

## CHAPTER 15

## SCOPE

## Authority

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

## Source and Effective Date

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

## Executive Order No. 66(1978) Expiration Date

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

## Chapter Historical Note

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

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## SUBCHAPTER 1. GENERAL PROVISIONS

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

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

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

(c) The rules and regulations contained in this subchapter are agency statements of general applicability, and are in-

tended 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 (LBR) 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.

Resignation after confrontation with co-worker was voluntary without good cause attributable to work. Matter of R.G., 93 N.J.A.R.2d (UCC) 24.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 12:15-1.2 Maximum weekly benefit rates

(a) In accordance with the provisions of the Unemployment Compensation Law, N.J.S.A. 43:21-1 et seq., the maximum weekly benefit rate for benefits under the Unemployment Compensation Law is hereby promulgated as being \$390.00 per week.

(b) The maximum weekly benefit rate for State Plan benefits under the Temporary Disability Benefits Law is hereby promulgated as being \$364.00 per week.

(c) These maximum benefits shall be effective for the calendar year 1998 on unemployment compensation benefit years and periods of disability commencing on or after January 1, 1998.

Amended by R.1973 d.219, effective January 1, 1974.

See: 5 N.J.R. 316(c).

Amended by R.1974 d.236, effective January 1, 1975.

See: 6 N.J.R. 352(b).

Amended by R.1975 d.250, effective January 1, 1976.

See: 7 N.J.R. 432(b).

Amended by R.1976 d.257, effective January 1, 1977.

See: 8 N.J.R. 424(c).

Amended by R.1977 d.297, effective January 1, 1978.

See: 9 N.J.R. 439(b).

Amended by R.1978 d.282, effective January 1, 1979.

See: 10 N.J.R. 400(b).

Amended by R.1979 d.321, effective January 1, 1980.

See: 11 N.J.R. 449(d).

Amended by R.1980 d.355, effective January 1, 1981.

See: 12 N.J.R. 543(b).  
 Amended by R.1981 d.419, effective November 2, 1981 (to be operative January 1, 1982).  
 See: 5 N.J.R. 602(b), 13 N.J.R. 777(a), 13 N.J.R. 894(b).  
 (a): "\$145.00" was "\$133.00".  
 (b): "1982" was "1981".  
 Amended by R.1982 d.383, effective November 1, 1982 (to be operative January 1, 1983).  
 See: 14 N.J.R. 969(a), 14 N.J.R. 1218(b).  
 Maximum benefit rate changed from \$145.00 to \$158.00 per week.  
 Amended by R.1983 d.521, effective November 21, 1983, operative January 1, 1984.  
 See: 15 N.J.R. 1434(a), 15 N.J.R. 1944(c).  
 1984 disability benefits increased from \$158.00 to \$170.00 per week.  
 Amended by R.1984 d.517, effective November 5, 1984 (operative January 1, 1985).  
 See: 16 N.J.R. 2343(a), 16 N.J.R. 3049(a).  
 New (b); (b) changed to (c).  
 Amended by R.1985 d.545, effective November 4, 1985 (operative January 1, 1986).  
 See: 17 N.J.R. 2079(a), 17 N.J.R. 2666(a).  
 Benefit rates changed.  
 Amended by R.1986 d.451, effective November 17, 1986 (operative January 1, 1987).  
 See: 18 N.J.R. 1787(a), 18 N.J.R. 2330(b).  
 Benefit rates changed.  
 Amended by R.1987 d.468, effective November 16, 1987 (operative January 1, 1988).  
 See: 19 N.J.R. 1622(a), 19 N.J.R. 2196(a).  
 Benefit rates changed.  
 Amended by R.1988 d.535, effective November 7, 1988.  
 See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).  
 Benefit rates raised and date changed.  
 Amended by R.1989 d.565, effective November 6, 1989.  
 See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).  
 Maximum weekly benefit rates increased in (a) and (b); effective date of benefits changed to January 1, 1990.  
 Amended by R.1990 d.597, effective December 3, 1990.  
 See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).  
 In (a)-(b): maximum weekly benefit rates increased to \$291.00 from \$279.00 and to \$272.00 from \$261.00, respectively, for calendar year 1991.  
 Amended by R.1991 d.573, effective November 18, 1991.  
 See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).  
 Maximum weekly benefit rates increased in (a) and (b); effective date of benefits changed to January 1, 1992.  
 Amended by R.1992 d.454, effective November 16, 1992.  
 See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).  
 Revised text.  
 Amended by R.1993 d.589, effective November 15, 1993.  
 See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).  
 Amended by R.1994 d.552, effective November 7, 1994.  
 See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).  
 Recodified from 12:15-1.3 and amended by R.1995 d.389, effective July 17, 1995.  
 See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).  
 Amended by R.1995 d.628, effective December 4, 1995.  
 See: 27 N.J.R. 3760(a), 27 N.J.R. 4898(a).  
 Amended by R.1996 d.513, effective November 4, 1996.  
 See: 28 N.J.R. 4044(a), 28 N.J.R. 4789(a).  
 Amended by R.1997 d.464, effective November 3, 1997.  
 See: 29 N.J.R. 3768(a), 29 N.J.R. 4689(b).  
 In (a) and (b), changed the benefit rates; and in (c), substituted "1998" for "1997".

