

[First Reprint]

ASSEMBLY, No. 3823

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 24, 2022

Sponsored by:

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

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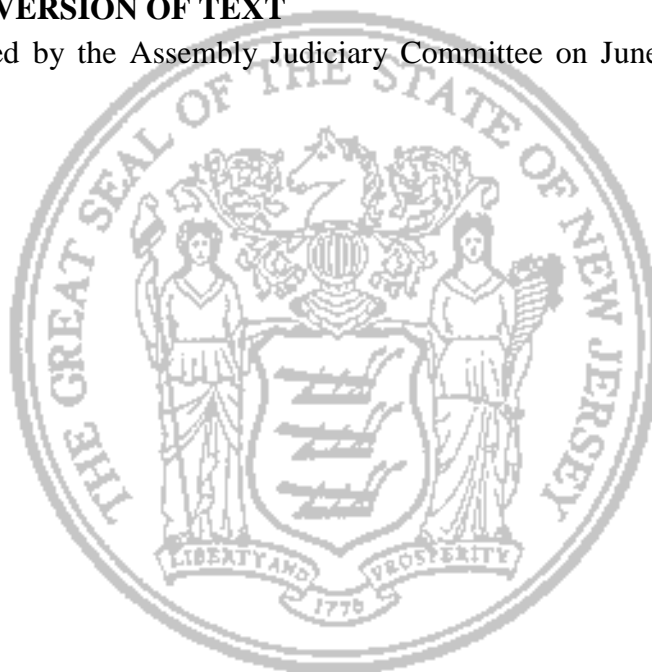
District 15 (Hunterdon and Mercer)

SYNOPSIS

Provides additional processes to maintain voter rolls; permits remote training for certain election workers; removes salaries of boards of elections from two percent cap on expenditure increase; exempts election worker compensation from taxation.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on June 9, 2022, with amendments.



(Sponsorship Updated As Of: 5/9/2022)

1 AN ACT concerning elections processes, boards of elections staff
2 salaries, and election worker compensation, amending various
3 parts of the statutory law, and supplementing Title 54A of the
4 New Jersey Statutes.

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

8
9 1. R.S.19:31-16 is amended to read as follows:

10 19:31-16. a. **【The】** (1) Except as prescribed in paragraph (2)
11 of this subsection, the health officer or other officer in charge of
12 records of death in each municipality shall file with the
13 commissioner of registration for the county in which the
14 municipality is located once each month, during the first five days
15 thereof, the age, date of death, and the names and addresses of all
16 persons 18 years of age or older who have died within such
17 municipality during the previous month. Within 30 days after the
18 receipt of such list, the commissioner shall make and complete such
19 investigation as is necessary to establish to his satisfaction that such
20 deceased person is registered as a voter in the county. If such fact
21 is so established, the commissioner shall cause the registration and
22 record of voting forms of the deceased registrant to be transferred to
23 the death file as soon as possible. If the deceased person was not so
24 registered in the county, but the person maintained a residence in
25 another county of this State, the officer in charge of records of
26 death in the municipality in which the decedent died shall forward a
27 copy of the notice of death to the officer in charge of records of
28 death in the municipality in which the decedent resided. That
29 officer having received the notice shall notify the commissioner of
30 the county in which that municipality is located of the death of the
31 person. Any commissioner who receives such notification shall
32 undertake the procedures prescribed herein with respect to the
33 registration in that county of the decedent.

34 (2) During the two months immediately preceding a primary or
35 general election, the health officer or other officer in charge of
36 records of death in each municipality shall file with the
37 commissioner of registration for the county in which the
38 municipality is located once every two weeks, during the first three
39 days thereof, the age, date of death, and the names and addresses of
40 all persons 18 years of age or older who died within such
41 municipality during the previous two weeks. Within 10 days after
42 the receipt of such list, the commissioner shall undertake the
43 procedures prescribed pursuant to paragraph (1) of this subsection.

44 b. The State registrar of vital statistics shall file with 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:

¹Assembly AJU committee amendments adopted June 9, 2022.

1 commissioner of registration of each county no later than May 1 of
2 each year an alphabetized list of the name, address, and date of
3 birth, if available, of each resident of the county 18 years of age or
4 older who died during the previous year. Within 30 days after the
5 receipt of the list the commissioner shall undertake and complete
6 such investigation as is necessary to establish that each person on
7 the list is not registered as a voter in the county. The commissioner
8 shall cause the registration and record of voting forms of any
9 deceased registrant found on the list to be transferred to the death
10 file as soon as possible.

