

CHAPTER 17

UNEMPLOYMENT BENEFIT PAYMENTS

Authority

N.J.S.A. 43:21-1 et seq., specifically, 43:21-7g.

Source and Effective Date

R.2009 d.21, effective December 10, 2008.
See: 40 N.J.R. 4289(a), 41 N.J.R. 263(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 17, Unemployment Benefit Payments, expires on December 10, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Subchapter 3, Definitions; Subchapter 4, Employer Records and Evidence Concerning Partial Unemployment; and Subchapter 5, Claim for Partial Unemployment Benefits, were adopted and became effective prior to September 1, 1969.

Subchapter 9, Procedures for Wage Benefit Conflicts, was adopted as new rules by R.1975 d.142, effective May 28, 1975. See: 7 N.J.R. 335(a).

Subchapter 10, Determination and Demand for Refund of Unemployment Benefits, was adopted as new rules by R.1980 d.468, effective October 23, 1980. See: 12 N.J.R. 426(a), 12 N.J.R. 724(c).

Subchapter 11, Offset of Unemployment Insurance Benefits by Retirement and Pension Income, was adopted as new rules by R.1980 d.561, effective January 1, 1981. See: 13 N.J.R. 102(a).

Amendments to Subchapter 10 became effective March 21, 1983 as R.1983 d.83. See: 15 N.J.R. 74(a), 15 N.J.R. 447(a).

Subchapter 12, Dependency Benefits, was adopted as new rules by R.1984 d.516, effective November 5, 1984. See: 16 N.J.R. 2237(a), 16 N.J.R. 3046(a).

Pursuant to Executive Order No. 66(1978), Subchapter 10 expired on October 23, 1985, and new rules on the same subject were adopted as R.1985 d.657, effective January 6, 1986. See: 17 N.J.R. 2525(b), 18 N.J.R. 91(a).

Pursuant to Executive Order No. 66(1978), Subchapter 11 was readopted as R.1985 d.718, effective December 30, 1985. See: 17 N.J.R. 2736(a), 18 N.J.R. 285(b).

Pursuant to Executive Order No. 66(1978), Chapter 17, Unemployment Benefit Payments, was readopted as R.1991 d.46, effective January 4, 1991. See: 22 N.J.R. 3445(a), 23 N.J.R. 310(b).

Chapter 17, Unemployment Benefit Payments, was readopted as R.1996 d.25, effective December 13, 1995. See: 27 N.J.R. 4123(b), 28 N.J.R. 270(a).

Chapter 17, Unemployment Benefit Payments, was repealed and adopted as new rules by R.1998 d.273, effective June 1, 1998 (operative July 5, 1998). See: 29 N.J.R. 5158(a), 30 N.J.R. 2027(a).

Subchapter 20, Worker Profiling and Reemployment Services, and Subchapter 21, Relief from Benefit Charges, were adopted as R.1999 d.115, effective April 15, 1999. See: 30 N.J.R. 4313(a), 31 N.J.R. 878(a).

Chapter 17, Unemployment Benefit Payments, was readopted as R.2003 d.276, effective June 13, 2003. See: 35 N.J.R. 1527(a), 35 N.J.R. 2874(b).

Chapter 17, Unemployment Benefit Payments, was readopted as R.2009 d.21, effective December 10, 2008. See: Source and Effective Date. See, also, section annotations.

Subchapter 22, Claims for Family Leave Insurance Benefits During Unemployment, was adopted as new rules by R.2009 d.82, effective March 2, 2009. See: 40 N.J.R. 5509(a), 41 N.J.R. 1052(c).

Subchapter 10, Claims Adjudication—Misconduct and Gross Misconduct Connected with Work, was renamed Claims Adjudication—Misconduct Connected with the Work by R.2015 d.079, effective May 18, 2015. See: 46 N.J.R. 1796(a), 47 N.J.R. 1009(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. PURPOSE AND SCOPE

12:17-1.1 Purpose and scope

SUBCHAPTER 2. DEFINITIONS

12:17-2.1 Definitions

SUBCHAPTER 3. REPORTING OF WAGE AND SEPARATION INFORMATION

- 12:17-3.1 Instructions to workers at time of separation
- 12:17-3.2 Request for separation or wage information
- 12:17-3.3 Finality of benefit determinations
- 12:17-3.4 Notice of failure to apply for or to accept work
- 12:17-3.5 Notice of unemployment due to mass separation
- 12:17-3.6 Notice of unemployment due to labor dispute
- 12:17-3.7 Notice of temporary separation from work