### 12:15-1.3 Taxable wage base under the Unemployment Compensation Law

In accordance with the provisions of N.J.S.A. 43:21-7(b)(3), the "wages" of any individual with respect to any one employer for the purpose of contributions under the Unemployment Compensation Law shall include the first \$19,300 during the calendar year 1998.

R.1975 d.251, effective August 18, 1975.  
 See: 7 N.J.R. 432(c).

Amended by R.1976 d.258, effective January 1, 1977.  
 See: 8 N.J.R. 424(b).  
 Amended by R.1977 d.298, effective January 1, 1978.  
 See: 9 N.J.R. 439(c).  
 Amended by R.1978 d.281, effective January 1, 1979.  
 See: 10 N.J.R. 400(a).  
 Amended by R.1979 d.320, effective January 1, 1980.  
 See: 11 N.J.R. 449(c).  
 Amended by R.1980 d.356, effective January 1, 1981.  
 See: 12 N.J.R. 543(c).  
 Amended by R.1981 d.421, effective November 2, 1981 (to be operative January 1, 1982).  
 See: 13 N.J.R. 602(c), 13 N.J.R. 777(b), 13 N.J.R. 894(b).  
 (a): "\$8,200" was "\$7,500".  
 (b): "1982" was "1981".  
 Amended by R.1982 d.382, effective November 1, 1982 (operative January 1, 1983).  
 See: 14 N.J.R. 970(a), 14 N.J.R. 1219(a).  
 Taxable wage base changed from \$8,200 to \$8,800 per year.  
 Amended by R.1983 d.522, effective November 21, 1983, operative January 1, 1984.  
 See: 15 N.J.R. 1435(a), 15 N.J.R. 1944(d).  
 1984 taxable wage base increased from \$8,800 to \$9,600.  
 Amended by R.1984 d.519, effective November 5, 1984.  
 See: 16 N.J.R. 2344(a), 16 N.J.R. 3049(b).  
 "\$10,100" was "\$9,600" and "1985" was "1984".  
 Amended by R.1985 d.545, effective November 4, 1985 (operative January 1, 1986).  
 See: 17 N.J.R. 2079(b), 17 N.J.R. 2667(a).  
 Contributions raised from \$10,100 to \$10,700.  
 Amended by R.1986 d.452, effective November 17, 1986 (operative January 1, 1987).  
 See: 18 N.J.R. 1787(b), 18 N.J.R. 2330(c).  
 Contributions raised from \$10,700 to \$11,300.  
 Amended by R.1987 d.469, effective November 16, 1987 (operative January 1, 1988).  
 See: 19 N.J.R. 1623(a), N.J.R. 2196(b).  
 Contributions raised from \$11,300 to \$12,000.  
 Amended by R.1988 d.535, effective November 7, 1988.  
 See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).  
 Contributions raised from \$12,000 to \$12,800.  
 Amended by R.1989 d.565, effective November 6, 1989.  
 See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).  
 Taxable wage base raised to \$13,900 during the 1990 calendar year.  
 Amended by R.1990 d.597, effective December 3, 1990.  
 See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).  
 Taxable wage base raised to \$14,400 for the 1991 calendar year.  
 Amended by R.1991 d.573, effective November 18, 1991.  
 See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).  
 Taxable wage base raised to \$15,300 for the 1992 calendar year.  
 Amended by R.1992 d.454, effective November 16, 1992.  
 See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).  
 Revised text.  
 Amended by R.1993 d.589, effective November 15, 1993.  
 See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).  
 Amended by R.1994 d.552, effective November 7, 1994.  
 See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).  
 Recodified from 12:15-1.4 by R.1995 d.389, effective July 17, 1995.  
 See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).  
 Amended by R.1995 d.628, effective December 4, 1995.  
 See: 27 N.J.R. 3760(a), 27 N.J.R. 4898(a).  
 Amended by R.1996 d.513, effective November 4, 1996.  
 See: 28 N.J.R. 4044(a), 28 N.J.R. 4789(a).  
 Amended by R.1997 d.464, effective November 3, 1997.  
 See: 29 N.J.R. 3768(a), 29 N.J.R. 4689(b).  
 Changed the benefit rate and substituted "1998" for "1997".

