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RULE ADOPTIONS

**LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF UNEMPLOYMENT INSURANCE**

47 N.J.R. 3045(a)

Readoption: *N.J.A.C. 12:17*

Notice of Readoption

Unemployment Benefit Payments

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

Authorized By: Harold J. Wirths, Commissioner, Department of Labor and Workforce Development.

Effective Date: November 2, 2015.

New Expiration Date: November 2, 2022.

Take notice that pursuant to the provisions of Executive Order No. 66 (1978) and *N.J.S.A. 52:14B-5.1*, the rules at *N.J.A.C. 12:17* will expire on December 10, 2015.

A summary of the subchapters of *N.J.A.C. 12:17* follows:

N.J.A.C. 12:17-1 addresses the purpose and scope of the chapter.

N.J.A.C. 12:17-2 defines words and terms used throughout the chapter.

N.J.A.C. 12:17-3 concerns the reporting of a claimant's wage and separation information to the Division of Unemployment Insurance (the Division). The subchapter instructs as to the required methods for filing a notice of failure to apply for, or to accept work, a notice of unemployment due to mass separation, a notice of unemployment due to labor dispute and a notice of temporary separation from work.

N.J.A.C. 12:17-4 addresses reporting requirements for the claiming of unemployment insurance benefits and for registering for work-search activities.

N.J.A.C. 12:17-5 contains the monetary requirements for unemployment insurance benefit eligibility.

N.J.A.C. 12:17-6 addresses claims for partial unemployment benefits and contains recordkeeping, reporting, and filing requirements for both employers and claimants regarding these sorts of claims.

N.J.A.C. 12:17-7 concerns dependency benefits. The subchapter sets forth the method for calculating dependency payments, defines the term "dependent," and addresses the claiming of dependents and verification and proof of dependency status.

N.J.A.C. 12:17-8 addresses the reduction of benefits by retirement pension income and other earned income.

N.J.A.C. 12:17-9 is the first of several subchapters which concern claims adjudication. Each of these subchapters addresses a different central issue which may arise within the context of the adjudication of an unemployment insurance benefits claim and sets forth the standards to be applied by the Division. This subchapter addresses the issue of voluntarily leaving work.

N.J.A.C. 12:17-10 addresses the issues of simple, severe, and gross misconduct connected with the work.

N.J.A.C. 12:17-11 addresses refusal to apply for or accept suitable work.

N.J.A.C. 12:17-12 addresses other benefit eligibility issues, such as corporate officers, owners, and creditors; labor disputes; employees on leave of absence; school employees; claimants engaged in a temporary business; student disqualification for benefits; and limiting availability to less than full-time work.

N.J.A.C. 12:17-13 contains procedures for addressing wage-benefit conflicts.

N.J.A.C. 12:17-14 concerns the determination and demand for the refund of unemployment benefit payments. The subchapter contains the unemployment insurance statutory period for demanding a refund, the standard for requesting a waiver of recovery of benefit overpayments, and the requirements for repaying overpaid benefits, and addresses the overpayment of benefits involving two determinations of entitlement.

N.J.A.C. 12:17-15 addresses benefit eligibility for claimants employed by temporary help service firms.

N.J.A.C. 12:17-16 concerns payment of benefits to interstate claimants.

N.J.A.C. 12:17-17 contains standards and procedures relative to the submission of claims for disability during unemployment.

N.J.A.C. 12:17-18 addresses the self-employment assistance and entrepreneurial training program.

N.J.A.C. 12:17-19 concerns the voluntary withholding of Federal income tax from unemployment benefits. The subchapter addresses notice to claimants of voluntary withholding of Federal income tax from unemployment benefits, the transfer of withheld unemployment benefits, and other withholdings.

N.J.A.C. 12:17-20 addresses worker profiling and reemployment services. The subchapter contains provisions setting forth the purpose and scope of the subchapter and definitions of words and terms used in the subchapter; explaining the method for identifying claimants, the statistical modeling process, and the selection process; indicating the mandatory nature of participation; explaining which individuals are exempted; and setting forth an appeal procedure.

N.J.A.C. 12:17-21 addresses how an employer may obtain relief from the charges for benefits paid to a former employee.

The Department of Labor and Workforce Development has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to *N.J.S.A. 52:14B-5.1.c(1)*, these rules are readopted and shall continue in effect for a seven-year period.

