

# SENATE, No. 3283

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**

**District 8 (Atlantic, Burlington and Camden)**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**SYNOPSIS**

Concerns emergency unemployment benefits and shared work benefits.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/14/2020)**

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, 2021,  
14 or at the conclusion of the calendar week in which total expenditures  
15 of emergency unemployment benefits chargeable to the  
16 unemployment compensation fund Statewide first exceed \$350  
17 million, if the conclusion of that week occurs before February  
18 27,2021. 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 persons  
30 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 “PUA benefits” means pandemic unemployment assistance  
41 benefits provided pursuant to the CARES Act.

42  
43 2. (New section) a. During the emergency unemployment  
44 benefit period, an exhaustee who continues to meet the eligibility  
45 requirements for regular unemployment benefits pursuant to 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.

1 provisions of the "unemployment compensation law," R.S.43:21-1 et  
2 seq., except as provided in subsection b. of this section, or the  
3 eligibility requirements for PUA benefits or other unemployment  
4 benefits the exhaustee received pursuant to the CARES Act, may  
5 receive weekly emergency unemployment benefits in an amount  
6 equal to the weekly benefit amount of the exhaustee's most recent  
7 regular unemployment benefit claim under the "unemployment  
8 compensation law," R.S.43:21-1 et seq., or, if the exhaustee was  
9 receiving PUA benefits pursuant to the CARES Act, equal to the  
10 weekly benefit amount of the exhaustee's PUA benefit claim.

11 b. For any week of the emergency benefit period in which the  
12 public health emergency and state of emergency declared by the  
13 Governor on March 9, 2020, and any subsequent extensions of that  
14 public health emergency and state of emergency are in effect, all  
15 modifications or waivers of requirements for job search and  
16 availability to work made with respect to unemployment benefits  
17 provided pursuant to the CARES Act shall apply with respect to a  
18 claim for emergency unemployment benefits.

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

28  
29 3. (New section) No employer's account shall be charged for  
30 emergency unemployment benefits paid to an unemployed individual  
31 pursuant to sections 1 through 5 of P.L. , c. (C. )(pending  
32 before the Legislature as this bill), provided that emergency  
33 unemployment benefits paid to federal civilian employees shall be  
34 charged to the appropriate federal account, and emergency  
35 unemployment benefits paid to ex-service persons shall be charged  
36 to the General Fund.

37  
38 4. (New section) a. Emergency unemployment benefits shall be  
39 paid pursuant to the provisions of sections 1 through 5 of P.L. ,  
40 c. (C. )(pending before the Legislature as this bill) only with  
41 respect to weeks not within an extended benefit period, and not  
42 within a period covered by any federal law allowing the filing of new  
43 claims extending benefits beyond those provided for as regular or  
44 extended benefits, except as provided in subsection b. of this section.

45 b. To the extent permitted by federal law without penalty, the  
46 payment of emergency unemployment benefits to an individual shall  
47 be discontinued, if the individual becomes eligible for, and  
48 commences to receive, any unemployment benefits which become

1 available to the individual during the emergency unemployment  
2 benefit period, except that emergency unemployment benefits may  
3 be paid to an individual in the same weeks as federal unemployment  
4 benefits intended to supplement State unemployment benefits, such  
5 as the \$600 per week of federal Pandemic Unemployment  
6 Compensation that was provided pursuant to the CARES Act during  
7 2020.

8  
9 5. (New section) The division shall use appropriate  
10 administrative means to ensure that emergency unemployment  
11 benefits are paid only to individuals who meet the requirements of  
12 sections 1 through 5 of P.L. , c. (C. )(pending before the  
13 Legislature as this bill). These administrative actions may include,  
14 but shall not be limited to, matching the claimant's social security  
15 number against available wage records to ensure that no earnings  
16 were reported for that claimant by employers under R.S.43:21-14 for  
17 periods in which emergency unemployment benefits were paid.

18  
19 6. Section 5 of P.L.2020, c.57 (C.43:21-20.13) is amended to  
20 read as follows:

21 5. To facilitate the providing of the maximum possible benefits  
22 for employees and savings for employers in the State from the federal  
23 financing of unemployment benefits provided in connection with  
24 short-time compensation programs pursuant to section 2108 of the  
25 "Coronavirus Aid, Relief, and Economic Security Act," Pub. Law  
26 116-136 and from federal financing of emergency increases in  
27 unemployment benefits under section 2104 of that act, and any  
28 extension or reinstatement of the federal financing for those purposes  
29 pursuant to any subsequent federal legislation, the division shall,  
30 during the period **【from】** commencing with the effective date of this  
31 act **【until December 31, 2020】**, undertake the following actions:

32 a. Make available to all employers who may be eligible to  
33 participate in a shared work program pursuant to P.L.2011, c.154  
34 (C.43:21-20.3 et seq.) for which full federal funding of short-time  
35 unemployment benefits is available pursuant to section 2108 of the  
36 "Coronavirus Aid, Relief, and Economic Security Act," Pub. Law  
37 116-136, and pursuant to any extension or reinstatement of the  
38 federal financing for those purposes pursuant to any subsequent  
39 federal legislation, a guidance document which explains:

40 (1) what the employer is required to do to establish, pursuant to  
41 P.L.2011, c.154 (C.43:21-20.3 et seq.), shared work programs  
42 eligible for the federal funding, including providing certification to  
43 the division that any union representing employees in collective  
44 bargaining has entered into a written agreement regarding the terms  
45 of the program and certification that the employer will continue  
46 providing any current health insurance and pension coverage, paid  
47 time off and other benefits in the manner required by P.L.2011, c.154  
48 (C.43:21-20.3 et seq.);

1 (2) procedures for an employer to make an application for  
2 approval of a shared work program, including an explanation of how  
3 the employer may make preliminary calculations of benefits to be  
4 paid to participating employees to expedite the commencement of the  
5 payment of the benefits in the shortest possible time;

6 b. Provide any eligible employer with guidance in making an  
7 application for approval of a shared work program;

8 c. Permit an application for approval of a shared work program  
9 to be submitted to, and approved by, the division in advance of the  
10 date on which reduced hours of employment are to commence to  
11 permit payment of benefits under the program immediately upon that  
12 commencement;

13 d. Permit employers who have fully laid off employees to  
14 resume employing those employees on a partial basis in a manner  
15 consistent with the requirements of P.L.2011, c.154 (C.43:21-20.3 et  
16 seq.), and establish a shared work program to make short-time  
17 benefits available to those employees; and

18 e. Permit, upon the approval of a shared work program, of the  
19 payment of benefits retroactively back to the time that the shared  
20 work application was submitted and commenced in a manner  
21 consistent with the requirements of P.L.2011, c.154 (C.43:21-20.3 et  
22 seq.).

23 The division shall continue to undertake the actions indicated in  
24 subsections b., c., d., and e. of this section whether or not full federal  
25 funding of short-time unemployment benefits continues to be  
26 available.

27 (cf: P.L.2020, c.57, s.5)

28  
29 7. This act shall take effect immediately.  
30  
31

## 32 STATEMENT

33  
34 This bill provides eight weeks of emergency unemployment  
35 benefits during the period from December 22, 2020 to February 27,  
36 2021, or to the calendar week in which total expenditures of  
37 emergency unemployment benefits first exceed \$350 million, if the  
38 conclusion of that week occurs before February 27, 2021, to  
39 individuals who exhaust all other unemployment benefits. The bill  
40 provides the emergency unemployment benefits to individuals who  
41 have exhausted their regular State unemployment benefits, any State  
42 or federal extended unemployment benefits, and any other federal  
43 unemployment benefits, including those that are provided to self-  
44 employed workers, gig workers, and other workers who are not  
45 eligible for regular State unemployment benefits. The amount of the  
46 weekly emergency unemployment benefit paid to an individual is the  
47 same as the amount the individual was paid in regular State  
48 unemployment benefits, or in PUA benefits, as applicable.

1       The emergency unemployment benefits provided by the bill is  
2 funded entirely by the State. No employer's account is charged for  
3 emergency unemployment benefits paid to an unemployed individual  
4 pursuant to the provisions of the bill.

5       The bill also provides that the actions that the Division of  
6 Unemployment and Temporary Disability is required by section 5 of  
7 P.L.2020, c.57 (C.43:21-20.13) to undertake to help employers  
8 obtain federal funding of shared work unemployment benefits shall  
9 be continue to be required either as long as the federal funding is  
10 available or after federal funds are no longer available. The actions  
11 which would not continue to be required when the federal funds are  
12 no longer available involve providing guidance to employer to obtain  
13 those federal funds. The actions which will continue to be required  
14 after the ending of the availability of the federal funding are:

- 15       1. providing any eligible employer with guidance in making an  
16 application for approval of a shared work program;
- 17       2. permitting submission and approval of applications to  
18 participate in a shared work program in advance of the date benefits  
19 commence;
- 20       3. permitting employers who have fully laid off employees to  
21 resume employing those employees on a partial basis and establish a  
22 shared work program making benefits available to those employees;  
23 and
- 24       4. permitting, upon approval of a shared work program, the  
25 payment of benefits retroactively back to the time that the application  
26 was made for approval of a shared work program.