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RULE ADOPTIONS

**LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKERS' COMPENSATION**

47 N.J.R. 3124(a)

Adopted Amendment: *N.J.A.C. 12:235-1.6*

2016 Maximum Workers' Compensation Benefit Rates

Proposed: September 8, 2015, at *47 N.J.R. 2236(a)*.

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

Filed: November 23, 2015, as R.2015 d.204, **without change**.

Authority: *N.J.S.A. 34:1-5, 34:1-20, 34:1A-3(e)*, and *34:15-12(a)*.

Effective Date: December 21, 2015.

Expiration Date: June 26, 2020.

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

A public hearing on the proposed amendment was held on September 29, 2015, at the Department of Labor and Workforce Development, John Fitch Plaza, Trenton, New Jersey. David Fish, Regulatory Officer, was available to preside at the hearing and to receive testimony. No one testified at the public hearing. The Department received a single comment. The hearing officer reviewed the single comment and recommended that the Department proceed with the adoption of the amendment without change.

Summary of Public Comments and Agency Responses:

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 payout amounts for \$ 871 per week seem to be very very high and discourage people from working. I think we need to change the way these percentages are determined. They are getting completely out of hand in dollars amounts. Only double dippers in state government will be getting those massive amounts.

RESPONSE: The Department is required by statute, *N.J.S.A. 34:15-12*, to re-compute and promulgate on an annual basis the maximum workers' compensation benefit rate. The formula for calculating these new rates is set forth within *N.J.S.A. 34:15-12*. Specifically, the law states that the maximum workers' compensation benefit rate shall be 75 percent of the Statewide average weekly wages earned by all employees covered by the Unemployment Compensation Law. The Statewide average weekly wage of workers covered under the Unemployment Compensation Law for calendar year 2014 was \$ 1,161.04. 75 percent of \$ 1,161.04 is \$ 871. The Department has no discretion under the law to deviate from this calculation.

Federal Standards Statement

The adopted amendment does not contain any standards or requirements that exceed standards or requirements imposed by Federal [page=3125] law. The amendment increases benefit rates to individuals. As a result, an explanation or analysis of the adopted amendment pursuant to *N.J.S.A. 52:14B-22* et seq./Executive Order No. 27 (1994) is not required.

Full text of the adopted amendment follows:

12:235-1.6 Maximum workers' compensation benefit rates

(a) In accordance with the provisions of *N.J.S.A. 34:15-12.a*, the maximum workers' compensation benefit rate for temporary disability, permanent total disability, permanent partial disability, and dependency is hereby promulgated as being \$ 871.00 per week.

(b) The maximum compensation shall be effective as to injuries occurring in the calendar year 2016.