11 (cf: P.L.2011, c.134, s.40)

12

13 ¹2. Section 2 of P.L.2005, c.145 (C.19:31-32) is amended to
14 read as follows:

15 2. a. The Statewide voter registration system shall replace all
16 other computer or electronic-based registry files of voters and other
17 voter registration files established and maintained by each county
18 commissioner of registration for voter registration and election
19 administration purposes established pursuant to the provisions of
20 Title 19 and Title 40 of the Revised Statutes, and shall be the single
21 system for storing and managing the official file of registered voters
22 throughout the State. A commissioner may, however, continue to
23 use and maintain as a supplement to the system the original and
24 duplicate permanent registration binders and voting records and
25 shall continue to use and maintain the signature copy registers or
26 polling records provided for in Title 19 of the Revised Statutes.

27 b. Each county commissioner of registration shall be
28 responsible for adding to, deleting from, amending and otherwise
29 conducting on a regular basis maintenance for the files of every
30 legally registered voter in that commissioner's county as contained
31 in the Statewide voter registration system, pursuant to the
32 provisions of section 303 of Pub.L.107-252 (42 U.S.C. s. 15301 et
33 seq.) and Title 19 of the Revised Statutes. Each commissioner shall
34 be responsible for verifying the accuracy of the name, address and
35 other data of registered voters in the commissioner's respective
36 county as contained in the system. The commissioner who receives
37 the voter registration forms of individuals who have registered to
38 vote in the county or who are re-registering for any reason shall be
39 responsible for entering the information on those forms into the
40 system on an expedited basis, and electronically transferring into
41 the system the information from online voter registration forms
42 completed pursuant to section 1 of P.L.2019, c.382 (C.19:31-6.4c),
43 including but not limited to forms and information received
44 pursuant to chapter 31 of Title 19 of the Revised Statutes. The
45 information the commissioner shall use to update and maintain the
46 system shall be that required by subsection c. of section 1 of
47 P.L.2005, c.145 (C.19:31-31).

1 c. The Secretary of State and each county commissioner of
2 registration shall be responsible for developing and providing the
3 technological security measures needed to prevent unauthorized
4 access to the Statewide voter registration system established
5 pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and to the
6 information for any individual on the system required by subsection
7 c. of section 1 of that act.

8 d. The Secretary of State, in consultation with each county
9 commissioner of registration, shall develop minimum standards to
10 safeguard the accuracy of the files contained in the Statewide voter
11 registration system. Such standards shall include procedures to
12 ensure that reasonable effort is made to remove registrants who are
13 ineligible to vote pursuant to federal or State law and to ensure that
14 eligible voters are not removed in error from the system.

15 e. (1) The Secretary of State and the Chief Administrator of the
16 New Jersey Motor Vehicle Commission in the Department of
17 Transportation shall enter into an agreement to match information
18 in the database of the Statewide voter registration system with
19 information in the database of the commission, including social
20 security numbers, to the extent required to enable verification of the
21 accuracy of the information provided on applications for voter
22 registration, and to locate and utilize for voter registration purposes
23 the digitized signatures of licensed drivers or holders of non-driver
24 identification cards who register to vote using an online voter
25 registration form, as provided pursuant to section 1 of P.L.2019,
26 c.382 (C.19:31-6.4c).

27 (2) The Secretary of State shall enter into an agreement with the
28 Commissioner of the Department of Health and Senior Services to
29 match information in the database of the Statewide voter
30 registration system with State agency information on death records.

31 (3) The Secretary of State shall enter into an agreement with the
32 Commissioner of the Department of Corrections to match
33 information in the database of the Statewide voter registration
34 system with State agency information on individuals who are
35 incarcerated, on probation, or on parole as the result of a conviction
36 for an indictable offense.

37 (4) The Secretary of State shall enter into an agreement with the
38 Administrative Office of the Courts to match information in the
39 database of the Statewide voter registration system with State
40 agency information on individuals who are incarcerated, on
41 probation, or on parole as the result of a conviction for an indictable
42 offense.

43 (5) The Secretary of State shall enter into an agreement with the
44 State Parole Board to match information in the database of the
45 Statewide voter registration system with State agency information
46 on individuals who are on parole.

