstate claimant meets the registration requirements of the agent state.

12:17-6.4 Benefit rights of interstate claimants

(a) If a claimant files a claim against any state, and it is determined by such state that the claimant has available benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.

(b) For the purposes of this Subchapter, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

12:17-6.5 Claims for benefits

(a) Claims for benefits or waiting period shall be filed by interstate claimants on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the Interstate Benefit Payment Plan. Claims shall be filed in accordance with the type of week in use in the agent state. Any adjustments required to fit the type of week used by the liable state shall be made by the liable state on the basis of consecutive claims filed.

(b) Claims shall be filed in accordance with agent state regulations for intrastate claims in local employment offices, or at an itinerant point, or by mail.

1. With respect to claims for weeks of unemployment in which an individual was not working for his regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week, or one reporting period, late. If a claimant files more than one reporting period late, an initial claim must be used to begin a claim series and no continued claim for a past period shall be accepted.

2. With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable state shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.

12:17-6.6 UNEMPLOYMENT BENEFIT PAYMENTS

12:17-6.6 Determination of claims

(a) The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

(b) The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.

12:17-6.7 Appellate procedure

(a) The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims.

(b) With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.

12:17-6.8 Extension to Canadian claims

This Subchapter shall apply in all its provisions to claims taken in and for Canada.

SUBCHAPTER 7. DISCLOSURE OF INFORMATION

12:17-7.1 Administration of public employment service program

No disclosure of information obtained at any time from workers, employers, or other persons or groups in the course of administering the state public employment service program shall be made directly or indirectly, except as authorized by this Subchapter.

12:17-7.2 Authorized disclosure of information

(a) Disclosure of any such information is authorized in the following cases for the following purposes:

1. To individual applicants and employers to the extent necessary for the efficient performance of recruitment, placement, employment counseling, and other employment service functions;

2. To any properly identified claimant for benefits or payments under an unemployment compensation or readjustment allowance law of the Federal government, or of a state or territorial government, or of a foreign government with which reciprocal arrangements have been made, or to his duly authorized representative, information which directly concerns the claimant and is reasonably necessary for the proper presentation of his claim;

3. To any officer or employee of any agency of the Federal government or of a state or territorial government, or of a foreign government with which reciprocal arrangements have been made, lawfully charged with the administration of an unemployment compensation or readjustment allowance law, but only for purposes reasonably necessary for the proper administration of such law;

4. To any officer or employee of any agency of the Federal government or a state or territorial government, lawfully charged with the administration of a law providing for old-age assistance, or other public assistance, work relief, pension, retirement, or other benefit payments, but only for purposes reasonably necessary for the proper administration of such law;

5. To applicants, employers, and the public, general information concerning employment opportunities, employment levels and the trends, and labor supply and demand, provided such release or publication does not include information identifiable to individual applicants, employers, or employing establishments;

6. To individuals, organizations, and agencies or for purposes other than as specified in this Section if such disclosure will not impede the operation of, and is not inconsistent with the purposes of, the public employment service program, and is authorized in writing in individual cases by the Director.

12:17-7.3 Unauthorized disclosure of information

Nothing contained in this Subchapter shall, or shall be construed to, contravene Social Security Administration Regulation No. 1 relating to the disclosure of official records and information.

12:17-8.1 UNEMPLOYMENT BENEFIT PAYMENTS

**SUBCHAPTER 8. CLAIMS FOR DISABILITY BENEFITS
DURING UNEMPLOYMENT**

12:17-8.1 Waiver of registration and reporting requirements

The giving of notice of disability, and the filing of proof of claim for benefits, under N.J.S.A. 43:21-4(f), shall dispense with the requirements of Subsection (a) of said Section 4 with respect to registering for work and reporting at a local employment service office for the period covered by such claim.

12:17-8.2 Time for filing proof and claim for disability benefits

(a) A written notice of disability on which a claim for disability benefits is based, must be filed within 30 days from the date of the commencement of the disability.

(b) The notice need not be on any prescribed form but shall state the claimant's full name, address and Social Security account number, as well as the date on which the claimant was too sick (or disabled) to work.

(c) The Director may, for good cause shown, extend the time for filing the required notice and grant credit, subject to the waiting period requirement, from the commencement of the disability.

(d) If the required notice is not filed within 30 days after the commencement of the period of disability and good cause for such failure is not shown, the claim shall be limited to the period commencing 30 days prior to the receipt of the required notice, subject to the waiting period requirement.

12:17-8.3 Payment of disability for nonstatutory employer

Where an individual becomes ill or disabled and his most recent employing unit was not an employer as defined by the Unemployment Compensation Law, disability benefits shall be paid to such individual under N.J.S.A. 43:21-4(f), if otherwise eligible.

12:17-8.4 Simultaneous unemployment and disability

Where, during a week of unemployment, an individual would be eligible for benefits under N.J.S.A. 43:21-4(c) except for his inability to work because of illness or disability during a portion of such week, disability benefits shall be paid to such individual under N.J.S.A. 43:21-4(f), provided he is otherwise eligible and out of employment for at least two weeks.

12:17-8.5 **Payment of benefits for waiting period**

When benefits become payable under subsections (c) or (f) of N.J.S.A. 43:21-4, or a combination of both subsections, with respect to the third consecutive week next following the waiting period, a claimant shall be eligible to receive benefits as appropriate with respect to the waiting period.

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SUBCHAPTER 1. GENERAL PROVISIONS

12:18-1.1 Definitions

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

“Act” means the Temporary Disability Benefits Law (N.J.S.A. 43:21-25 *et seq.*).

“Base year” with respect to a period of disability commencing on or after January 1, 1953 means the 52 consecutive calendar weeks immediately preceding the calendar week in which the period of disability commenced.

“Benefits” means the disability benefits provided by the Temporary Disability Benefits Law.

“Claimant” means an individual who has filed a claim for disability benefits or who has notified the Division or the employer, nominee, designee, trustee, union, association of employees, insurer or organization paying benefits under a private plan that he expects to file such a claim.

“Claimant’s authorized representative” means an individual who represents or acts in behalf of a claimant who is incapable of fulfilling the requirements of filing claims for disability benefits, and who is so authorized by a power of attorney or other authorization satisfactory to the Division. Such authorized representative must file with the Division, on a form prescribed by the Director, a duly sworn affidavit that the claimant,

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according to information received from the claimant's physician, dentist, chiropodist or chiropractor, is incapable of making a claim for disability benefits and that he assumes the responsibility of acting in behalf of such claimant in accordance with the Act and this Chapter.

"Director" means the Director of the Division of Employment Security in the Department of Labor and Industry.

"Disability" or "disabled" means both mental or physical illness and mental or physical injury.

"Employee" means a covered individual as defined in N.J.S.A. 43:21-27(b). With respect to any one employer the term shall mean such a covered individual who is in employment, as defined by the Unemployment Compensation Law and Regulations promulgated thereunder, for which he is entitled to remuneration from such employer or who has been out of such employment for less than two weeks and has not become employed by another employer, during such period.

"Employer" means a covered employer as defined in N.J.S.A. 43:21-27(a).

"Fund" means the State Disability Benefits Fund, as set forth in N.J.S.A. 43:21-46.

"Insurer" means any insurance company duly authorized to do business in the State of New Jersey, employer acting as a self-insurer, nominee, designee, trustee, union, association of employees or organization which has undertaken to pay benefits under a private plan.

"Private plan" means a private plan approved by the Division.

"Proof and claim for disability benefits" means the proof of disability and claim for benefits initially filed with respect to a period of disability on a form prescribed by the Director.

"Supplemental proof and claim for disability benefits" means the proof and claim certifying to the continuance of disability on a form prescribed by the Director.

"Week" means a period of seven consecutive days starting with the day of disability.

12:18-1.2 Application for exemptions

Any employee desiring to secure exemption from the provisions of the Act shall make application therefor on a form and in a manner prescribed by the Director.

12:18-1.3 Service of papers

(a) Any and all notices, orders, communications and other processes and papers of this Division, may be served personally or by registered or certified mail or by telegram or by leaving a copy thereof at the principal office or place of business in New Jersey of the person required to be served.

(b) Such service shall constitute due notice.

(c) The verified return by the individual so serving the same, setting forth the manner of such service shall be proof of the same, and the return postoffice receipt or telegram receipt therefor when registered or certified and mailed or telegraphed as aforesaid shall be proof of service of the same.

12:18-1.4 Reimbursement of funds

If benefits have been paid to a claimant erroneously by the State plan, Disability During Unemployment, or a private plan, the Division may arrange a restitution of funds from the party that should have paid the benefits to the credit of the party that paid erroneously, if it can be shown that the erroneous payment was not due to a fraudulent intent.

SUBCHAPTER 2. PRIVATE PLANS

12:18-2.1 Extent of coverage

(a) All employees of the employer shall be covered by one or more private plans, without restrictions or exclusions, except that, subject to the approval of the Division, any private plan may exclude employees of a separate unit, craft, organization, plant, department or establishment, or other class or classes of employees. Application for such exclusion shall be submitted on a form and in a manner prescribed by the Director. The Division may not approve the exclusion of a class or classes of employees determined by the age, sex or race of the employees or by the wages paid such employees, if, in the opinion of the Division, such exclusion would result in a substantial selection of risk adverse to the State plan. For the purposes of this regulation, the employees of an employing unit (not a subject employer) performing services for an employer, as defined in N.J.S.A. 43:21-19(g) shall be considered a class of employees which may be excluded.