SUBCHAPTER 4. REPORTING REQUIREMENTS TO CLAIM UNEMPLOYMENT BENEFITS AND TO REGISTER FOR WORK SEARCH ACTIVITIES

- 12:17-4.1 General reporting requirements
- 12:17-4.2 Reporting to file an initial or reopened claim
- 12:17-4.3 Reporting requirements for claiming completed weeks of unemployment benefits, employment services appointments, and other appointments
- 12:17-4.4 Reporting claim information after leaving reporting status
- 12:17-4.5 Proof of claimant identification and address
- 12:17-4.6 Forms prescribed for filing unemployment benefit claims
- 12:17-4.7 Benefit determination notice
- 12:17-4.8 Refusal to cooperate with quality control reviews
- 12:17-4.9 Reporting to claim benefits after one year

SUBCHAPTER 5. MONETARY REQUIREMENTS FOR BENEFIT ELIGIBILITY

- 12:17-5.1 Basic eligibility requirements
- 12:17-5.2 Alternative base years
- 12:17-5.3 Exceptions to the use of alternative base years
- 12:17-5.4 Use of wages to qualify for benefits
- 12:17-5.5 Requests for wage information and affidavits
- 12:17-5.6 Alternative base years for individuals claiming benefits after a period of disability

SUBCHAPTER 6. EMPLOYER RECORDS AND CLAIMS FOR PARTIAL UNEMPLOYMENT BENEFITS

- 12:17-6.1 Records for employees receiving partial unemployment benefits
- 12:17-6.2 Evidence of weekly partial unemployment
- 12:17-6.3 Registration and filing claims

SUBCHAPTER 7. DEPENDENCY BENEFITS

- 12:17-7.1 Calculation of dependency payment
- 12:17-7.2 Definition of dependent
- 12:17-7.3 Claiming dependents
- 12:17-7.4 Verification and proof of dependency status

SUBCHAPTER 8. REDUCTION OF BENEFITS BY RETIREMENT IN PENSION INCOME AND OTHER EARNED INCOME

- 12:17-8.1 Benefit reduction due to receipt of pension from base period or chargeable employers
- 12:17-8.2 Amount of benefit reduction
- 12:17-8.3 Lump sum pension reduction
- 12:17-8.4 Constructive receipt of pension, retroactive receipt of pension and rollovers of pension distributions
- 12:17-8.5 Reduction of benefits due to earned income
- 12:17-8.6 Disqualification for benefits for remuneration in lieu of notice
- 12:17-8.7 Severance or separation pay
- 12:17-8.8 Salary continuation through date of termination
- 12:17-8.9 Receipt of residuals
- 12:17-8.10 Vacation and holiday pay
- 12:17-8.11 Sick leave pay
- 12:17-8.12 Pay for work as a board worker for a county board of elections on an election day

SUBCHAPTER 9. CLAIM ADJUDICATION—VOLUNTARILY LEAVING WORK

- 12:17-9.1 Disqualification for voluntarily leaving—general principles
- 12:17-9.2 Voluntarily leaving secondary part-time employment
- 12:17-9.3 Voluntary leaving for health or medical reasons
- 12:17-9.4 Voluntary leaving for health or safety conditions
- 12:17-9.5 Voluntary leaving work prior to imminent layoff or discharge
- 12:17-9.6 Voluntary leaving work – trailing spouse or civil union partner
- 12:17-9.7 Discharge after giving notice of resignation
- 12:17-9.8 Assignment of work under a union contract
- 12:17-9.9 Recall from temporary layoff
- 12:17-9.10 Loss of license needed as a condition of employment
- 12:17-9.11 Job abandonment
- 12:17-9.12 Leaving work or discharge due to circumstances resulting from the individual being the victim of domestic violence