47 f. (1) The Secretary of State shall enter into an agreement with
48 the Electronic Registration Information Center (ERIC) for the

1 purposes of determining whether a voter is registered in more than
2 one state and for the maintenance of the Statewide voter registration
3 system. The State shall share voter registration information, and
4 information in the database of the New Jersey Motor Vehicle
5 Commission in the Department of Transportation shared pursuant to
6 the agreement with the Chief Administrator of the Motor Vehicle
7 Commission prescribed in paragraph (1) of subsection e. of this
8 section. The Secretary of State shall include in any such agreement
9 with the Electronic Registration Information Center a provision for
10 the privacy of the information or data that complies fully with
11 applicable State and federal law.

12 (2) The Secretary of State shall comply with the requirements of
13 the Electronic Registration Information Center Membership
14 Agreement.

15 (3) The Secretary of State shall deliver the information required
16 pursuant to this subsection as frequently as necessary for the State
17 to comply with the Electronic Registration Information Center
18 Membership Agreement.

19 (4) The Secretary of State, or the designee thereof, shall serve as
20 the member representative to the Electronic Registration
21 Information Center.

22 (cf: P.L.2019, c.382, s.5)]¹

23

24 ¹**[3.] 2.**¹ R.S.19:50-1 is amended to read as follows:

25 19:50-1. a. Within 30 days before each election, the county
26 board of elections shall cause new members of the district boards
27 who are to serve in election districts to be instructed in the conduct
28 of elections, and in their duties in connection therewith. All district
29 board members shall be required to attend said instructional
30 sessions for each election at least once every two years. The
31 instructional sessions shall be conducted in person¹**].** A county
32 board of elections may also offer¹ except that¹ instructional
33 sessions ¹**[to district board members]** may be offered¹ remotely, by
34 electronic means, to any district board member who has completed
35 the instructional session within the last four years and¹ provided
36 that the county board of elections shall implement procedures to
37 conduct such remote sessions. Such procedures shall be approved
38 by the Secretary of State and reviewed and approved once every
39 two years. The county board of elections shall cause to be given to
40 each member of each district board who has received such
41 instruction and is fully qualified to properly conduct the election, a
42 certificate to that effect. For the purpose of giving such instruction
43 the county board of elections shall call such meeting or meetings of
44 the district boards as shall be necessary. The content of said
45 meeting or meetings shall be limited solely to the instruction of
46 district board members; lobbying or the advancement of political
47 ends shall be prohibited. The members of the district board of each

1 election district shall attend such meeting or meetings as shall be
2 called for the purpose of receiving such instruction concerning their
3 duties as shall be necessary for the proper conduct of the election.
4 No member of any district board shall serve in any election unless
5 **【he】** the member shall have received such instruction as herein
6 provided and is fully qualified to perform the duties in connection
7 with the election, and has received a certificate to that effect from
8 the county board of elections; but this shall not prevent the
9 appointment of a person as a member of the district board to fill a
10 vacancy in an emergency, as now provided by law. In addition to
11 the foregoing, the county board of elections shall design, prepare
12 and distribute training manuals for district board members, pursuant
13 to guidelines established by the **【Attorney General】** Secretary of
14 State. The county board of elections shall also make the training
15 manual available on its Internet site and on the Internet site of the
16 Division of Elections in the Department of **【Law and Public Safety】**
17 State.

18 b. The **【Attorney General】** Secretary of State shall establish
19 guidelines for the design of training manuals for members of district
20 boards of election, and shall design, prepare and distribute training
21 manuals for members of county boards of election, and county
22 clerks. The **【Attorney General】** Secretary of State shall also make
23 training manuals available on the Internet site of the Division of
24 Elections.

25 (cf: P.L.2005, c.151, s.2)

26

27 ¹**【4.】** 3.¹ Section 3 of P.L.2015, c.249 (C.40A:4-45.45b) is
28 amended to read as follows:

29 3. a. A budget request submitted to the county governing body
30 by a county entity budget authority on behalf of a county entity
31 shall be comprised of two parts: the amount to be raised by property
32 taxation, and the amount to be funded wholly through federal or
33 State funds, fees raised by the county entity, or other sources.