(b) Employees excluded from a private plan shall be covered under the State plan and the employer shall be liable for the deduction and payment of

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workers' contributions and employer's contributions, as required by N.J.S.A. 43:21-7.

(c) All proposed private plans shall be submitted for review and approval by the Division. An employer failing to secure the approval of a private plan shall be deemed to be covered under the State plan and the employer shall be liable for the deduction of workers' contributions and payment of workers' and employer's contributions to the Fund as required by N.J.S.A. 43:21-7 until such date as a private plan is effective.

(d) An employee who ceases to be covered by a private plan, whether by termination of the plan, changing employers or for any other reason, shall, if otherwise eligible, become entitled to disability benefits from the Fund.

12:18-2.2 Benefits

(a) An employee shall not be entitled to any benefits from the Fund with respect to any period of disability commencing while he is covered under a private plan.

(b) An employee shall not be paid any benefits for disability during unemployment (N.J.S.A. 43:21-3, 4) for any period of disability commencing while he is a "covered individual" as defined in N.J.S.A. 43:21-27(b).

(c) The benefits provided by a private plan shall be set forth in the plan both as to eligibility requirements and amounts payable.

(d) If application for benefits is made under the State plan or Disability During Unemployment and it is determined that the claim should have been made under a private plan, an employee shall not be deprived of benefits under the private plan for failure to give timely notice and proof of disability provided that:

1. The application to the State plan would have been timely notice to the private plan if it had been then made; and

2. Proof of disability is furnished under such private plan within the period required therein or within 30 days after the employee has notice that the claim should have been made thereunder.

(e) If an employee is paid benefits under a private plan, the amount of such benefits shall not be deducted from the amount of benefits to which he may be entitled under the State plan, or under N.J.S.A. 43:21-3 and N.J.S.A. 43:21-4 as an unemployed claimant, for a subsequent period of disability. If an employee is paid benefits under the State plan, the amount of such benefits shall not be deducted from the amount of benefits to which he may

be entitled under a private plan, or under N.J.S.A. 43:21-3 and N.J.S.A. 43:21-4 as an unemployed claimant for a subsequent period of disability.

(f) If the benefits claimed by an employee or his authorized representative under a private plan are denied, such denial shall be by a written notice to the employee or his authorized representative, giving the reason therefor and stating the employee's rights to a hearing in accordance with the Act. Upon the issuance of such notice, the Division shall be immediately furnished with a copy of the claim and the notice of denial, or facsimiles thereof.

(g) The private plan shall provide for payment of benefits to employees weekly, biweekly, or at such intervals as the employee is customarily paid wages, unless otherwise approved by the Director.

(h) No reduction in the amount or duration of benefits or increase in the rate of employee contributions shall be made without prior approval of the Division. Approval shall be given if the Division finds that the plan, after such modification, continues to meet the requirements of the Act and this Chapter and, if the employees are to contribute toward the cost of such modified plan, that a majority of the employees covered by the plan have agreed to the modification by written election (by ballot or otherwise) in accordance with this Chapter. The Division shall be given prompt notice of any modification of a private plan, which modification does not require approval under this Section.

12:18-2.3 Proof of coverage

Notice, in a form approved by the Director, of the benefits provided by the private plan shall be furnished to the covered employees either by individual certificates or other direct notification at the time of coverage, or by conspicuous and continuous posting at the place of employment.

12:18-2.4 Choice of doctor

An employee covered under a private plan shall have the right to choose his own attending physician, dentist, chiropodist or chiropractor, but he may be required to submit, not more often than once a week, to an examination by a physician, dentist, chiropodist or chiropractor designated by the employer, insurer or organization paying benefits.

12:18-2.5 Nonprofit provision

No employer, union or association representing employees and no person acting in behalf of any of the foregoing shall so administer or apply the provisions of a private plan as to derive any profit therefrom.

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12:18-2.6 Appeals

(a) If the claim of any employee under a private plan is denied, in whole or in part, by an employer, insurer or organization paying benefits or, if he shall be unable to agree with the employer, insurer or organization paying benefits as to benefits thereunder, such claimant may appeal from such determination or denial.

(b) A complaint, which shall constitute an appeal, shall be filed by the claimant, in person or by mail, with the Division, within one year after the beginning of the period for which benefits are claimed. Upon receipt thereof, the Division shall conduct an investigation and such informal hearings as it may deem necessary to determine the facts and settle the issues.

(c) If the issues raised are not settled, they shall be referred to a hearing officer, who shall afford the interested parties thereto a reasonable opportunity for a full, fair and impartial hearing, in accordance with procedure relating thereto required under Sections 2.38 through 2.48 of this Chapter.

12:18-2.7 Review

(a) All approved private plans shall be reviewed by the Division during their continuance to insure compliance with the law and regulations thereunder.

(b) Where a decision to accept or deny a claim is not made within 45 days of filing of claim, the insurer shall notify the Division of such fact giving the reasons therefor.

12:18-2.8 Application for approval

(a) An employer desiring to establish a private plan for the payment of benefits to employees, shall file an application on a form and in a manner prescribed by the Director. In requesting the form, the employer shall inform the Division whether the benefits will be provided by a contract of insurance, or by an agreement between the employer and a union or association representing his employees or by the employer as a self-insurer.

(b) If two or more employers desire to have their private plans insured by a single policy of insurance, either by mutual agreement or by agreement as set forth in subsection (a) of this Section, each shall file an application for approval on a form and in a manner prescribed by the Director, designating a nominee, designee, trustee or one of them as his duly authorized agent for the purposes of this Act.

12:18-2.9 Minimum plan requirements

(a) Each private plan, in order to secure Division approval, shall provide to the employees covered thereby rights equal at least to those set forth in N.J.S.A. 43:21-37 to 43:21-42 inclusive, by assuring that:

1. All employees of the employer, except as provided elsewhere in these Chapters, shall be covered by the private plan with respect to any disability commencing while the plan is in effect.

2. The private plan does not impose restrictions on, or provide exclusion from eligibility for benefits in respect to any employee covered thereunder, in such manner as to deny benefits which would be payable to the employee under the State plan, but for his inclusion in the private plan.

3. Except as provided for in Section 2.10 (Concurrent coverage) of this Chapter, the benefits payable to each employee covered thereunder shall be at least equal, in both weekly amount and duration, to those which would be payable to the employee under the State plan, but for his inclusion in the private plan.

12:18-2.10 Concurrent coverage

(a) A private plan shall not preclude simultaneous or concurrent coverage by reason of an individual's employment with two or more employers. Such employee shall receive not less than the benefits payable under the State plan both as to benefit amount and duration.

(b) For the purposes of this Section with respect to periods of disability commencing on or after January 1, 1953, a covered individual is deemed to be in "concurrent employment" if he is in employment with two or more employers during some part of the last calendar day he was in employment preceding the commencement of a period of disability. The term "concurrent employers" is deemed to mean the covered employers with whom such individual was in employment on such last day of employment.

(c) If an employee is in concurrent employment with two or more employers of whom only one has a private plan, under which such employee is covered, then the employee shall be eligible to receive, under such private plan, benefits not less than he would be eligible to receive if covered only under the State plan with respect to all employment, and no benefits shall be payable under the State plan for disability commencing while he is covered under such private plan.

(d) If an employee is in concurrent employment with two or more employers having private plans, under which such employee is covered, each such private plan shall pay not less than the full amount the employee would

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be eligible to receive if covered under the State plan, except that any such private plan may take into account coverage under other private plans on the following basis: the benefits payable under such private plans to such employee may be apportioned among the plans in the same proportion that such employee earned wages from such concurrent employers during the eight calendar weeks immediately prior to the commencement of his disability but in no event shall the employee receive less than the benefits to which he would be entitled under the most favorable plan, both as to weekly amount and duration.

12:18-2.11 Employee consent

If employees are required to contribute to the cost of a private plan, the employer shall submit, in writing, to his employees a brief summary of the provisions of the plan, including the weekly benefit rate, the maximum amount and duration of benefits and the contributions required from the employees with respect to the benefits to be provided thereby. A majority of the employees to be covered must agree by written election (by ballot or otherwise) to the establishment of the plan which shall include the worker's contribution required. Evidence of their consent shall be shown on the application for approval.

12:18-2.12 Evidence of consent

(a) There shall be submitted on the application for approval a statement showing the total number of eligible employees in employment by the employer and the number of employees who agreed to the plan, together with the individual ballots or documents bearing the employees' signatures of consent. The ballots or documents of consent, after review by the Division, shall be returned to the employer.

(b) The results of such election shall be posted promptly and the records pertaining thereto shall be maintained by the employer and be available for inspection by Division representatives during the existence of the private plan.

12:18-2.13 Certificate of approval; effective date

(a) The Division shall issue a "Certificate of Approval of Private Plan" (Form DP-5) which shall constitute evidence of approval of the plan by the Division.

(b) The private plan shall take effect on the first day of the calendar quarter next following approval date or at such other date as may be requested by the employer and approved by the Division.

