

CHAPTER 15

SCOPE

Authority

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

Source and Effective Date

R.2000 d.280, effective June 12, 2000.
See: 32 N.J.R. 1487(a), 32 N.J.R. 2442(a).

Executive Order No. 66(1978) Expiration Date

Chapter 15, Scope, expires on June 12, 2005.

Chapter Historical Note

Chapter 15, Scope, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 15, Scope, was readopted as R.1990 d.419, effective June 30, 1990. See: 22 N.J.R. 1895(b), 22 N.J.R. 2508(a).

Pursuant to Executive Order No. 66(1978), Chapter 15, Scope, was readopted as R.1995 d.389, effective June 23, 1995. See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).

Subchapter 2, Disclosure of Information, was adopted as R.1997 d.141, effective March 17, 1997. See: 29 N.J.R. 89(a), 29 N.J.R. 896(a).

Pursuant to Executive Order No. 66(1978), Chapter 15, Scope, was readopted as R.2000 d.280, effective June 12, 2000. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

12:15-1.1 Purpose and scope of rules and regulations

(a) Under the Unemployment Compensation Law and the Temporary Disability Benefits Law, benefits financed from tax or contributions are paid to eligible workers who become unemployed or disabled.

(b) The unemployment benefits are paid from moneys contributed to a State Unemployment Compensation Fund, and temporary disability benefits from moneys contributed to the State Disability Benefits Fund or from private plans approved by the Department of Labor and established by employers for such purposes.

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

New rule, R.1985 d.423, effective August 19, 1985.
See: 17 N.J.R. 1378(a), 17 N.J.R. 2046(b).

This section expired December 31, 1984 and was readopted as a new rule pursuant to Executive Order 66(1978) effective August 19, 1985. Amended by R.1995 d.389, effective July 17, 1995.
See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).

Case Notes

Employer's control and employee's financial dependence precluded determination that boat broker qualified as independent contractor. *SFB Associates, Inc. v. New Jersey Department of Labor*, 96 N.J.A.R.2d (LBR) 59.

Employer owed unemployment compensation benefit contributions for payments made to employer's vice president where employer failed to prove that vice president was engaged in independently established business or trade. *Technical Testing, Inc. v. New Jersey Department of Labor*, 96 N.J.A.R.2d (LBR) 57.

Employer was liable for unemployment contributions, based upon its failure to show that sales representatives customarily engaged in independently established trade. *Holmdel Mausoleum, Inc. v. New Jersey Department of Labor*, 96 N.J.A.R.2d (LBR) 35.

Individual who derived majority of his income from one company qualified as employee for purposes of unemployment benefits eligibility. *R.D. Restoration, Inc. v. New Jersey Department of Labor*, 96 N.J.A.R.2d (LBR) 29.

Claimant working as consultant was not entitled to unemployment compensation benefits. In the Matter of *D.D.W.*, 96 N.J.A.R.2d (UCC) 12.

Lump-sum distribution of full employer-contributed pension benefits upon discharge precluded award of unemployment compensation benefits. In the Matter of *S.J.R.*, 96 N.J.A.R.2d (UCC) 9.

School board employee was not eligible for unemployment compensation benefits for summer before start of renewal contract, despite fact that board failed to give employee actual notice that contract had been renewed. In the Matter of *V.C.G.*, 96 N.J.A.R.2d (UCC) 8.

Repeated tardiness and excessive absences which resulted in discharge constituted misconduct which rendered claimant ineligible for unemployment compensation benefits. In the Matter of *T.D.*, 96 N.J.A.R.2d (UCC) 6.

Claimant who left job after employer repeatedly shorted paycheck was not disqualified from receiving unemployment compensation benefits. In the Matter of *R.B.*, 96 N.J.A.R.2d (UCC) 5.

Claimant who refused employment without good cause for doing so was not entitled to unemployment compensation benefits. In the Matter of *M.A.T.*, 96 N.J.A.R.2d (UCC) 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Employee who was incarcerated disqualified from unemployment benefits. In the Matter of J.J.L., 95 N.J.A.R.2d (U.C.C.) 1.