34 b. In the preparation of the portion of its budget request to be
35 raised by property taxation, a county entity budget authority shall
36 limit any increase in that portion of its budget request to 2.0% of
37 the previous year's budget request, subject to the exclusions set
38 forth in subsection b. of section 10 of P.L.2007, c.62 (C.40A:4-
39 45.45), except that election expenses shall be exempt from the
40 requirements of this subsection. For purposes of this subsection,
41 "election expenses" shall mean and include all necessary expenses
42 incurred by the superintendent of elections, county clerk, and board
43 of elections for each county related to election costs and the
44 administration, preparation, and implementation of all elections,
45 including all vendor related contract services; voting machine
46 maintenance, repairs, parts and equipment, certification, and
47 technical coding; transportation of voting machines and election

1 supplies; overtime for all staff related to election duty; food
2 services during election; poll workers, machine technicians, and
3 other temporary workers; supplies; office equipment; printing;
4 postage; and advertisement costs, upon being certified to by the
5 superintendent of elections, county clerk, and board of elections for
6 each county; but shall not mean or include staff salaries for the
7 office of the superintendent of elections, or staff salaries for the
8 county clerk~~], or staff salaries for the county board of elections]~~.

9 c. Nothing in P.L.2015, c.249 (C.40A:4-45.45b et al.) shall
10 diminish the obligations of a county under a collective bargaining
11 agreement with its employees in force on the effective date of
12 P.L.2015, c.249 (C.40A:4-45.45b et al.).
13 (cf: P.L.2015, c.249, s.3)

14
15 ~~1[5.]~~ 4.¹ (New section) Gross income, for the purposes of the
16 “New Jersey Gross Income Tax Act,” N.J.S.54A:1-1 et seq., shall
17 not include any compensation received pursuant to R.S.19:6-9.1 and
18 R.S.19:45-6 for the services performed by a member of a district
19 board of elections ¹or for such services performed pursuant to
20 subsection d. of section 1 of P.L.2021, c.40 (C.19:15A-1)¹.

21
22 ¹5. R.S.43:19-21 is amended to read as follows:

23 43:21-19. Definitions. As used in this chapter (R.S.43:21-1 et
24 seq.), unless the context clearly requires otherwise:

25 (a) (1) "Annual payroll" means the total amount of wages paid
26 during a calendar year (regardless of when earned) by an employer
27 for employment.

28 (2) "Average annual payroll" means the average of the annual
29 payrolls of any employer for the last three or five preceding
30 calendar years, whichever average is higher, except that any year or
31 years throughout which an employer has had no "annual payroll"
32 because of military service shall be deleted from the reckoning; the
33 "average annual payroll" in such case is to be determined on the
34 basis of the prior three or five calendar years in each of which the
35 employer had an "annual payroll" in the operation of his business, if
36 the employer resumes his business within 12 months after
37 separation, discharge or release from such service, under conditions
38 other than dishonorable, and makes application to have his "average
39 annual payroll" determined on the basis of such deletion within 12
40 months after he resumes his business; provided, however, that
41 "average annual payroll" solely for the purposes of paragraph (3) of
42 subsection (e) of R.S.43:21-7 means the average of the annual
43 payrolls of any employer on which he paid contributions to the
44 State disability benefits fund for the last three or five preceding
45 calendar years, whichever average is higher; provided further that
46 only those wages be included on which employer contributions have
47 been paid on or before January 31 (or the next succeeding day if

1 such January 31 is a Saturday or Sunday) immediately preceding
2 the beginning of the 12-month period for which the employer's
3 contribution rate is computed.

4 (b) "Benefits" means the money payments payable to an
5 individual, as provided in this chapter (R.S.43:21-1 et seq.), with
6 respect to his unemployment.

7 (c) (1) "Base year" with respect to benefit years commencing on
8 or after July 1, 1986, shall mean the first four of the last five
9 completed calendar quarters immediately preceding an individual's
10 benefit year.

11 With respect to a benefit year commencing on or after July 1,
12 1995, if an individual does not have sufficient qualifying weeks or
13 wages in his base year to qualify for benefits, the individual shall
14 have the option of designating that his base year shall be the
15 "alternative base year," which means the last four completed
16 calendar quarters immediately preceding the individual's benefit
17 year; except that, with respect to a benefit year commencing on or
18 after October 1, 1995, if the individual also does not have sufficient
19 qualifying weeks or wages in the last four completed calendar
20 quarters immediately preceding his benefit year to qualify for
21 benefits, "alternative base year" means the last three completed
22 calendar quarters immediately preceding his benefit year and, of the
23 calendar quarter in which the benefit year commences, the portion
24 of the quarter which occurs before the commencing of the benefit
25 year.