12:18-2.14 Withdrawal of certificate of approval

(a) A certificate may be withdrawn or revoked upon notice and opportunity for hearing if the Division finds:

1. That there is danger that benefits accrued or to accrue will not be paid; or
2. That the security for such payment is insufficient; or
3. That there has been a failure to comply with the terms and conditions of the plan; or
4. That there has been a failure to pay benefits to eligible claimants promptly; or
5. That in the case of an insured private plan, the insurance company has given notice of the cancellation of the policy of insurance thereunder; or
6. That the employer, his duly authorized agent, the union or association representing the employees or any person acting in behalf of any of the foregoing are deriving a profit in instituting or administering the plan; or
7. That the employer, or insurer or any other party responsible for the payment of benefits, as the case may be, has failed to comply with the Act and regulations; or
8. Other good cause.

(b) A certificate of approval may be withdrawn or revoked effective as of the date of the occurrence of the condition, violation, event or omission forming the basis for such withdrawal or revocation, or at any subsequent date which in the judgment of the Director or his authorized representative, shall be necessary for the protection of the benefit rights of the employees theretofor covered by the plan. The Division shall give the employer, the insurer or organization paying benefits, and all interested parties notice of revocation or withdrawal of the certificate of approval and an opportunity for a hearing.

12:18-2.15 Termination on petition by employees

Upon receipt by the Division of a petition to terminate a private plan, signed by not less than ten per cent of the employees covered by the private plan, the Division shall order an election, after 30 days' written notice to the employer. No such election shall be required more often than once in any 12 consecutive months. The Division shall, whenever it deems necessary, supervise such election.

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12:18-2.16 Eligibility to petition

(a) An employee, to be eligible to sign any petition requesting an election to discontinue a private plan, shall be in the employ of the employer as of the date of the petition, and covered by the plan. The form of the petition requesting an election shall be prescribed by the Director.

(b) An employee, to be eligible to vote in any election to discontinue a private plan, shall be in the employ of the employer as of the date of the election and covered by the plan.

12:18-2.17 Requirements of election

(a) Any election to discontinue a private plan shall be in accordance with this Subchapter. The election shall be by written ballot but the Director may order a secret ballot if the facts so warrant. The ballot shall be so worded as to give each employee voting an opportunity to vote for or against the discontinuance of the private plan. The time and place of the election shall be convenient to the employees, and on not less than 30 days' written notice by the employer to the employees. The notice of the election and the results thereof shall be given to the employees affected by one of the following methods:

1. By posting on bulletin boards in the employer's establishment or place of business for a period of not less than 30 days;
2. By mail addressed to each employee;
3. By personal service.

(b) A record of the method used shall be kept by the employer.

12:18-2.18 Retention of election records

The records pertaining to any election to discontinue a private plan shall be retained by the employer and shall be available for inspection by the Division representatives for a one-year period from the date of termination.

12:18-2.19 Certification of election results

A statement shall be submitted forthwith by the employer to the Division showing the total number of employees eligible to vote, and the number of employees who voted for and against termination of the plan.

12:18-2.20 Discontinuance

(a) As provided in the Act, a private plan shall be discontinued when the Division withdraws its approval thereof upon being furnished satisfactory evidence that a majority of the covered employees have made election in writing to discontinue such plan.

(b) An employer may discontinue a private plan upon proper notice to the Division and to the covered employees.

12:18-2.21 Responsibility of employer on withdrawal of certificate of approval

(a) The employer shall be liable for the deduction of workers' contributions and payment of workers' and employer's contributions, as required by N.J.S.A. 43:21-7, with respect to wages paid for employment subsequent to the effective date of withdrawal or revocation of the certificate of approval, unless the Division has approved another private plan to become effective on the day immediately following.

(b) Form DP-22 "Notice of Withdrawal of Approval of Private Plan" shall be conspicuously posted for a period of not less than 30 days at or in the employer's factory, establishment or other premises at which the workers, who were covered under the private plan, are employed, as evidence of the termination of that plan.

12:18-2.22 Insurer liability

(a) A policy of insurance providing for the payment of benefits under a private plan shall provide that the insurer shall remain liable for the payment of benefits to any employee covered by the policy and the private plan for any period of disability commencing, during the continuance of the private plan, after the policy became effective and prior to the termination of the policy.

(b) At least 60 days' notice shall be given to the Division by the insurer or the policyholder before termination of the policy becomes effective, except that, if the policy is being terminated by reason of a change of insurer, this requirement may be waived.

(c) If a policy is being terminated for nonpayment of premium, at least 15 days' written notice shall be given to the Division before termination of the policy becomes effective.

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12:18-2.23 **Mandatory provision**

Each contract of insurance providing for the payment of benefits under a private plan shall contain a clause or clauses guaranteeing that the benefits meet the requirements of Section 2.9 (Minimum plan requirements) of this Chapter.

12:18-2.24 **Security required**

(a) The security required by the Division from an employer whose private plan does not provide for the assumption of the liability to pay benefits by an insurer, duly authorized and admitted to do business in this State, shall be in the form of a cash deposit, a bond of an admitted surety insurer conditioned on the payment of obligations under the plan, or bearer bonds issued or guaranteed by the United States of America or issued by this State, the amount to be determined by the Division upon the basis of the size of the payroll, the class or classes of risks contemplated, the financial standing of the employer and any additional factors which the Division may deem proper.

(b) The amount shall not be less than $\frac{1}{2}$ of the contributions which would have been paid by the employees to be covered by the private plan during the previous year, or $\frac{1}{2}$ of the estimated contributions of such employees for the ensuing year, whichever is greater.

12:18-2.25 **Security exemption**

(a) Exemption from the requirement of Section 2.24 (Security required) of this Chapter shall be granted to any employer who:

1. Is exempt from insuring his workmen's compensation liability, as provided by law; or
2. Satisfies the Division as to his financial responsibility to pay the benefits provided by his private plan by furnishing a complete, current financial statement and such other proof as may be acceptable to the Division. An annual review of the financial responsibility will be made.

12:18-2.26 **Disposition of security upon termination**

(a) The security provided for in this Subchapter should be applied by the Division to the payment of any unpaid obligations under the private plan. Upon termination of a private plan, which does not provide for the assumption by an admitted insurer of the liability to pay benefits, or upon withdrawal of approval of such private plan, the Division shall retain the security theretofor deposited, for the purpose of securing the payment of the

obligations of the private plan. Upon the expiration of all benefit claims outstanding after the lapse of five complete calendar quarters following the effective date of termination or withdrawal of approval, the Division shall make a final assessment of the charges against the employer as provided in the Act and these regulations.

(b) If the amount of such assessment is not paid within 30 days after the date of notice thereof, the Division may collect the amount of the assessment out of the security on deposit with it, or may call upon the surety insurer for payment. Any security thereafter remaining shall be returned to the employer or his legal representative or his assignee, or the surety insurer paying the amount of such assessment shall thereupon be discharged of its obligation under the bond.

(c) The Division may make a partial return of the security at an earlier date if it finds that such security is in excess of that required.

12:18-2.27 Exchange of information

(a) If an employee's weekly benefit amount, determined under the benefit provisions of an employer's private plan, with respect to any period of disability, is less than the maximum weekly benefit amount payable under the State plan, and such weekly benefit amount has been computed on a basis different from that provided for covered individuals under the State plan, the weekly benefit amount shall be recomputed in accordance with the provisions of Section 16 of the New Jersey Temporary Disability Benefits Law (N.J.S.A. 43:21-40), as amended.

(b) If such recomputed weekly benefit amount is less than the maximum weekly benefit amount payable under the State plan and the computation of the "average weekly wage" for such recomputation yields a result which is less than the individual's average weekly earnings in employment, with all covered employers, during the base weeks in such eight calendar weeks, then the insurer which has undertaken to pay the benefits provided by the plan shall request the Division to provide such payer with a statement of the weekly wages of the employee earned from all covered employers during the eight base weeks immediately preceding the calendar week in which the employee's disability commenced.

(c) When requesting such information, such payer shall furnish the Division with the following information:

1. Name, address and Social Security number of the employee;
2. Date on which the disability commenced;
3. The names and addresses of such other employers, from whom the employee alleges to have earned wages immediately preceding his

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disability, as may be necessary to determine all wages earned in the required eight base weeks;

4. The weekly earnings of the employee from the employer during each of the calendar weeks in the 52 calendar weeks immediately preceding the disability, if any.

(d) If the private plan of an employer provides as a condition of eligibility for benefits with respect to a period of disability commencing on or after January 1, 1953, that an otherwise eligible employee shall have established at least 17 or a lesser number of base weeks within the 52 calendar weeks preceding the week in which his period of disability commenced and the employee has not established such base weeks from his employment with the employer, then the insurer which has undertaken to pay the benefits provided by the plan shall request the Division to provide such payer with a statement of the number of base weeks in the employee's base year. When requesting such information, such payer shall furnish the Division with the following information:

1. Name, address and social security number of the employee;
2. Date on which the disability commenced;
3. The names and addresses of such other employers, from whom the employee alleges to have earned weekly wages of not less than \$15.00 immediately preceding his disability, as may be necessary to determine the required number of base weeks;
4. The number of calendar weeks in the 52 calendar weeks immediately preceding the calendar week in which the period of disability commenced, during which the employee earned not less than \$15.00 from the employer.