### 12:15-1.4 Contribution rate of governmental entities and instrumentalities

(a) In accordance with the provisions of N.J.S.A. 43:21-7.3(e), the contribution rate for all governmental entities and instrumentalities electing to pay contributions under the Unemployment Compensation Law is hereby promulgated as being four-tenths of one percent (0.4 percent) for the entire calendar year.

(b) This contribution rate shall be effective on taxable wages paid in the calendar year 1998.

R.1978 d.305, effective January 1, 1979.  
 See: 10 N.J.R. 445(b).  
 Amended by R.1979 d.327, effective January 1, 1980.  
 See: 11 N.J.R. 450(a).  
 Amended by R.1980 d.354, effective January 1, 1981.  
 See: 12 N.J.R. 543(a).  
 Amended by R.1981 d.418, effective November 2, 1981 (to be operative January 1, 1982).  
 See: 13 N.J.R. 603(a), 13 N.J.R. 777(c).  
 (b): "1982" was "1981".  
 Amended by R.1982 d.381, effective November 1, 1982 (operative January 1, 1983).  
 See: 14 N.J.R. 970(b), 14 N.J.R. 1219(b).  
 Contribution rate changed from two percent (2%) to one and one-half percent (1.5%).  
 Amended by R.1983 d.612, effective January 3, 1984.  
 See: 15 N.J.R. 1829(a), 16 N.J.R. 50(a).  
 1984 rate maintained at same rate of 1983.  
 Amended by R.1984 d.518, effective November 5, 1984 (operative January 1, 1985).  
 See: 16 N.J.R. 2344(b), 16 N.J.R. 3050(a).  
 Year changed to "1985" from "1984".  
 Amended by R.1985 d.543, effective November 4, 1985 (operative January 1, 1986).  
 See: 17 N.J.R. 2079(c), 17 N.J.R. 2667(b).  
 "1½ percent" changed to "1½ percent".  
 Amended by R.1986 d.456, effective November 17, 1986 (operative January 1, 1987).  
 See: 18 N.J.R. 1788(c), 18 N.J.R. 2331(a).  
 Year changed from 1986 to 1987.  
 Amended by R.1987 d.473, effective November 16, 1987 (operative January 1, 1988).  
 See: 19 N.J.R. 1624(b), 19 N.J.R. 2196(c).  
 1¾ percent changed to 1¾ percent.  
 Amended by R.1988 d.535, effective November 7, 1988.  
 See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).  
 1¾ percent changed to 1½ percent.  
 Amended by R.1989 d.565, effective November 6, 1989.  
 See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).  
 Contribution rate lowered to 0.8 percent; benefit year changed to 1990.  
 Amended by R.1990 d.597, effective December 3, 1990.  
 See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).  
 Contribution rate changed to 0.6 percent for 1991 calendar year.  
 Amended by R.1991 d.573, effective November 18, 1991.  
 See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).  
 Contribution rate changed to 0.4 percent for 1992 calendar year.  
 Amended by R.1992 d.454, effective November 16, 1992.  
 See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).  
 Revised (b).  
 Amended by R.1993 d.589, effective November 15, 1993.  
 See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).  
 Amended by R.1994 d.552, effective November 7, 1994.  
 See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).  
 Recodified from 12:15-1.5 by R.1995 d.389, effective July 17, 1995.  
 See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).  
 Amended by R.1995 d.628, effective December 4, 1995.  
 See: 27 N.J.R. 3760(a), 27 N.J.R. 4898(a).  
 Amended by R.1996 d.513, effective November 4, 1996.  
 See: 28 N.J.R. 4044(a), 28 N.J.R. 4789(a).  
 Amended by R.1997 d.464, effective November 3, 1997.  
 See: 29 N.J.R. 3768(a), 29 N.J.R. 4689(b).  
 Substituted "1998" for "1997".