26 The division shall inform the individual of his options under this
27 section as amended by P.L.1995, c.234. If information regarding
28 weeks and wages for the calendar quarter or quarters immediately
29 preceding the benefit year is not available to the division from the
30 regular quarterly reports of wage information and the division is not
31 able to obtain the information using other means pursuant to State
32 or federal law, the division may base the determination of eligibility
33 for benefits on the affidavit of an individual with respect to weeks
34 and wages for that calendar quarter. The individual shall furnish
35 payroll documentation, if available, in support of the affidavit. A
36 determination of benefits based on an alternative base year shall be
37 adjusted when the quarterly report of wage information from the
38 employer is received if that information causes a change in the
39 determination.

40 (2) With respect to a benefit year commencing on or after June
41 1, 1990 for an individual who immediately preceding the benefit
42 year was subject to a disability compensable under the provisions of
43 the "Temporary Disability Benefits Law," P.L.1948, c.110
44 (C.43:21-25 et seq.), "base year" shall mean the first four of the last
45 five completed calendar quarters immediately preceding the
46 individual's period of disability, if the employment held by the
47 individual immediately preceding the period of disability is no
48 longer available at the conclusion of that period and the individual

1 files a valid claim for unemployment benefits after the conclusion
2 of that period. For the purposes of this paragraph, "period of
3 disability" means the period defined as a period of disability by
4 section 3 of the "Temporary Disability Benefits Law," P.L.1948,
5 c.110 (C.43:21-27). An individual who files a claim under the
6 provisions of this paragraph (2) shall not be regarded as having left
7 work voluntarily for the purposes of subsection (a) of R.S.43:21-5.

8 (3) With respect to a benefit year commencing on or after June
9 1, 1990 for an individual who immediately preceding the benefit
10 year was subject to a disability compensable under the provisions of
11 the workers' compensation law (chapter 15 of Title 34 of the
12 Revised Statutes), "base year" shall mean the first four of the last
13 five completed calendar quarters immediately preceding the
14 individual's period of disability, if the period of disability was not
15 longer than two years, if the employment held by the individual
16 immediately preceding the period of disability is no longer
17 available at the conclusion of that period and if the individual files a
18 valid claim for unemployment benefits after the conclusion of that
19 period. For the purposes of this paragraph, "period of disability"
20 means the period from the time at which the individual becomes
21 unable to work because of the compensable disability until the time
22 that the individual becomes able to resume work and continue work
23 on a permanent basis. An individual who files a claim under the
24 provisions of this paragraph (3) shall not be regarded as having left
25 work voluntarily for the purposes of subsection (a) of R.S.43:21-5.

26 (d) "Benefit year" with respect to any individual means the 364
27 consecutive calendar days beginning with the day on, or as of,
28 which he first files a valid claim for benefits, and thereafter
29 beginning with the day on, or as of, which the individual next files a
30 valid claim for benefits after the termination of his last preceding
31 benefit year. Any claim for benefits made in accordance with
32 subsection (a) of R.S.43:21-6 shall be deemed to be a "valid claim"
33 for the purpose of this subsection if (1) he is unemployed for the
34 week in which, or as of which, he files a claim for benefits; and (2)
35 he has fulfilled the conditions imposed by subsection (e) of
36 R.S.43:21-4.

37 (e) (1) "Division" means the Division of Unemployment and
38 Temporary Disability Insurance of the Department of Labor and
39 Workforce Development, and any transaction or exercise of
40 authority by the director of the division thereunder, or under this
41 chapter (R.S.43:21-1 et seq.), shall be deemed to be performed by
42 the division.

43 (2) "Controller" means the Office of the Assistant
44 Commissioner for Finance and Controller of the Department of
45 Labor and Workforce Development, established by the 1982
46 Reorganization Plan of the Department of Labor.

47 (f) "Contributions" means the money payments to the State
48 Unemployment Compensation Fund, required by R.S.43:21-7.

1 "Payments in lieu of contributions" means the money payments to
2 the State Unemployment Compensation Fund by employers electing
3 or required to make payments in lieu of contributions, as provided
4 in section 3 or section 4 of P.L.1971, c.346 (C.43:21-7.2 or 43:21-
5 7.3).