(e) If the private plan of an employer provides, with respect to periods of disability commencing before January 1, 1968, that the maximum total benefits payable to any eligible employee in any 12-month period may be computed as an amount equal to $\frac{3}{4}$ of the employee's base weeks occurring in the 52 consecutive calendar weeks immediately preceding the calendar week in which the period of disability commenced multiplied by the employee's weekly benefit amount and it appears that such provision will be applicable with respect to any period of disability because the employee has not established a sufficient number of base weeks from his employment with the employer to provide total benefits at least equal to 26 times his weekly benefit amount, then the insurer which has undertaken to pay the benefits provided by the plan shall request the Division to provide such payer with a statement of the number of base weeks in the employee's base year. When

requesting such information, such payer shall furnish the Division with the following information:

1. Name, address and social security number of the employee;
2. Date on which the disability commenced;
3. The names and addresses of such other employers, from whom the employee alleges to have earned weekly wages of not less than \$15.00 immediately preceding his disability, as may be necessary to determine the required number of base weeks;
4. The number of calendar weeks in the 52 consecutive calendar weeks immediately preceding the calendar week in which the period of disability commenced, during which the employee earned not less than \$15.00 from the employer.

(f) If the private plan of an employer provides, with respect to periods of disability commencing on or after January 1, 1968, that the maximum total benefits payable to any eligible employee may be computed as an amount equal to 26 times the weekly benefit rate or $\frac{1}{3}$ of his total wages in his base year whichever is lesser, and it appears that such provision will be applicable with respect to any period of disability because wages earned with prior employers in the base year are lacking, then the insurer shall request the Division to provide a statement of the total wages in the employee's base year. When requesting such information, such insurer shall furnish the Division with the following information:

1. Name, address and Social Security number of the employee;
2. Date on which the disability commenced;
3. Names and addresses of other employers in the 52 weeks prior to the week in which the disability occurred;
4. Total amount of wages earned by claimant with the most recent employer.

12:18-2.28 Notice from employers

Within seven days after the mailing of a request for information with respect to a period of disability commencing on or after January 1, 1953, each employer having a private plan shall furnish the Division with any information requested or known to him which may bear upon the eligibility of the claimant.

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12:18-2.29 Reports by self-insurers

(a) On or before the 30th day following the close of each calendar quarter during which a self-insured private plan is in effect, each employer shall, on a form prescribed by the Division, file a statement showing:

1. The number of claims received during the quarter;
2. The number of claims accepted during the quarter;
3. The amount of benefits paid during the quarter;
4. Such other information as the Division may require with respect to the financial ability of the self-insurer to meet his obligations under the plan.

(b) On or before the 30th day following the close of each calendar year during which a self-insured private plan is in effect, the employer shall, on a form prescribed by the Division, file a report showing:

1. The amount of funds available at the beginning of that year for payment of disability benefits;
2. The amount contributed by workers during that year;
3. The amount contributed by the employer during that year;
4. The amount of disability benefits paid during that year;
5. Direct cost of administration of plan during that year.

12:18-2.30 Reports by unions and other benefit payers

(a) On or before the 30th day following the close of each calendar quarter, each union, association of employees, nominee, trustee or organization which has assumed the liability to pay the disability benefits required under one or more private plans (which benefits are not guaranteed by a contract of insurance of an insurer duly authorized and admitted to do business in this State) shall, on a form prescribed by the Division, file a statement showing:

1. The number of claims received during the quarter;
2. The number of claims accepted during the quarter;
3. The amount of benefits paid during the quarter;
4. Such other information as the Division may require with respect to the financial ability of the union, association of employees, nominee, trustee or organization to meet their obligations under the plan.

(b) On or before the 30th day following the close of each calendar year, each union, association of employees, nominee, trustee or organization

which has assumed the liability to pay the disability benefits required under one or more private plans (which benefits are not guaranteed by a contract of insurance of an insurer duly authorized and admitted to do business in this State) shall, on a form prescribed by the Division, file a report showing:

1. The funds available at the beginning of that year for payment of such disability benefits;
2. The amount of contribution for such disability benefits made during that year by the employer or employers whose private plan or plans provide for the payment of such disability benefits out of such funds;
3. The amount, if any, of contributions made, during that year, for such disability benefits, by workers covered under such private plan or plans;
4. The amount of such disability benefits paid, during that year, to workers covered under such private plan or plans;
5. Direct costs of administration, during that year, of such private plan or plans, expended from such funds.

12:18-2.31 Reports by insurance companies

(a) On or before the 30th day following the close of each calendar quarter, each insurance company which has assumed the liability to pay the disability benefits required under one or more private plans shall, on a form prescribed by the Division, file a report showing:

1. The number of claims received during the quarter;
2. The number of claims accepted during the quarter;
3. The amount of disability benefits paid during the quarter.

(b) On or before the 30th day of June following the close of each calendar year, each insurance company which has assumed the liability to pay the disability benefits required under one or more private plans shall, on a form prescribed by the Division, file a report showing:

1. Premiums earned during that year with respect to such private plans;
2. Dividends to holders of policies providing the benefits of such private plans;
3. Benefit losses incurred under such private plans;
4. Expenses incurred with respect to such private plans.

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12:18-2.32 Reports by employers having two or more plans

On or before the 30th day following the close of each calendar half-year, each employer having two or more approved private plans in effect during such calendar half-year or any portion thereof shall, on a form prescribed by the Division, file a report showing the amount of taxable wages paid during such calendar half-year to employees while covered under each such private plan.

12:18-2.33 Unemployment disability account deficit

(a) The term "unemployment disability account deficit" means any negative balance between the credits and debits of the account as determined by the Act.

(b) If the accumulated deficit at the end of any calendar year after interest and other earnings have been credited in accordance with the Act exceeds \$200,000, such deficit shall be assessed and shall be collected under the provisions of N.J.S.A. 43:21-14, except that interest shall not accrue on any such assessment until 30 days after the date of notice of such assessment.

12:18-2.34 Assessment of costs of administration

Any assessment under the provisions of N.J.S.A. 43:21-48 shall be collected under the provisions of N.J.S.A. 43:21-14, except that interest shall not accrue on any such assessment until 30 days after the date of notice of such assessment.

12:18-2.35 Assessment of amount of refund of workers' contributions applicable to private plans

(a) The portion of the aggregate amount of refunds to workers during any calendar year pursuant to N.J.S.A. 43:21-7(d)(3) to be assessed against private plans shall be determined by multiplying the aggregate amount of such refunds by the ratio of taxable wages involved in such refunds and paid by employers to employees covered under private plans to the total taxable wages involved in such refunds and paid by all employers.

(b) Such amount shall be prorated among the applicable private plans in the proportion that the wages covered by each plan bears to the total private plan wages involved in such refunds.

(c) The amount so prorated to a private plan shall be assessed against the employer, or the insurer if the insurer has indemnified the employer with respect thereto, and shall be collected under the provisions of N.J.S.A.

43:21-14 except that interest shall not accrue on such assessment until 30 days after the date of notice of such assessment.

(d) The amounts so recovered by the Division shall be paid into the State Disability Benefits Fund.

Cross Reference

Application for workers' refunds are initiated under Subchapter 15 (Excess Refunds) of Chapter 16 of this Title.

12:18-2.36 Liability of successor employer

Any employer who acquires the organization, trade, assets or business, in whole or in part, whether by merger, consolidation, sale, transfer, descent or otherwise, from an employer liable for any assessment made under N.J.S.A. 43:21-7(d)(3), N.J.S.A. 43:21-46 and N.J.S.A. 43:21-48 shall likewise be liable for such assessment.

12:18-2.37 Continuation of plan on successor employer

(a) If there is a change in the employer and the successor employer assumes the obligations and liability of the predecessor under the plan, the plan shall be transferred to the successor, if:

1. The workers to be covered by the plan immediately after the succession are not required to contribute to the cost of the plan; or
2. The class or classes of workers covered by the plan immediately prior to the succession constitute a majority of the workers in the same class or classes employed by the successor immediately after the succession; or
3. A majority of the workers in the class or classes covered by the plan in the employ of the successor immediately after the succession give their written consent to the plan; or
4. The plan is limited to the separate unit, plant, department or establishment operated by the predecessor and the provisions of paragraphs 1, 2 or 3 of this Section are met with respect to such separate unit, plant, department or establishment.

12:18-2.38 Scope and application of hearing provisions

(a) The filing of a complaint by a person claiming benefits under a private plan, and proceedings relating thereto, shall be governed in accordance with Sections 2.38 through 2.48 of this Chapter.

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(b) The hearing officer shall be the individual designated to conduct a hearing pursuant to N.J.S.A. 43:21-50.

(c) A complaint, which shall constitute an appeal, shall be filed by a person claiming benefits under an approved private plan, on a form and in a manner prescribed, setting forth the information required.

12:18-2.39 Manner of filing complaint

The complaint shall be filed with the Division, by or on behalf of a person claiming benefits, personally or by mail, within one year after the beginning of the period for which benefits are claimed.

