

[First Reprint]

SENATE, No. 3283

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

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Senators Singleton, Brown, Pou, Assemblymen Johnson, Mazzeo, Houghtaling and Verrelli

SYNOPSIS

Concerns emergency unemployment benefits and shared work benefits.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 14, 2020, with amendments.

(Sponsorship Updated As Of: 12/17/2020)

1 AN ACT concerning emergency unemployment benefits and shared
 2 work benefits, supplementing P.L.1970, c.324, and amending
 3 P.L.2020, c.57.

4
 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 6 *of New Jersey:*

7
 8 1. (New section) As used in sections 1 through 5 of P.L. ,
 9 c. (C.) (pending before the Legislature as this bill):

10 "CARES Act" means the federal "Coronavirus Aid, Relief, and
 11 Economic Security Act", Pub.L. 116–136.

12 "Emergency unemployment benefit period" means the period
 13 which begins on December 20, 2020, and ends on February 27,
 14 2021, or at the conclusion of the calendar week in which total
 15 expenditures of emergency unemployment benefits chargeable to
 16 the unemployment compensation fund Statewide first exceed \$350
 17 million, if the conclusion of that week occurs before February 27,
 18 2021. No emergency unemployment benefits shall be paid to any
 19 individual with respect to periods of unemployment after February
 20 27, 2021.

21 "Emergency unemployment benefits" means benefits financed
 22 entirely by the State and paid to exhaustees pursuant to sections 1
 23 through 5 of P.L. , c. (C.)(pending before the Legislature as
 24 this bill).

25 "Exhaustee" means an individual who, at any time during the
 26 emergency unemployment benefit period, has exhausted all of the
 27 regular benefits that were available to the individual pursuant to the
 28 "unemployment compensation law," R.S.43:21-1 et seq., including
 29 benefits payable to federal civilian employees and ex-service
 30 persons or payable under the combined wage program, all extended
 31 unemployment benefits available under State or federal laws,
 32 including PUA benefits, and all other unemployment benefits
 33 provided under the CARES Act, except that the individual shall still
 34 be an exhaustee if the only other unemployment benefits the
 35 individual receives during emergency unemployment benefit period
 36 are federal unemployment benefits intended to supplement State
 37 unemployment benefits during a benefit week, such as the \$600 per
 38 week of federal Pandemic Unemployment Compensation that was
 39 provided pursuant to the CARES Act during 2020.

40 ¹"Exhaustee" shall not include an individual for whom the only
 41 unemployment benefits exhausted were pandemic unemployment
 42 assistance benefits provided pursuant to the CARES Act, and for
 43 whom, during the base year or other period used to determine the
 44 individual's eligibility for the unemployment benefits which the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted December 14, 2020.

1 individual exhausted, no contributions were made to the
2 unemployment compensation fund by the individual or by an
3 employer on behalf of the individual.¹

4 “PUA benefits” means pandemic unemployment assistance
5 benefits provided pursuant to the CARES Act paid to an individual
6 for whom, during the base year or other period used to determine
7 the individual’s eligibility for the unemployment benefits which the
8 individual exhausted, contributions to the unemployment
9 compensation fund were made by the individual or by an employer
10 on behalf of the individual¹.

11

12 2. (New section) a. During the emergency unemployment
13 benefit period, an exhaustee who continues to meet the eligibility
14 requirements for regular unemployment benefits pursuant to the
15 provisions of the "unemployment compensation law," R.S.43:21-1
16 et seq., except as provided in subsection b. of this section, or the
17 eligibility requirements for PUA benefits or other unemployment
18 benefits the exhaustee received pursuant to the CARES Act, may
19 receive weekly emergency unemployment benefits in an amount
20 equal to the weekly benefit amount of the exhaustee's most recent
21 regular unemployment benefit claim under the "unemployment
22 compensation law," R.S.43:21-1 et seq., or, if the exhaustee was
23 receiving PUA benefits pursuant to the CARES Act, equal to the
24 weekly benefit amount of the exhaustee’s PUA benefit claim.

25 b. For any week of the emergency benefit period in which the
26 public health emergency and state of emergency declared by the
27 Governor on March 9, 2020, and any subsequent extensions of that
28 public health emergency and state of emergency are in effect, all
29 modifications or waivers of requirements for job search and
30 availability to work made with respect to unemployment benefits
31 provided pursuant to the CARES Act shall apply with respect to a
32 claim for emergency unemployment benefits.

33 c. The maximum emergency unemployment benefits an
34 individual may receive pursuant to sections 1 through 5 of P.L. ,
35 c. (C.)(pending before the Legislature as this bill) shall be
36 eight times the weekly benefit amount that was payable to the
37 individual pursuant to the "unemployment compensation law,"
38 R.S.43:21-1 et seq., including benefits payable to federal civilian
39 employees and ex-service persons or payable under the combined
40 wage program, or that was payable as PUA benefits pursuant to the
41 CARES Act, in the individual's applicable benefit year.

