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ISSUE DATE: DECEMBER 21, 2015

**RULE ADOPTIONS**

**LABOR AND WORKFORCE DEVELOPMENT  
INCOME SECURITY**

*47 N.J.R. 3123(a)*

**Adopted Amendments: *N.J.A.C. 12:15-1.2 through 1.6***

**2016 Maximum Weekly Benefit Rates**

**2016 Taxable Wage Base Under the Unemployment Compensation Law**

**2016 Contribution Rate of Governmental Entities and Instrumentalities**

**2016 Base Week**

**2016 Alternate Earnings Test**

Proposed: September 8, 2015, at *47 N.J.R. 2234(a)*.

Adopted: November 23, 2015, by Harold J. Wirths, Commissioner, Department of Labor and Workforce Development.

Filed: November 23, 2015, as R.2015 d.203, **without change**.

Authority: *N.J.S.A. 34:1-5, 34:1-20, 34:1A-3(e), 43:21-3(c), 43:21-4(e), 43:21-7(b)(3), 43:21-7.3(e), 43:21-19(t), 43:21-27, 43:21-40, and 43:21-41.*

Effective Date: December 21, 2015.

Expiration Date: April 21, 2018.

**Summary of Hearing Officer's Recommendations and Agency's Response:**

A public hearing on the proposed amendments was held on September 29, 2015, at the Department of Labor and Workforce Development, John Fitch Plaza, Trenton, New Jersey. David Fish, Executive Director, Legal and Regulatory Services, was available to preside at the hearing and to [page=3124] receive testimony. No one testified at the public hearing. The Department received a single written comment. The hearing officer reviewed the single written comment and recommended that the Department proceed with the amendments without change.

**Summary of Public Comment and Agency Response:**

A written comment was submitted by Jean Public (submitted by email with no mailing address).

COMMENT: The following is the commenter's remarks in their entirety: The amounts to be paid out per week seem to be getting much too high. I think a new percentage should be established so that the payout does not exceed 500 per week. This comment is for the public record.

RESPONSE: The Department is required by statute, *N.J.S.A. 43:21-3* and *43:21-40*, to re-compute and promulgate on an annual basis the maximum weekly benefit rate for unemployment compensation and the maximum weekly benefit rate for State Plan temporary disability and family leave insurance benefits. The formula for calculating these new rates is also set forth within *N.J.S.A. 43:21-3* (unemployment compensation) and *43:21-40* (temporary disability and family leave insurance benefits). Specifically, *N.J.S.A. 43:21-3* states that the maximum weekly benefit rate for unemployment compensation shall be 56 and 2/3 percent of the Statewide average weekly remuneration paid to workers by employers subject to the Unemployment Compensation Law (*N.J.S.A. 43:21-1* et seq.), computed to the next lower multiple of \$ 1.00, if not already a multiple thereof. *N.J.S.A. 43:21-40* states that the maximum weekly benefit rate for State Plan temporary disability and family leave insurance benefits shall be 53 percent of the Statewide average weekly remuneration paid to workers by employers subject to the Unemployment Compensation Law (*N.J.S.A. 43:21-1* et seq.), computed to the next lower multiple of \$ 1.00, if not already a multiple thereof. The Statewide weekly wage of workers covered under the Unemployment Compensation Law for calendar year 2014 was \$ 1,161.04. 56 and 2/3 percent of \$ 1,161.04, computed to the next lower multiple of \$ 1.00 is \$ 657.00. 53 percent of \$ 1,161.04, computed to the next lower multiple of \$ 1.00 is \$ 615.00. The Department has no discretion under the law to deviate from these calculations.

**Federal Standards Statement**

The adopted amendments do not contain any standards or requirements that exceed standards or requirements imposed by Federal law. The adopted amendments affect benefit and contribution levels under the Unemployment Compensation and Temporary Disability Benefits Laws. As a result, an explanation or analysis of the adopted amendments pursuant to *N.J.S.A. 52:14B-22* et seq./Executive Order No. 27 (1994) is not required.

**Full text** of the adoption follows:

**SUBCHAPTER 1. GENERAL PROVISIONS**

## 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 under the Unemployment Compensation Law is hereby promulgated as being \$ 657.00 per week.

(b) The maximum weekly benefit rate for State Plan temporary disability and family leave insurance benefits under the Temporary Disability Benefits Law is hereby promulgated as being \$ 615.00 per week.

(c) These maximum benefits shall be effective for the calendar year 2016 on unemployment compensation benefit years and periods of disability and family leave commencing on or after January 1, 2016.

## 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 \$ 32,600 during the calendar year 2016.

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

(a) (No change.)

(b) This contribution rate shall be effective on taxable wages paid in the calendar year 2016.

## 12:15-1.5 Base week

In accordance with the provisions of *N.J.S.A. 43:21-19(c)(1)* and (t)(3) and 43:21-27(h)(4), the base week amount is hereby promulgated as being \$ 168.00 per week for calendar year 2016.

## 12:15-1.6 Alternative earnings test

In accordance with the provisions of *N.J.S.A. 43:21-4(e)(4)(B)* and *43:21-41(d)(2)*, in those instances in which the individual has not established 20 base weeks, the alternative earnings amount for establishing eligibility is hereby promulgated as being \$ 8,400 for unemployment compensation benefit years and periods of disability and family leave commencing on or after January 1, 2016.