12:18-2.40 Time of filing

Any complaint shall be deemed filed on the day it is delivered to the office of the Disability Insurance Service, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625, or if mailed, the complaint shall be deemed filed on the postmarked date appearing on the envelope in which the complaint is mailed; provided, postage is prepaid and the envelope is properly addressed.

12:18-2.41 Informal hearing

The Division shall thereupon conduct such investigations and informal hearings as may be necessary to determine the facts and settle the issues and, pending a disposition, a formal hearing shall not be scheduled.

12:18-2.42 Notice of formal hearing

(a) If the issues raised are not settled, a formal hearing shall be scheduled.

(b) Written notices of the time and place of any hearing shall be given to the claimant, employer, insurer or organization paying benefits, and all other parties in interest at least five days before the date of hearing but a shorter notice may be given if not prejudicial to the parties.

(c) A party to whom a notice of hearing has been sent shall be ready and present with all evidence and necessary witnesses at the time and place specified and shall be prepared to dispose of all issues and questions involved in the proceeding.

(d) A notice of hearing may be served personally or by certified or registered mail or by telegram upon a party or his duly authorized representative.

12:18-2.43 Conduct of hearings

(a) The hearing before the hearing officer shall be conducted in such order and manner as may provide a fair and impartial hearing to ascertain the facts and determine the rights of the parties.

(b) At such hearing, evidence exclusive of *ex parte* affidavits, may be produced by any party, but the hearing officer shall not be bound by the rules of evidence.

(c) The hearing officer shall open the hearing by ascertaining the facts and summarizing the issues involved on the record.

(d) Any individual may appear for himself or any party may be represented by an attorney at law of the State of New Jersey. Appearances for and on behalf of any party other than the Division at formal hearings on any proceeding subject to judicial review shall be limited to an attorney at law of the State of New Jersey.

(e) Any individual who is a party, or any attorney representing a party, may examine or cross-examine witnesses, inspect documents and explain or rebut any evidence. The hearing officer may examine each party or witness to such extent as he deems necessary.

(f) Any number of proceedings before the hearing officer may be consolidated for the purpose of hearing when the facts and circumstances are similar in nature and the rights of any party will not be prejudiced thereby. Notice of such consolidation shall be given to the parties or their representatives.

(g) All testimony at any hearing shall be under oath or affirmation and recorded, but need not be transcribed unless the order on the disputed claim is to be reviewed.

(h) The hearing officer may take additional evidence if he deems it necessary, provided the parties shall be given proper notice of the time and place of hearing.

(i) The parties may stipulate the facts and issues involved and based thereon the hearing officer may make a determination and an order disposing of the issues which shall be final and binding.

12:18-2.44 Dismissal of complaint

(a) After due notice of the time and place of hearing or an adjourned hearing, if any party fails or neglects to appear, the issues may be decided upon the basis of the evidence available, the complaint may be dismissed or evidence may be taken from the parties and witnesses appearing and the case

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disposed of in accordance with such evidence. A complaint may be dismissed for failure to prosecute without good cause within a reasonable time. All parties shall be notified of the dismissal and the reasons therefor.

(b) Any complaint dismissed by reason of the failure to appear at a scheduled hearing or for failure to prosecute may be reconsidered by the hearing officer provided good cause is shown for such failure and an application for reopening the proceeding is made within ten days after mailing or notification of the order of dismissal.

(c) A pending complaint, with the approval of the hearing officer, may be withdrawn by the complainant, in writing, or orally at the time of hearing. All parties to the proceeding shall be notified of the withdrawal.

12:18-2.45 Rendition of decision

(a) Upon the completion of any hearing, the hearing officer shall promptly make a determination of facts, and an order in writing, signed by him, disposing of the issues presented, which shall be final and binding on the claimant, the employer, the insurer, the organization paying benefits and all other parties. The order shall set forth a statement of the facts involved, the reasons for the order and the order.

(b) A copy of such order shall be served upon each of the parties by registered mail, addressed to his last-known address.

(c) The order of the hearing officer shall be final and benefits paid or denied in accordance therewith unless any party feeling aggrieved by the action of the hearing officer applies for judicial review through a proceeding in lieu of prerogative writ.

12:18-2.46 Correction of determination

On application duly made or on his own motion, the hearing officer may revise a determination of facts and the order, for the purpose of correcting clerical or typographical errors.

12:18-2.47 Inspection of records

(a) Orders for the production or inspection of the records of the Division may be issued in any proceeding before the hearing officer, but only to the extent necessary for the purpose of the proceeding and to enable any party to the proceeding to fully discharge his obligation or safeguard his rights under the Act.

(b) A request for the production or inspection of the records shall be addressed to the hearing officer, and shall state clearly the nature of the

information desired and the reason therefor. The hearing officer may determine whether or not the request shall be granted and, if granted, inspection of the records may be allowed or a copy of the records furnished.

12:18-2.48 Issuance of subpoenas

(a) The hearing officer shall have the power to administer oaths, take depositions, issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records.

(b) Subpoenas to compel the attendance of witnesses or production of records shall be issued by the hearing officer only upon the showing of the necessity therefor by the party applying for the issuance of such subpoena.

(c) Witness fees at the rate of \$1.00 for each day of attendance upon a hearing in response to a subpoena to testify and mileage at the rate of \$0.10 per mile from the residence of the witness to the place of hearing and return, shall be paid upon presentation of a voucher signed by the individual entitled thereto and properly certified by the hearing officer before whom the individual appeared as a witness.

(d) Witness fees at the rate of \$2.00 for each day of attendance upon a hearing in response to a subpoena *duces tecum* and mileage at the rate of \$0.10 per mile from the residence of the witness to the place of hearing and return, shall be paid upon presentation of a voucher signed by the individual entitled thereto and properly certified by the hearing officer before whom the individual appeared as a witness.

SUBCHAPTER 3. STATE PLAN

12:18-3.1 Extent of coverage

(a) A claimant shall not be entitled to any benefits from the Fund with respect to any period of disability commencing while he is covered under a private plan.

(b) A claimant shall not be paid any benefits under N.J.S.A. 43:21-3 and N.J.S.A. 43:21-4 for any period of disability commencing while he is a "covered individual" as defined in N.J.S.A. 43:21-27(b).

(c) An individual who is covered by a private plan or is separated from his employment for a period of two weeks or more immediately prior to disability shall not be entitled to any benefits under the State plan.

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(d) If application for benefits is made under a private plan or for disability during unemployment (N.J.S.A. 43:21-3, 4) and it is determined that the claim should have been made under the State plan, a claimant shall not be deprived of benefits under the State plan for failure to give timely notice and proof of disability provided that:

1. The application to the private plan or for disability during unemployment (N.J.S.A. 43:21-3, 4) would have been timely notice to the State plan if it had been then made; and

2. Proof of disability is made under the State plan not later than the time prescribed by the Act.

(e) If a claimant is paid benefits under the State plan, the amount of such benefits shall not be deducted from the amount of benefits to which he may be entitled for a subsequent period of disability under a private plan, or for disability during unemployment (N.J.S.A. 43:21-3, 4). If a claimant is paid benefits under a private plan, the amount of such benefits shall not be deducted from the amount of benefits to which he may be entitled for a subsequent period of disability under the State plan, or for disability during unemployment (N.J.S.A. 43:21-3, 4).

(f) If a claimant shall refuse to submit to a physical examination by a physician, dentist or chiropodist designated by the Director he shall be disqualified from receiving all benefits for the period of disability in question, except as to benefits already paid.

(g) If a physical examination of a claimant is required, the Superintendent of the Disability Insurance Service shall authorize such examination to be made by a legally licensed physician, dentist, chiropodist or chiropractor. Upon submission of a written report of the examination to the Superintendent, a fee not exceeding \$15.00 for each such examination shall be paid to the examining physician, dentist, chiropodist or chiropractor, which fee shall be charged to the administration account. In cases requiring the services of a specialist or a diplomate, or in cases requiring clinical tests supporting a diagnosis, the Superintendent shall, in his discretion, authorize such services or tests, the fees to be fixed in advance, not to exceed the fees professionally established for such services or tests by the appropriate State or county organization, whichever is the lesser.

12:18-3.2 Notice and proof of disability

(a) A written notice of disability on which claim for benefits under the State plan is based, shall, within 30 days after the commencement of the period of disability, be furnished to the Division by or on behalf of the person claiming benefits. The notice need not be on any prescribed form but

shall state claimant's full name, address and social security number, as well as the date on which claimant was too sick (or disabled) to work. The filing of Form DS-1 (Proof and Claim for Disability Benefits) accompanied by the certification of the attending physician, dentist or chiropodist, as required hereinafter, shall constitute notice of disability.

(b) Proof of disability on which a claim for benefits under the State plan is based shall be furnished by any claimant who expects to be or has been totally unable to perform the duties of his employment for a period of eight or more consecutive days and is under the care of a legally licensed physician, dentist or chiropodist. A claimant's authorized representative may furnish the proof of disability and file a claim for benefits on behalf of the claimant. The proof and claim accompanied by a certification of the attending physician, dentist or chiropodist, shall be furnished to the Division, on Form DS-1 (Proof and Claim for Disability Benefits) not later than 30 days after the commencement of the period of disability for which benefits are claimed. "Supplemental Proof and Claim for Disability Benefits" (Form DS-7B) shall be filed as proof of continued disability, when requested by the Division.