### 12:15-1.5 Base week

(a) In accordance with the provisions of N.J.S.A. 43:21-19(c)(1) and (t)(2)(A) and 43:21-27(h)(3), the base week amount is hereby promulgated as being \$138.00 per week for calendar year 1998.

(b) In accordance with the provisions of N.J.S.A. 43:21-19(t)(2)(B), in those instances in which the individual has not established 20 base weeks as defined in N.J.S.A. 43:21-19(t)(2)(A), the base week amount is hereby promulgated as being \$101.00 per week for calendar year 1998.

R.1984 d.521, effective November 5, 1984 (operative January 1, 1985).  
 See: 16 N.J.R. 2345(a), 16 N.J.R. 3050(b).  
 Amended by R.1985 d.525, effective October 21, 1985.  
 See: 17 N.J.R. 2007(b), 17 N.J.R. 2561(a).  
 Base week amount raised from \$51.00 to \$72.00.  
 Amended by R.1985 d.544, effective November 4, 1985 (operative January 1, 1986).  
 See: 17 N.J.R. 2080(a), 17 N.J.R. 2667(c).  
 Base week amount raised from "\$72.00" to "\$76.00".  
 Amended by R.1986 d.453, effective November 17, 1986 (operative January 1, 1987).  
 See: 18 N.J.R. 1787(c), 18 N.J.R. 2331(b).  
 Weekly rate raised and disability commencing date changed from October 1, 1986.  
 Amended by R.1987 d.470, effective November 16, 1987 (operative January 1, 1988).  
 See: 19 N.J.R. 1623(b), 19 N.J.R. 2196(d).  
 Base week raised from \$81.00 to \$86.00.  
 Amended by R.1988 d.535, effective November 7, 1988.  
 See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).  
 Base week raised from \$86.00 to \$92.00.  
 Amended by R.1989 d.565, effective November 6, 1989.  
 See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).  
 Base week amount raised to \$99.00 for 1990.  
 Amended by R.1990 d.597, effective December 3, 1990.  
 See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).  
 Base week amount raised to \$103.00 for 1991.  
 Amended by R.1991 d.573, effective November 18, 1991.  
 See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).  
 Base week amount raised to \$110.00 for 1992.  
 Amended by R.1992 d.454, effective November 16, 1992.  
 See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).  
 Revised text.  
 Amended by R.1993 d.589, effective November 15, 1993.  
 See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).  
 Amended by R.1994 d.552, effective November 7, 1994.  
 See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).  
 Recodified from 12:15-1.6 and amended by R.1995 d.389, effective July 17, 1995.  
 See: 27 N.J.R. 1946(a), 27 N.J.R. 2693(a).  
 Amended by R.1995 d.628, effective December 4, 1995.  
 See: 27 N.J.R. 3760(a), 27 N.J.R. 4898(a).  
 Amended by R.1996 d.513, effective November 4, 1996.  
 See: 28 N.J.R. 4044(a), 28 N.J.R. 4789(a).  
 Amended by R.1997 d.464, effective November 3, 1997.  
 See: 29 N.J.R. 3768(a), 29 N.J.R. 4698(b).  
 In (a), changed the benefit rate; and in (a) and (b), substituted "1998" for "1997".