6 (g) "Employing unit" means the State or any of its
7 instrumentalities or any political subdivision thereof or any of its
8 instrumentalities or any instrumentality of more than one of the
9 foregoing or any instrumentality of any of the foregoing and one or
10 more other states or political subdivisions or any individual or type
11 of organization, any partnership, association, trust, estate, joint-
12 stock company, insurance company or corporation, whether
13 domestic or foreign, or the receiver, trustee in bankruptcy, trustee or
14 successor thereof, or the legal representative of a deceased person,
15 which has or subsequent to January 1, 1936, had in its employ one
16 or more individuals performing services for it within this State. All
17 individuals performing services within this State for any employing
18 unit which maintains two or more separate establishments within
19 this State shall be deemed to be employed by a single employing
20 unit for all the purposes of this chapter (R.S.43:21-1 et seq.). Each
21 individual employed to perform or to assist in performing the work
22 of any agent or employee of an employing unit shall be deemed to
23 be employed by such employing unit for all the purposes of this
24 chapter (R.S.43:21-1 et seq.), whether such individual was hired or
25 paid directly by such employing unit or by such agent or employee;
26 provided the employing unit had actual or constructive knowledge
27 of the work.

28 (h) "Employer" means:

29 (1) Any employing unit which in either the current or the
30 preceding calendar year paid remuneration for employment in the
31 amount of \$1,000.00 or more;

32 (2) Any employing unit (whether or not an employing unit at the
33 time of acquisition) which acquired the organization, trade or
34 business, or substantially all the assets thereof, of another which, at
35 the time of such acquisition, was an employer subject to this chapter
36 (R.S.43:21-1 et seq.);

37 (3) Any employing unit which acquired the organization, trade
38 or business, or substantially all the assets thereof, of another
39 employing unit and which, if treated as a single unit with such other
40 employing unit, would be an employer under paragraph (1) of this
41 subsection;

42 (4) Any employing unit which together with one or more other
43 employing units is owned or controlled (by legally enforceable
44 means or otherwise), directly or indirectly by the same interests, or
45 which owns or controls one or more other employing units (by
46 legally enforceable means or otherwise), and which, if treated as a
47 single unit with such other employing unit or interest, would be an
48 employer under paragraph (1) of this subsection;

1 (5) Any employing unit for which service in employment as
2 defined in R.S.43:21-19 (i) (1) (B) (i) is performed after December
3 31, 1971; and as defined in R.S.43:21-19 (i) (1) (B) (ii) is
4 performed after December 31, 1977;

5 (6) Any employing unit for which service in employment as
6 defined in R.S.43:21-19 (i) (1) (c) is performed after December 31,
7 1971 and which in either the current or the preceding calendar year
8 paid remuneration for employment in the amount of \$1,000.00 or
9 more;

10 (7) Any employing unit not an employer by reason of any other
11 paragraph of this subsection (h) for which, within either the current
12 or preceding calendar year, service is or was performed with respect
13 to which such employing unit is liable for any federal tax against
14 which credit may be taken for contributions required to be paid into
15 a state unemployment fund; or which, as a condition for approval of
16 the "unemployment compensation law" for full tax credit against
17 the tax imposed by the Federal Unemployment Tax Act, is required
18 pursuant to such act to be an employer under this chapter
19 (R.S.43:21-1 et seq.);

20 (8) (Deleted by amendment, P.L.1977, c.307.)

21 (9) (Deleted by amendment, P.L.1977, c.307.)

22 (10) (Deleted by amendment, P.L.1977, c.307.)

23 (11) Any employing unit subject to the provisions of the Federal
24 Unemployment Tax Act within either the current or the preceding
25 calendar year, except for employment hereinafter excluded under
26 paragraph (7) of subsection (i) of this section;

27 (12) Any employing unit for which agricultural labor in
28 employment as defined in R.S.43:21-19 (i) (1) (I) is performed after
29 December 31, 1977;

30 (13) Any employing unit for which domestic service in
31 employment as defined in R.S.43:21-19 (i) (1) (J) is performed after
32 December 31, 1977;

33 (14) Any employing unit which having become an employer
34 under the "unemployment compensation law" (R.S.43:21-1 et seq.),
35 has not under R.S.43:21-8 ceased to be an employer; or for the
36 effective period of its election pursuant to R.S.43:21-8, any other
37 employing unit which has elected to become fully subject to this
38 chapter (R.S.43:21-1 et seq.).