(c) The failure to furnish a written notice of or proof of disability within the time or manner required by the Act and this Subchapter shall not invalidate or reduce any claim, if it shall be shown to the satisfaction of the Division not to have been reasonably possible to furnish notice or proof and that such notice or proof was furnished as soon as reasonably possible. If such notice or proof is not furnished, the claim shall be reduced and limited to the period commencing 30 days prior to the receipt of the notice or proof of disability, the first seven days of which period shall not be compensable, unless disability benefits shall be payable for the three consecutive weeks immediately following the seven day waiting period.

12:18-3.3 Filing of claims for benefits

(a) All claims and other required documents relating thereto may be filed by mail except in those cases where the claimant is notified by the Division that a personal appearance or examination will be required. Filing by mail shall be deemed complete at the time of deposit in the mail, in a sealed envelope, with postage paid, addressed to the Division.

(b) Disability benefits shall be payable to any claimant while outside of this State, provided he complies with the Act and this Subchapter. In such case the attending physician, dentist or chiropodist shall be licensed under the laws applicable to the place where the claimant is receiving treatment.

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12:18-3.4 Reduction of benefits

(a) The amount of benefits otherwise payable to a claimant under the State plan for any week of disability, or part thereof, shall be reduced by the amount paid concurrently under any governmental or private retirement, pension or permanent disability benefit or allowance program to which his most recent employing unit contributed on his behalf. If such latter benefits are being paid on a monthly basis, the amount thereof to be deducted for each day of disability shall be determined as $\frac{1}{30}$ of such monthly amount, multiplied by seven, and the amount (disregarding any fractional part of a dollar) shall be subtracted from the weekly benefit rate. If latter benefits are being paid on a weekly basis, the amount thereof to be deducted for each day of disability shall be determined as $\frac{1}{7}$ of the weekly amount multiplied by the number of days of disability during that week and that amount (disregarding any fractional part of a dollar) shall be subtracted from the weekly benefit rate.

(b) The amount of benefits payable to a claimant under the State plan for any week of disability, or part thereof, shall not be reduced by the amount of benefits payable under any program as mentioned above, unless one or more payments thereunder have been received by the claimant prior to the date on which the check in payment of benefits under the State plan is issued.

12:18-3.5 Concurrent coverage

(a) For the purposes of this Subchapter with respect to periods of disability commencing on or after January 1, 1953, a covered individual is deemed to be in "concurrent employment" if he is in employment with two or more employers during some part of the last calendar day he was in employment preceding the commencement of a period of disability. The term "concurrent employers" is deemed to mean the covered employers with whom such individual was in employment on such last day of employment.

(b) With respect to a covered individual in concurrent employment, his concurrent employers contributing to the State Disability Benefits Fund on his behalf shall be deemed to be his "most recent covered employer" for the purpose of computing his average weekly wage as defined in Section 3 of the Temporary Disability Benefits Law (N.J.S.A. 43:21-27). Such employees shall be entitled to receive benefits under the State plan computed on the basis of his total wages earned from all such employers during the base weeks in the eight calendar weeks immediately preceding the calendar week in which disability commenced.

(c) The benefits paid for any period of disability under the State plan to a covered individual who is in concurrent employment shall be charged to

the accounts of such individual's concurrent employers in the same proportion that such individual earned wages from such concurrent employers during the base weeks in the 52 calendar weeks immediately preceding the commencement of his disability.

12:18-3.6 Notice to claimant and employer

(a) A claimant shall be given written notice of any decision on his claim and of the reason for any denial of his claim.

(b) If the "Employer's Statement" on Form DS-1 has not been completed by an employer or his representative, Form DS-6 (Notice of Disability Benefit Claim Filed and Request For Information) shall be mailed or delivered to the employer or employers by whom the claimant was employed at the commencement of the disability or by whom he was last employed if out of employment less than two weeks.

(c) A copy of the decision of eligibility of the claimant stating his weekly benefit rate and the probable duration for which benefits will be paid, shall be mailed or delivered to the employer or employers by whom such claimant was employed at the commencement of the disability or by whom he was last employed if out of employment less than two weeks. A notice of each payment of benefits shall be given to such employer or employers.

12:18-3.7 Notice required from employers

(a) Within seven days after the mailing of a request for information with respect to a period of disability commencing on or after January 1, 1953, an employer shall furnish the Division with any information requested or known to him which may bear upon the eligibility of the claimant.

(b) If any employer or employing unit fails to respond to the request for information within seven days after the mailing of such request, the Chief of State Plan Disability Benefits shall rely entirely on information from other sources, including an affidavit to the best of the knowledge and belief of the claimant with respect to his wages and time worked. Except in the event of fraud, if it is determined that any information in such affidavit is erroneous, no penalty shall be imposed on the claimant.

(c) The employer, within two working days after receipt of the decision of eligibility (Form DS-8), shall furnish the Division with any information known to him bearing upon the eligibility of the claimant or duration of payments to be made.

(d) If after receipt of a decision of eligibility (Form DS-8) an employer acquires information which may render the claimant ineligible for benefits or

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reduce the rate or amount of benefits, such employer shall immediately forward the information to the Division.

(e) Whenever a decision of eligibility with respect to a period of disability commencing after December 31, 1952 is based upon information other than that supplied by an employer because such employer failed to respond to a request for information, such decision of eligibility and any subsequent determination thereunder shall be incontestable by the non-complying employer, as to any charges to his employer's account under N.J.S.A. 43:21-7(e) because of benefits paid prior to the close of the calendar week following the receipt of his reply. Such decision of eligibility shall be altered if necessary upon receipt of information from the employer, and any benefits paid or payable with respect to weeks or parts thereof occurring subsequent to the close of the calendar week following the receipt of the employer's reply shall be paid in accordance with such altered decision of eligibility.

12:18-3.8 Filing of appeals by claimants or employers

Unless the claimant or the employer, within seven calendar days after the delivery of a decision or notification thereof, or within ten calendar days after such notification was mailed to his last-known address, files an appeal from such decision, it shall be final and benefits shall be paid or denied in accordance therewith, except for such decisions or determinations as may be altered as provided in Section 3.7 (Notice required from employers) of this Chapter.

12:18-3.9 Rules on appeal

The rules of the Board of Review shall govern appeals in disability benefit cases under the State plan.

**CHAPTER 19
GENERAL RULES**

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SUBCHAPTER 1. OTHER REMUNERATION

Statutory Reference

See the Unemployment Compensation Law, N.J.S.A. 43:21-19(p).

12:19-1.1 Payments in kind

Board, lodging or any other payment in kind received by a worker from his employing unit in addition to or in lieu of (rather than as a deduction from) money wages shall be deemed to be remuneration paid by his employing unit.

12:19-1.2 Cash value determined or approved by Director

The Director shall determine or approve the cash value of such payments in kind, and such cash value shall be used in determining the wages payable or paid to such worker and in computing contributions due under the law.

12:19-1.3 Money value for board and room, meals and lodging

(a) Where a money value for board and room, meals and lodging, or for any of such items, furnished a worker is agreed upon in a contract of hire, the amount so agreed upon shall, if more than the rates specially determined by the Director or the rates prescribed herein, be deemed the cash value of such item or items.

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(b) Unless and until rates in a given case are determined by the Director, board and room, meals and lodging, or any of such items, furnished in addition to, or in lieu of, money wages, shall be deemed to have not less than the following values:

- 1. Full board and room, weekly \$10.00
- 2. Meals, per week \$6.00
 - per day \$1.00
 - per meal..... \$0.40
- 3. Lodging, per week \$4.00

SUBCHAPTER 2. RECOVERY OF CONTRIBUTIONS FROM INDIVIDUALS

Statutory Reference

See the Unemployment Compensation Law, N.J.S.A. 43:21-7(d) (3).

12:19-2.1 Procedure for recovery

(a) A subcontractor, or other employing unit, which has been obliged to pay workers' contributions which such subcontractor or employing unit failed to collect, may recover the proportionate amount from each individual worker in a civil action for debt, but only if:

- 1. It shall furnish to such individual a statement showing the contributions so paid by it on his behalf, and the amount of his wages subject to such contributions; and
- 2. Such notice is furnished and served within ten days after the payment of such contributions; and
- 3. Any civil action instituted for the recovery of such contributions is commenced within six months after the payment thereof.

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12:20-1.1

BOARD OF REVIEW

SUBCHAPTER 1. ORGANIZATION OF BOARD OF REVIEW

12:20-1.1 Membership

The Board of Review shall consist of three members appointed by the Director subject to the provisions of N.J.S.A., Title 11 (Civil Service), and the supplements and amendments thereto, from Civil Service eligible lists.

12:20-1.2 Officers

(a) The Board of Review shall elect one of its members as chairman and one as vice-chairman to serve at the pleasure of the Board.

(b) The Board of Review may elect a secretary to serve at the pleasure of the Board.

12:20-1.3 Duties

(a) It shall be the duty of the members of the Board of Review to act as a final appeals board in hearing and deciding cases of benefit disputes, including appeals from determinations with respect to demands for refunds of benefits under Subsection 43:21-16(d) of the Unemployment Compensation Law, to determine all matters of policy in the Board of Review, to supervise the work of appeal tribunals, and to issue rules and regulations governing the conduct of hearings and the presentation of appeals to the appeal tribunals and to the Board of Review.