### Case Notes

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

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

### 12:15-1.6 Alternative earnings test

(a) In accordance with the provisions of N.J.S.A. 43:21-4(e)(2)(B) and 43:21-41(d), in those instances in which the individual has not established 20 base weeks, the alternative earnings amount for establishing eligibility is hereby promulgated as being \$8,300 for unemployment com-

pensation benefit years and periods of disability commencing on or after January 1, 1998.

(b) In accordance with the provisions of N.J.S.A. 43:21-4(e)(2)(C), in those instances in which the individual has not established 20 base weeks and does not have alternative earnings as defined in N.J.S.A. 43:21-4(e)(2)(B), the alternative earnings amount is hereby promulgated as being \$5,100 for benefit years commencing on or after January 1, 1998.

R.1984 d.520, effective November 5, 1984.

See: 16 N.J.R. 2345(b), 16 N.J.R. 3050(c).

Amended by R.1985 d.542, effective November 4, 1985 (operative January 1, 1986).

See: 17 N.J.R. 2080(b), 17 N.J.R. 2668(a).

Alternative earnings amount raised from \$4,100 to \$4,600.

Amended by R.1986 d.454, effective November 17, 1986 (operative January 1, 1987).

See: 18 N.J.R. 1788(a), 18 N.J.R. 2331(c).

Alternative earnings raised from \$4,600 to \$4,900.

Amended by R.1987 d.471, effective November 16, 1987 (operative January 1, 1988).

See: 19 N.J.R. 1623(b), 19 N.J.R. 2196(e).

Alternative earnings raised from \$4,900 to \$5,200.

Amended by R.1988 d.535, effective November 7, 1988.

See: 20 N.J.R. 2187(a), 20 N.J.R. 2786(a).

Alternative earnings raised from \$5,200 to \$5,500.

Amended by R.1989 d.565, effective November 6, 1989.

See: 21 N.J.R. 2700(a), 21 N.J.R. 3535(a).

Alternative earnings amount raised to \$6,000 for 1990.

Amended by R.1990 d.597, effective December 3, 1990.

See: 22 N.J.R. 2885(a), 22 N.J.R. 3627(a).

Alternative earnings amount raised to \$6,200 for 1991.

Amended by R.1991, d.573, effective November 18, 1991.

See: 23 N.J.R. 2611(a), 23 N.J.R. 3519(a).

Alternative earnings amount raised to \$6,600 for 1992.

Amended by R.1992 d.454, effective November 16, 1992.

See: 24 N.J.R. 3014(a), 24 N.J.R. 4269(a).

Revised text.

Amended by R.1993 d.589, effective November 15, 1993.

See: 25 N.J.R. 3922(a), 25 N.J.R. 5351(a).

Amended by R.1994 d.552, effective November 7, 1994.

See: 26 N.J.R. 3592(b), 26 N.J.R. 4410(a).

Recodified from 12:15-1.7 and amended by R.1995 d.389, effective July 17, 1995.

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

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

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

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

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

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

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

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

## SUBCHAPTER 2. DISCLOSURE OF INFORMATION

### Authority

N.J.S.A. 43:21-1 et seq.

### Source and Effective Date

R.1997 d.141, effective March 17, 1997.

See: 29 N.J.R. 89(a), 29 N.J.R. 896(a).