SUBCHAPTER 10. CLAIMS ADJUDICATION—MISCONDUCT CONNECTED WITH THE WORK

- 12:17-10.1 Disqualification for misconduct connected with the work—general principles
- 12:17-10.2 Discharge or suspension for unauthorized absence
- 12:17-10.3 Discharge or suspension for tardiness
- 12:17-10.4 Discharge or suspension for falsification of application or other records
- 12:17-10.5 Discharge or suspension for insubordination or violation of an employer's rule
- 12:17-10.6 Discharge or suspension for unsatisfactory work performance
- 12:17-10.7 Discharge or suspension for failure to observe safety standards
- 12:17-10.8 Failing or refusing to take an employer drug test
- 12:17-10.9 (Reserved)

SUBCHAPTER 11. CLAIMS ADJUDICATION—REFUSAL TO APPLY FOR OR ACCEPT SUITABLE WORK

- 12:17-11.1 Disqualification period for failure to apply for or accept suitable work—general principles
- 12:17-11.2 Suitability of work defined
- 12:17-11.3 Establishing bona fide offers of work
- 12:17-11.4 Good cause for refusal of suitable work
- 12:17-11.5 Offers of new work

SUBCHAPTER 12. CLAIMS ADJUDICATION—OTHER BENEFIT ELIGIBILITY ISSUES

- 12:17-12.1 Corporate officers, owners and creditors
- 12:17-12.2 Labor disputes

- 12:17-12.3 Employees on leave of absence
- 12:17-12.4 School employees
- 12:17-12.5 Claimant engaged in a temporary business
- 12:17-12.6 Student disqualification for benefits
- 12:17-12.7 Limiting availability to less than full-time work

SUBCHAPTER 13. PROCEDURES FOR WAGE-BENEFIT CONFLICTS

- 12:17-13.1 Pre-determination notice and fact-finding
- 12:17-13.2 Fact-finding interview
- 12:17-13.3 Claimant's failure to appear

SUBCHAPTER 14. DETERMINATION AND DEMAND FOR REFUND OF UNEMPLOYMENT BENEFIT PAYMENTS

- 12:17-14.1 Statutory period for demanding refund
- 12:17-14.2 Waiver of recovery of benefit overpayment
- 12:17-14.3 Requirements for repaying overpaid benefits
- 12:17-14.4 Overpayment of benefits involving two determinations of entitlement

SUBCHAPTER 15. BENEFIT ELIGIBILITY FOR CLAIMANTS EMPLOYED BY TEMPORARY HELP SERVICE FIRMS

- 12:17-15.1 Definitions
- 12:17-15.2 Employment with temporary help service firm under a written agreement
- 12:17-15.3 Employment with temporary help service firm without a written agreement

SUBCHAPTER 16. PAYMENT OF BENEFITS TO INTERSTATE CLAIMANTS

- 12:17-16.1 Cooperation with other states
- 12:17-16.2 Benefit rights of interstate claimants
- 12:17-16.3 Requirement to register for work
- 12:17-16.4 Reporting requirements for interstate benefit claims
- 12:17-16.5 Role of the agent state in benefit determinations
- 12:17-16.6 Appeals of benefit determinations
- 12:17-16.7 Reciprocal claims with Canada

SUBCHAPTER 17. CLAIMS FOR DISABILITY BENEFITS DURING UNEMPLOYMENT

- 12:17-17.1 Notice and proof of disability
- 12:17-17.2 Procedures for filing of claims for benefits
- 12:17-17.3 Waiver of registration and reporting requirements
- 12:17-17.4 Payment of disability benefits during unemployment for individuals working for exempt employers
- 12:17-17.5 Simultaneous unemployment and disability benefit periods
- 12:17-17.6 Benefit determination

SUBCHAPTER 18. SELF-EMPLOYMENT ASSISTANCE AND ENTREPRENEURIAL TRAINING PROGRAM

- 12:17-18.1 Definitions
- 12:17-18.2 Self-employment assistance program
- 12:17-18.3 Eligibility requirements
- 12:17-18.4 Self-employment assistance allowance
- 12:17-18.5 Appeals
- 12:17-18.6 Overpayment of self-employment assistance allowances

SUBCHAPTER 19. VOLUNTARY WITHHOLDING OF FEDERAL INCOME TAX FROM UNEMPLOYMENT BENEFITS

- 12:17-19.1 Notice to claimants of voluntary withholding of Federal income tax from unemployment benefits
- 12:17-19.2 Transfer of withheld unemployment benefits
- 12:17-19.3 Other withholdings