(b) The chairman of the Board of Review shall convoke and preside at all meetings of the Board of Review.

(c) The vice-chairman shall perform the duties of the chairman during any period of the latter's absence or incapacity.

(d) The secretary of the Board of Review shall keep a stenographic record of all proceedings at meetings of the Board of Review and shall prepare minutes to record all actions of the Board at each meeting. Said minutes shall be presented to the Board of Review for approval at its next meeting.

(e) The executive secretary may, with the consent of the Board of Review, issue subpoenas and shall sign all orders and other official documents issued in the name of the Board of Review and shall certify its decisions. He shall maintain the permanent file of the approved minutes of Board of Review meetings and shall be charged with the supervision of all administrative work of the Board of Review.

12:20-1.4 Quorum

A quorum of the Board of Review shall consist of two members of the Board. No decision, determination, opinion or other official duty shall be rendered or taken by the Board of Review except with the approval of a majority thereof.

SUBCHAPTER 2. ORGANIZATION OF APPEAL TRIBUNALS

12:20-2.1 Membership

(a) Appeal tribunals shall consist either of a single member who shall be a salaried examiner appointed by the Director subject to the provisions of N.J.S.A., Title 11 (Civil Service), and the supplements and amendments thereto, from Civil Service eligible lists; or

(b) A body consisting of three members, one of whom shall be selected in accordance with subsection (a) of this Section, who shall serve as chairman. Of the other members, one shall be a representative of employees, and the other a representative of employers.

12:20-2.2 Duties

It shall be the duty of the appeal tribunals to hear and decide disputed benefit claims, including appeals from determinations with respect to demands for refunds of benefits under subsection 42:21-16(d) of the Unemployment Compensation Law of New Jersey.

12:20-2.3 Chairman

(a) The chairman of an appeal tribunal shall in all cases be a salaried examiner appointed by the Director in accordance with Section 2.1 (Membership) of this Chapter.

(b) It shall be the duty of the chairman to convoke and to preside at all meetings of the appeal tribunal, to preside at all hearings, and to issue all orders and subpoenas in cases appealed to the tribunal.

12:20-2.4 Appeals before three-member appeal tribunals

(a) The Board of Review may, in its discretion, order any case pending before an appeal tribunal to be heard by a three-member appeal tribunal and

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may designate two appeal tribunal members to sit with the chairman in such case.

(b) The chairman shall act alone in the absence or disqualification of any other member and his alternates.

12:20-2.5 Disqualification of members of appeal tribunals

(a) No member of an appeal tribunal shall participate in the hearing of any appeal in which he has an interest.

(b) Challenges to the interest of any member of an appeal tribunal, other than the chairman, may be heard and decided by the chairman of the appeal tribunal, or, in his discretion, referred to the Board of Review.

(c) Challenges to the chairman shall be heard and decided by the Board of Review.

SUBCHAPTER 3. APPEALS TO APPEAL TRIBUNALS

12:20-3.1 Presentation of appealed claims

(a) Any written statement, filed within the time for appeal allowed by law, which sets forth the fact that a party to a determination made by the Division of Employment Security is aggrieved thereby or dissatisfied therewith shall be deemed to be an appeal. When such appeal is not filed on Form BR-1W (Claimant's Appeal) or Form BR-1E (Employer's Appeal) the appellant shall forthwith be furnished with the proper form and shall be notified to complete and return said form. In the event that the appellant shall fail to complete and return the said form within ten days of the date of said notification, the appeal may be dismissed. Additional time for filing the said form may be granted by order of the Board of Review for good cause shown.

(b) Where such demand is deemed to be unnecessary the Board of Review may prepare the required form on behalf of the appellant.

(c) Every appeal shall set forth the reasons alleged for disputing the determination or decision appealed from. The appellant shall not be required to use technical forms or language in setting forth the said reasons.

(d) In computing any period of time the day of the act or event after which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or

legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

(e) The date on which an appeal is filed is the date of the postmark, or in the event the postmark is missing, the date of receipt by an office or employee of the Division of Employment Security authorized to accept appeals.

(f) In cases involving a large number of claimants, a blanket notice of appeal may be filed on behalf of, or with respect to, such claimants, listing their full names and social security numbers, and the date of filing of such notice will be accepted as the date of filing of the individual appeals thereunder, provided, however, no case will be scheduled for hearing until an individual appeal on the prescribed appeal form has been filed with the clerk of the appeal tribunal. Following the filing of the blanket appeal, a reasonable time will be allowed for preparation of the individual appeals.

(g) Upon the scheduling of a hearing on an appeal, notices of hearing shall be mailed to the claimant and to the parties interested in the determination which is being appealed at least five days before the date of the hearing, specifying the place and time of the hearing.

(h) Notice of appeal filed in the local office shall be transmitted immediately to the clerk of the appeal tribunal and a copy shall be forwarded to the chief of unemployment benefits for his information. If, after an appeal has been filed, it is found that the matter may be adjusted to the satisfaction of the parties without further hearing, a request for dismissal of the appeal will be entertained and acted upon by the tribunal to which the case is referred.

12:20-3.2 Conduct of hearings

(a) The proceedings shall be fair and impartial and shall be conducted in such manner as may be best suited to determine the claimant's benefit rights. Hearings shall, in the absence of a showing of sufficient cause for a closed hearing, be open to the public. The examiner shall open the hearing by ascertaining and summarizing the issue or issues involved in the appeal. The parties or their attorneys may examine or cross-examine witnesses, inspect documents, and explain or rebut any evidence. An opportunity to present argument shall be afforded the parties, which argument shall be made part of the record. Where a party is not represented by counsel, the tribunal shall give him every assistance that does not interfere with the impartial discharge of its official duties. The tribunal may examine each party or witness to such extent as it deems necessary. All oral testimony shall be under oath or affirmation and shall be recorded and kept.

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(b) An appeal tribunal may take such additional evidence as it deems necessary; provided, that in case such further evidence is taken, the parties shall be given proper notice of the time and place of such further hearing.

(c) The parties to an appeal, with the consent of the appeal tribunal, may stipulate in writing the facts involved. The appeal tribunal may decide the appeal on the basis of such stipulation, or, in its discretion, may set the appeal down for hearing and take such further evidence as it deems necessary to enable it to determine the appeal.

12:20-3.3 Adjournment of hearing

(a) The chairman of an appeal tribunal shall use his best judgment as to when adjournments of hearings shall be granted in order to secure all facts that are necessary and to be fair to the parties.

(b) If no appellant appears at the hearing, the appeal tribunal may proceed to make its decision on the record or may dismiss the appeal on the ground of nonappearance unless it appears that there is good cause for adjournment.

12:20-3.4 Decisions of appeal tribunals

(a) If the decision of an appeal tribunal is not unanimous, the decision of the majority shall control. The minority may file a dissent from such decision, which shall set forth the reasons why it fails to agree with the majority.

(b) Copies of all decisions and the reasons therefore shall be mailed to the claimant and to all other parties to the appeal and shall include or be accompanied by a notice specifying the appeal rights of the parties. The notice of appeal rights shall state clearly the place and manner for taking an appeal from the decision and the period within which an appeal may be taken.

(c) The decision shall be in the following form:

1. The first section shall indicate the party appealing, the determination appealed from, the date of the decision, and the date of the initiation of the appeal. The appearances shall be noted.

2. The second section shall be a recital of the facts upon which the decision is based and shall be entitled "Findings of Fact." It shall include among all the pertinent facts the date the claim was filed.

3. The third section shall be entitled "Opinion" and shall contain the reasons for the decision.

4. The fourth section shall contain the "Decision." This shall be followed by the signature of the examiner. In the event the case is heard by a three-member tribunal, the decision shall contain the signatures of all members. Each decision shall also indicate the date of hearing and decision.

(d) Every decision of an appeal tribunal shall, immediately upon issuance, be transmitted to the Executive Secretary of the Board of Review, who shall present it to the Board of Review for consideration. The Board shall forthwith determine whether or not the decision shall be allowed to stand. The Board may, by majority vote, set aside any decision of an appeal tribunal and may either remand the case to another appeal tribunal for new hearing and decision or withdraw the case to itself. A case so withdrawn may be decided by the Board on the basis of the appeal tribunal record or may be remanded to the same or another appeal tribunal for the taking of evidence upon which the Board may act. The Board of Review may also, if it so desires, hold a new hearing itself in any such case.

(e) Whenever an appeal is scheduled for a hearing before an appeals examiner and such appeal results in an order of dismissal for nonappearance of the appellant, the chief appeals examiner shall, upon application made by such appellant, within six months after the making of such order or dismissal, and for good cause shown, set aside the order of dismissal and shall reschedule such cause for hearing in the usual manner.

SUBCHAPTER 4. APPEALS TO BOARD OF REVIEW

12:20-4.1 Conduct of hearings

Unless otherwise stated, the conduct of hearings and procedures before the Board of Review shall be in the manner prescribed for the appeal tribunals.

12:20-4.2 Adjournment

Applications and requests for adjournment of hearings scheduled before the Board of Review shall be made at least 24 hours before the date of the scheduled hearing and shall be granted at the discretion of the Board of Review.