### 12:15-2.1 Disclosure of information; general prohibition

No disclosure of information obtained at any time from, and identifiable to, specific workers, employers or other persons in the course of administering the New Jersey Unemployment Compensation and Temporary Disability Benefits Laws shall be made directly or indirectly, except as authorized by the Commissioner or his or her representative in accordance with this subchapter.

### 12:15-2.2 Authorized disclosure of information

(a) Disclosure of any information in the course of administering the New Jersey Unemployment Compensation and Temporary Disability Benefits Laws may be 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 trade 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 or her duly authorized representative, information which directly concerns the claimant and is reasonably necessary for the proper presentation of his or her claim;

i. Requests for claim-related information received directly from a claimant or employers who are parties to a claim, in writing, in person or by telephone are to be honored once the identity of the claimant or employer has been verified and provided that the intended use of such information does not conflict with the provisions of N.J.S.A. 43:21-11(g).

ii. Telephone, informal, or written requests from an attorney or other individual who states that he or she is the claimant's representative are not to be honored unless the claimant provides the Department with a signed and dated authorization for the release of the specified information;

3. To claimants, employers, and the public, disclosure of the names, geographic location and standard industrial classification (SIC) or North American Industrial Classification (NAIC) of employers. Such release shall not include employment wages, taxes, client information or any other data identifiable to individual employers or employees;

4. To officers or employees of any agency of the Federal government or any state, territorial or local government (or officers or employees of a foreign government agency with which reciprocal arrangements have been made and which is lawfully charged with the administration of an unemployment compensation or trade readjustment allowance law) if such disclosures will not impede the operation of, and are not inconsistent with, the purposes of the New Jersey Unemployment Compensation and Temporary Disability Benefits Laws.

i. Requests by law enforcement agents for the release of Departmental information shall be made in writing, and the identity of the requester shall be verified prior to the release of information by the showing of a badge, warrant, written and signed request on agency letterhead, or some other similar indication of official purpose.

(1) Information which may be released includes the claimant's name, current address, current or most recent employer, and the next scheduled reporting date; and

(2) A request for surveillance or photography in connection with an investigation must be approved in writing by the Director of the Division of Unemployment Insurance or the Director of Temporary Disability Insurance as appropriate.

ii. Public officials shall establish that the information requested is to be used in furtherance of their public duties and shall certify in writing that the confidentiality of the disclosed information shall be maintained.

(1) Telephone inquiries from public officials may be answered verbally, provided that the identity of the caller can be verified; and

(2) Written requests by public officials on official letterhead shall be honored, provided that the information shall be used in furtherance of their public duty or provided that the claimant has requested that the information be released.

iii. Federal government, state, territorial or local government agencies who release the disclosed information to agents or other third parties shall provide the agents

or third parties written certification that the information shall be used only for the purposes for which it was released and that the confidentiality of the information shall be maintained as required by Federal and State law; and

5. To officers or administrators of public or private organizations such as colleges, universities, or foundations to perform research or engage in public service activities, which can be expected to benefit the residents of New Jersey by improving or promoting their health, safety, economic or social well-being, provided that the benefit of such research or public service activity to New Jersey residents is certified in writing by the administrator of a New Jersey municipal, county or State executive agency, or his or her designated representative, and provided that such disclosure shall not impede the operation of, and is not inconsistent with, the purposes of the New Jersey Unemployment Compensation and Temporary Disability Benefits Laws, and provided that the officer or administrator of the agency engaged in research or other public service activities certifies in writing that the confidentiality of the disclosed information shall be maintained.

(b) Individuals may be assessed reasonable administrative costs for the copying of records and any other costs for obtaining the information requested in accordance with the New Jersey Right-to-Know Law, N.J.S.A. 47:1A-2.

#### **12:15-2.3 Unauthorized disclosure of information**

Nothing contained in this subchapter shall, or shall be construed to, contravene 20 C.F.R. 401.1 et seq., relating to the disclosure of official records and information.