42

43 3. (New section) No employer's account shall be charged for
44 emergency unemployment benefits paid to an unemployed
45 individual pursuant to sections 1 through 5 of P.L. ,
46 c. (C.)(pending before the Legislature as this bill), provided
47 that emergency unemployment benefits paid to federal civilian
48 employees shall be charged to the appropriate federal account, and

1 emergency unemployment benefits paid to ex-service persons shall
2 be charged to the General Fund.

3
4 4. (New section) a. Emergency unemployment benefits shall
5 be paid pursuant to the provisions of sections 1 through 5 of P.L. ,
6 c. (C.)(pending before the Legislature as this bill) only with
7 respect to weeks not within an extended benefit period, and not
8 within a period covered by any federal law allowing the filing of
9 new claims extending benefits beyond those provided for as regular
10 or extended benefits, except as provided in subsection b. of this
11 section.

12 b. To the extent permitted by federal law without penalty, the
13 payment of emergency unemployment benefits to an individual
14 shall be discontinued, if the individual becomes eligible for, and
15 commences to receive, any unemployment benefits which become
16 available to the individual during the emergency unemployment
17 benefit period, except that emergency unemployment benefits may
18 be paid to an individual in the same weeks as federal unemployment
19 benefits intended to supplement State unemployment benefits, such
20 as the \$600 per week of federal Pandemic Unemployment
21 Compensation that was provided pursuant to the CARES Act during
22 2020.

23
24 5. (New section) The division shall use appropriate
25 administrative means to ensure that emergency unemployment
26 benefits are paid only to individuals who meet the requirements of
27 sections 1 through 5 of P.L. , c. (C.)(pending before the
28 Legislature as this bill). These administrative actions may include,
29 but shall not be limited to, matching the claimant's social security
30 number against available wage records to ensure that no earnings
31 were reported for that claimant by employers under R.S.43:21-14
32 for periods in which emergency unemployment benefits were paid.

33
34 6. Section 5 of P.L.2020, c.57 (C.43:21-20.13) is amended to
35 read as follows:

36 5. To facilitate the providing of the maximum possible benefits
37 for employees and savings for employers in the State from the
38 federal financing of unemployment benefits provided in connection
39 with short-time compensation programs pursuant to section 2108 of
40 the "Coronavirus Aid, Relief, and Economic Security Act," Pub.
41 Law 116-136 and from federal financing of emergency increases in
42 unemployment benefits under section 2104 of that act, and any
43 extension or reinstatement of the federal financing for those
44 purposes pursuant to any subsequent federal legislation, the division
45 shall, during the period **【from】** commencing with the effective date
46 of this act **【until December 31, 2020】**, undertake the following
47 actions:

- 1 a. Make available to all employers who may be eligible to
2 participate in a shared work program pursuant to P.L.2011, c.154
3 (C.43:21-20.3 et seq.) for which full federal funding of short-time
4 unemployment benefits is available pursuant to section 2108 of the
5 "Coronavirus Aid, Relief, and Economic Security Act," Pub. Law
6 116-136, and pursuant to any extension or reinstatement of the
7 federal financing for those purposes pursuant to any subsequent
8 federal legislation, a guidance document which explains:
- 9 (1) what the employer is required to do to establish, pursuant to
10 P.L.2011, c.154 (C.43:21-20.3 et seq.), shared work programs
11 eligible for the federal funding, including providing certification to
12 the division that any union representing employees in collective
13 bargaining has entered into a written agreement regarding the terms
14 of the program and certification that the employer will continue
15 providing any current health insurance and pension coverage, paid
16 time off and other benefits in the manner required by P.L.2011,
17 c.154 (C.43:21-20.3 et seq.);
- 18 (2) procedures for an employer to make an application for
19 approval of a shared work program, including an explanation of
20 how the employer may make preliminary calculations of benefits to
21 be paid to participating employees to expedite the commencement
22 of the payment of the benefits in the shortest possible time;
- 23 b. Provide any eligible employer with guidance in making an
24 application for approval of a shared work program;
- 25 c. Permit an application for approval of a shared work program
26 to be submitted to, and approved by, the division in advance of the
27 date on which reduced hours of employment are to commence to
28 permit payment of benefits under the program immediately upon
29 that commencement;
- 30 d. Permit employers who have fully laid off employees to
31 resume employing those employees on a partial basis in a manner
32 consistent with the requirements of P.L.2011, c.154 (C.43:21-20.3
33 et seq.), and establish a shared work program to make short-time
34 benefits available to those employees; and
- 35 e. Permit, upon the approval of a shared work program, of the
36 payment of benefits retroactively back to the time that the shared
37 work application was submitted and commenced in a manner
38 consistent with the requirements of P.L.2011, c.154 (C.43:21-20.3
39 et seq.).
- 40 The division shall continue to undertake the actions indicated in
41 subsections b., c., d., and e. of this section whether or not full
42 federal funding of short-time unemployment benefits continues to
43 be available.
44 (cf: P.L.2020, c.57, s.5)
45
- 46 7. This act shall take effect immediately.