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12:20-4.3 Presentation of appeals

(a) Notice of appeal shall be filed within ten calendar days after the date of notification or mailing of the decision which is being appealed.

(b) In computing any period of time the day of the act or event after which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

(c) The date on which an appeal is filed is the date of the postmark, or in the event that the postmark is missing, the date of receipt by an office or employee of the Division of Employment Security authorized to accept appeals.

(d) A party appealing from a decision of an appeal tribunal shall file in triplicate at the office where the claim was filed or with the Board of Review a notice of appeal to the Board of Review, setting forth the information required thereby.

(e) Notice of appeal filed in the local office shall be transmitted immediately to the Executive Secretary of the Board of Review. If, after an appeal has been filed it is found that the matter may be adjusted to the satisfaction of the parties without further hearing, a request for dismissal of the appeal will be entertained and acted upon by the Board of Review.

(f) A party to a benefit claim may file a request for reopening of a Board of Review decision within ten days after the date of mailing of such decision. Such request shall not act as a stay of proceedings in the case and shall not suspend the payment of benefits. Failure of the Board of Review to act upon such request within 20 days of the date on which it is filed shall constitute a denial thereof as of the expiration of that period. Additional time may be granted where fraud or newly discovered evidence is alleged by affidavit.

(g) Receipt by any party of notice of hearing on an appeal shall be deemed to constitute notice that an appeal has been filed. Any party, other than the appellant, shall be supplied with a copy of the appeal if request is made therefor before the date of the scheduled hearing.

(h) Where one party appeals timely to the Board of Review from a decision of an appeal tribunal, and the Board of Review, without hearing, affirms the decision of the appeal tribunal on the record, no other party shall have a right to be heard on the issues unless such other party had also filed a timely appeal from the decision of the appeal tribunal.

(i) Any party, including the appellant whose appeal resulted in any affirmation of the appeal tribunal decision on the record made by the appeal tribunal, may apply for reopening of the Board's decision. If such application is granted all parties will be notified of the ensuing hearing.

12:20-4.4 Hearing of appeals

(a) All appeals to the Board of Review may be heard upon the evidence in the record made before the appeal tribunal, or the Board of Review may direct the taking of additional evidence before it.

(b) In the hearing of an appeal on the record, the Board of Review may limit the parties to oral argument or the filing of written argument, or both. If, in the discretion of the Board of Review, additional evidence is necessary to enable it to determine the appeal, the parties shall be notified by the executive secretary of the Board of Review of the time and place such evidence will be taken. Any party to any proceeding in which testimony is taken may present such evidence as may be pertinent to the issue.

(c) The Board of Review, in its discretion, may remand any claim or any issue involved in a claim to an appeal tribunal for the taking of such additional evidence as the Board of Review may deem necessary. Such testimony shall be taken by the appeal tribunal in the manner prescribed for the conduct of hearings on appeals before appeal tribunals. Upon the completion of the taking of evidence by an appeal tribunal pursuant to a direction of the Board of Review, the claim or the issue involved in such claim shall be returned to the Board of Review for its decision upon the entire record, including the evidence before the appeal tribunal and such additional evidence and such oral argument as the Board of Review may permit before it.

12:20-4.5 Hearing appeals on own motion

(a) Within the legal time limit for appeal following a decision by an appeal tribunal and in the absence of the filing by any of the parties to the decision of the appeal tribunal of a notice of appeal, the Board of Review, on its own motion, may withdraw such decision to itself and may either decide the case on the record below or may order the parties to appear before it for a hearing on the claim or any issue involved therein.

(b) Such hearings shall be held only after five days' prior notice to the parties to the decision of the appeal tribunal, and shall be heard in the manner prescribed for the conduct of hearings before the Board of Review.

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~~12:20-4.6~~ Hearing appeals on cases removed from appeal tribunal to Board of Review

(a) Hearings on any claim before an appeal tribunal ordered by the Board of Review to be removed to itself shall be presented, heard and decided by the Board of Review in the manner prescribed for the conduct of hearings before the Board of Review.

(b) The Board of Review may, on its own motion, transfer any case pending before an appeal tribunal to another tribunal for hearing and decision.

~~12:20-4.7~~ Decisions of Board of Review

(a) Following the conclusion of proceedings on an appeal, the Board of Review shall forthwith announce its decision with respect to the appeal. The decision shall be in writing and signed by at least a majority of the Board of Review. It shall set forth the findings of fact of the Board of Review with respect to the matters appealed, its opinion and decision. A quorum of the Board of Review must be present when any decision is voted.

(b) If a decision of the Board of Review is not unanimous, the decision of the majority shall control. The minority may file a dissent from such decision, which shall set forth the reasons why it fails to agree with the majority.

(c) Copies of all decisions shall be mailed by the Board of Review to the claimant and to all other parties to the appeal and shall include or be accompanied by a notice specifying the appeal rights of the parties. The notice of appeal rights shall state clearly the place and manner for taking an appeal from the decision and the period within which an appeal may be taken.

SUBCHAPTER 5. GENERAL RULES FOR BOTH APPEAL STAGES

~~12:20-5.1~~ Issuance of subpoenas

Subpoenas to compel the attendance of witnesses and the production of records for any hearing on an appeal may be directed to be issued by a member of the Board of Review in cases appealed to the Board of Review, or by the chairman of an appeal tribunal, in cases appealed to an appeal

tribunal, only upon the showing of the necessity therefor by the party applying for the issuance of such subpoena.

12:20-5.2 Witness fees

(a) Witness fees at the rate of \$1.00 for each day of attendance upon a hearing in response to a subpoena *ad testificandum* and mileage at the rate of \$0.10 per mile from the residence of the witness to the place of hearing and return, shall be allowed and paid upon presentation of a voucher signed by the witness and properly certified by a member of the appellate body before whom the witness appeared.

(b) Witness fees at the rate of \$2.00 for each day of attendance upon a hearing in response to a subpoena *duces tecum* and mileage at the rate of \$0.10 per mile from the residence of the witness to the place of hearing and return, shall be allowed and paid upon the presentation of a voucher signed by the witness and properly certified by a member of the appellate body before whom the witness appeared.

12:20-5.3 Orders for supplying information from the Division records

(a) Orders for supplying information from the records of the Division to a party in interest or his representative to the extent necessary for the proper presentation of a claim shall issue only upon written application therefor to the Board of Review, setting forth the information required and the reasons therefor.

(b) In all cases where an application to supply a party or his representative with information from the records of the Division is granted, the party shall be furnished with a copy of such information.

12:20-5.4 Representation

(a) Any individual may appear for himself in any proceedings before an appeal tribunal or before the Board of Review.

(b) Appearances for and on behalf of interested parties other than the Division at formal hearings before the appeal tribunals and the Board of Review shall be limited to accredited members of the New Jersey Bar. This subsection, however, shall not apply to informal hearings, conferences, or proceedings not subject to judicial review.

(c) In any proceeding on an appeal before an appeal tribunal or the Board of Review, all fees for persons representing claimants in accordance with subsection (b) of this Section shall be approved by the Board of Review.

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BOARD OF REVIEW

(d) The amount of fees awarded to counsel shall be discretionary with the Board of Review.

(e) The Board of Review or any appeal tribunal, in its discretion, may refuse to allow to appear before it any person who misconducts himself at a hearing or who intentionally or repeatedly fails to observe the provisions of the Unemployment Compensation Law of New Jersey, the rules and regulations of the Division, or the rules of the Board of Review.

12:20-5.5 Inspection of decisions

Copies of all decisions of the appeal tribunals and the Board of Review shall be kept on file at the offices of the Board of Review and of the appeal tribunals at Trenton. Such decisions shall be open for inspection but without in any manner revealing the names of any of the parties or witnesses involved.

CHAPTER 21
INTERGOVERNMENTAL ARRANGEMENTS

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12:21-1.1 Statutory authority for intergovernmental arrangements

SUBCHAPTER 1. GENERAL PROVISIONS

12:21-1.1 Statutory authority for intergovernmental arrangements

N.J.S.A. 43:21-21 permits the Commissioner of Labor and Industry to enter into and cooperate in reciprocal arrangements in proper cases with appropriate agencies of other states, the District of Columbia, Puerto Rico, the Virgin Islands, the United States and foreign governments, for purposes consistent with employment security programs.

12:22-1.1

MAXIMUM WEEKLY BENEFIT RATES

CHAPTER 22

MAXIMUM WEEKLY BENEFIT RATES

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SUBCHAPTER 1. GENERAL PROVISIONS

12:22-1.1 Promulgation of rates

SUBCHAPTER 1. GENERAL PROVISIONS

12:22-1.1 Promulgation of rates

With respect to benefit years or periods of disability commencing in calendar years after December 31, 1967, the Commissioner of Labor and Industry, pursuant to N.J.S.A. 43:21-3 (c) (2), promulgated the maximum weekly benefit rate for benefit years or periods of disability commencing in such calendar years, as follows:

1. 1968 ———— \$62.00;
2. 1969 ———— \$65.00;
3. 1970 ———— \$69.00;
4. 1971 ———— \$72.00

As amended, R. 1970, d. 98, eff. January 1, 1971;

See: 2 N.J.R. 75(b).