39 (i) (1) "Employment" means:

40 (A) Any service performed prior to January 1, 1972, which was
41 employment as defined in the "unemployment compensation law"
42 (R.S.43:21-1 et seq.) prior to such date, and, subject to the other
43 provisions of this subsection, service performed on or after January
44 1, 1972, including service in interstate commerce, performed for
45 remuneration or under any contract of hire, written or oral, express
46 or implied.

47 (B) (i) Service performed after December 31, 1971 by an
48 individual in the employ of this State or any of its instrumentalities

1 or in the employ of this State and one or more other states or their
2 instrumentalities for a hospital or institution of higher education
3 located in this State, if such service is not excluded from
4 "employment" under paragraph (D) below.

5 (ii) Service performed after December 31, 1977, in the employ
6 of this State or any of its instrumentalities or any political
7 subdivision thereof or any of its instrumentalities or any
8 instrumentality of more than one of the foregoing or any
9 instrumentality of the foregoing and one or more other states or
10 political subdivisions, if such service is not excluded from
11 "employment" under paragraph (D) below.

12 (C) Service performed after December 31, 1971 by an individual
13 in the employ of a religious, charitable, educational, or other
14 organization, which is excluded from "employment" as defined in
15 the Federal Unemployment Tax Act, solely by reason of section
16 3306 (c)(8) of that act, if such service is not excluded from
17 "employment" under paragraph (D) below.

18 (D) For the purposes of paragraphs (B) and (C), the term
19 "employment" does not apply to services performed

20 (i) In the employ of (I) a church or convention or association of
21 churches, or (II) an organization, or school which is operated
22 primarily for religious purposes and which is operated, supervised,
23 controlled or principally supported by a church or convention or
24 association of churches;

25 (ii) By a duly ordained, commissioned, or licensed minister of a
26 church in the exercise of his ministry or by a member of a religious
27 order in the exercise of duties required by such order;

28 (iii) Prior to January 1, 1978, in the employ of a school which is
29 not an institution of higher education, and after December 31, 1977,
30 in the employ of a governmental entity referred to in R.S.43:21-19
31 (i) (1) (B), if such service is performed by an individual in the
32 exercise of duties

33 (aa) as an elected official;

34 (bb) as a member of a legislative body, or a member of the
35 judiciary, of a state or political subdivision;

36 (cc) as a member of the State National Guard or Air National
37 Guard;

38 (dd) as an employee serving on a temporary basis in case of fire,
39 storm, snow, earthquake, flood or similar emergency;

40 (ee) in a position which, under or pursuant to the laws of this
41 State, is designated as a major nontenured policy making or
42 advisory position, or a policy making or advisory position, the
43 performance of the duties of which ordinarily does not require more
44 than eight hours per week; or

45 (iv) By an individual receiving rehabilitation or remunerative
46 work in a facility conducted for the purpose of carrying out a
47 program of rehabilitation of individuals whose earning capacity is
48 impaired by age or physical or mental deficiency or injury or

1 providing remunerative work for individuals who because of their
2 impaired physical or mental capacity cannot be readily absorbed in
3 the competitive labor market;

4 (v) By an individual receiving work-relief or work-training as
5 part of an unemployment work-relief or work-training program
6 assisted in whole or in part by any federal agency or an agency of a
7 state or political subdivision thereof; or

8 (vi) Prior to January 1, 1978, for a hospital in a State prison or
9 other State correctional institution by an inmate of the prison or
10 correctional institution and after December 31, 1977, by an inmate
11 of a custodial or penal institution.

12 (E) The term "employment" shall include the services of an
13 individual who is a citizen of the United States, performed outside
14 the United States after December 31, 1971 (except in Canada and in
15 the case of the Virgin Islands, after December 31, 1971) and prior
16 to January 1 of the year following the year in which the U.S.
17 Secretary of Labor approves the unemployment compensation law
18 of the Virgin Islands, under section 3304 (a) of the Internal
19 Revenue Code of 1986 (26 U.S.C. s.3304 (a)) in the employ of an
20 American employer (other than the service which is deemed
21 employment under the provisions of R.S.43:21-19 (i) (2) or (5) or
22 the parallel provisions of another state's unemployment
23 compensation law), if

24 (i) The American employer's principal place of business in the
25 United States is located in this State; or

26 (ii) The American employer has no place of business in the
27 United States, but (I) the American employer is an individual who
28 is a resident of this State; or (II) the American employer is a
29 corporation which is organized under the laws of this State; or (III)
30 the American employer is a partnership or trust and the number of
31 partners or trustees who are residents of this State is greater than the
32 number who are residents of another state; or