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

Driving instructors were employees for purposes of assessment of unemployment and temporary disability contributions. Dual Control Auto Driving School v. New Jersey Department of Labor, 94 N.J.A.R.2d (LBR) 65.

Security guards were not independent contractors; unemployment and temporary disability contributions. J. DiSanti Concrete Corp. v. Department of Labor, 94 N.J.A.R.2d (LBR) 55.

Company supplying personnel to churches; unemployment insurance contributions. Church Personal Services, Inc. v. Department of Labor, 94 N.J.A.R.2d (LRB) 51.

Travel agency failed to prove that employees were independent contractors. Ro-Burt Travel, Inc. v. Department of Labor, 94 N.J.A.R.2d (LBR) 46.

Contractor failed to prove that employees were independent contractors. Taylor v. Department of Labor, 94 N.J.A.R.2d (LBR) 33.

Bandleader ordered to pay unemployment and disability contributions as employer. Koza v. Department of Labor, 94 N.J.A.R.2d (LBR) 16.

Installers and salespersons were not independent contractors but employees. Beautyguard Manufacturing Company of Middlesex, Inc. v. Department of Labor, 94 N.J.A.R.2d (LBR) 13.

Contractors were not independent operators but were employees. Tri-County Appliance Service Company, Inc., v. Department of Labor, 94 N.J.A.R.2d (LBR) 7.

Monetary determination for unemployment was based on both school and non-school employment and wages. Matter of D.E.E., 93 N.J.A.R.2d (UCC) 42.

Resignation in lieu of imminent discharge was not an unemployment disqualification. Matter of D.S., 93 N.J.A.R.2d (UCC) 41.

Termination while on disability did not disqualify claimant from unemployment. Matter of M.M.S., 93 N.J.A.R.2d (UCC) 40.

Remuneration while performing in employer's usual course of business constituted wages required for valid unemployment claim. Matter of A.S., 93 N.J.A.R.2d (UCC) 39.

Resignation in face of probable discharge to protect record was involuntary separation in unemployment case. Matter of A.P., Jr., 93 N.J.A.R.2d (UCC) 37.

Earlier insubordination was not reason for discharge and was not disqualifying misconduct in unemployment case. Matter of J.J.M., 93 N.J.A.R.2d (UCC) 36.

Acceptance of gratuity in performance of duties as town sanitation laborer was work connected misconduct disqualifying claimant from unemployment. Matter of L.L.M., 93 N.J.A.R.2d (UCC) 35.

Failure of unemployment claimant to supply medical note for extended leave was misconduct connected with work. Matter of J.L.C., 93 N.J.A.R.2d (UCC) 35.

Refusal of unemployment claimant to accept work between which there was little difference was not voluntary without good cause. Matter of E.M.P., 93 N.J.A.R.2d (UCC) 34.

Recurring negligence in duties as bank teller was misconduct disqualifying unemployment claimant from benefits. Matter of V.L., 93 N.J.A.R.2d (UCC) 33.

Gross misconduct in discharge of duties as sheriff's officer operated as an unemployment disqualification. Matter of L.S., 93 N.J.A.R.2d (UCC) 31.

Services for employer operating three bridges connecting New Jersey with Pennsylvania were in New Jersey employment for unemployment purposes. Matter of G.W.M., 93 N.J.A.R.2d (UCC) 29.

Separation which occurred when unemployment claimant's own conduct resulted in loss of a prerequisite of employment was voluntary. Matter of M.K., 93 N.J.A.R.2d (UCC) 28.

Unemployment claimant ineligible for summer benefits when under reasonable assurance of performing similar services in next academic year. Matter of M.A.K., 93 N.J.A.R.2d (UCC) 27.

Summer lull between nonprofessional services in one school year and professional services in next school year was not a period of unemployment eligibility. Matter of J.M.B., 93 N.J.A.R.2d (UCC) 25.

Resignation after disability due to non-work connected accident was voluntary and disqualifying. Matter of S.D.G., 93 N.J.A.R.2d (UCC) 25.