33 (iii) None of the criteria of divisions (i) and (ii) of this
34 subparagraph (E) is met but the American employer has elected to
35 become an employer subject to the "unemployment compensation
36 law" (R.S.43:21-1 et seq.) in this State, or the American employer
37 having failed to elect to become an employer in any state, the
38 individual has filed a claim for benefits, based on such service,
39 under the law of this State;

40 (iv) An "American employer," for the purposes of this
41 subparagraph (E), means (I) an individual who is a resident of the
42 United States; or (II) a partnership, if two-thirds or more of the
43 partners are residents of the United States; or (III) a trust, if all the
44 trustees are residents of the United States; or (IV) a corporation
45 organized under the laws of the United States or of any state.

46 (F) Notwithstanding R.S.43:21-19 (i) (2), all service performed
47 after January 1, 1972 by an officer or member of the crew of an
48 American vessel or American aircraft on or in connection with such

1 vessel or aircraft, if the operating office from which the operations
2 of such vessel or aircraft operating within, or within and without,
3 the United States are ordinarily and regularly supervised, managed,
4 directed, and controlled, is within this State.

5 (G) Notwithstanding any other provision of this subsection,
6 service in this State with respect to which the taxes required to be
7 paid under any federal law imposing a tax against which credit may
8 be taken for contributions required to be paid into a state
9 unemployment fund or which as a condition for full tax credit
10 against the tax imposed by the Federal Unemployment Tax Act is
11 required to be covered under the "unemployment compensation
12 law" (R.S.43:21-1 et seq.).

13 (H) The term "United States" when used in a geographical sense
14 in subsection R.S.43:21-19 (i) includes the states, the District of
15 Columbia, the Commonwealth of Puerto Rico and, effective on the
16 day after the day on which the U.S. Secretary of Labor approves for
17 the first time under section 3304 (a) of the Internal Revenue Code
18 of 1986 (26 U.S.C. s.3304 (a)) an unemployment compensation law
19 submitted to the Secretary by the Virgin Islands for such approval,
20 the Virgin Islands.

21 (I) (i) Service performed after December 31, 1977 in
22 agricultural labor in a calendar year for an entity which is an
23 employer as defined in the "unemployment compensation law,"
24 (R.S.43:21-1 et seq.) as of January 1 of such year; or for an
25 employing unit which

26 (aa) during any calendar quarter in either the current or the
27 preceding calendar year paid remuneration in cash of \$20,000.00 or
28 more for individuals employed in agricultural labor, or

29 (bb) for some portion of a day in each of 20 different calendar
30 weeks, whether or not such weeks were consecutive, in either the
31 current or the preceding calendar year, employed in agricultural
32 labor 10 or more individuals, regardless of whether they were
33 employed at the same moment in time.

34 (ii) for the purposes of this subsection any individual who is a
35 member of a crew furnished by a crew leader to perform service in
36 agricultural labor for any other entity shall be treated as an
37 employee of such crew leader

38 (aa) if such crew leader holds a certification of registration
39 under the Migrant and Seasonal Agricultural Worker Protection
40 Act, Pub.L.97-470 (29 U.S.C. s.1801 et seq.), or P.L.1971, c.192
41 (C.34:8A-7 et seq.); or substantially all the members of such crew
42 operate or maintain tractors, mechanized harvesting or cropdusting
43 equipment, or any other mechanized equipment, which is provided
44 by such crew leader; and

45 (bb) if such individual is not an employee of such other person
46 for whom services were performed.

47 (iii) For the purposes of subparagraph (I) (i) in the case of any
48 individual who is furnished by a crew leader to perform service in

1 agricultural labor or any other entity and who is not treated as an
2 employee of such crew leader under (I) (ii)

3 (aa) such other entity and not the crew leader shall be treated as
4 the employer of such individual; and

5 (bb) such other entity shall be treated as having paid cash
6 remuneration to such individual in an amount equal to the amount
7 of cash remuneration paid to such individual by the crew leader
8 (either on his own behalf or on behalf of such other entity) for the
9 service in agricultural labor performed for such other entity.

10 (iv) For the purpose of subparagraph (I)(ii), the term "crew
11 leader" means an individual who

12 (aa) furnishes individuals to perform service in agricultural
13 labor for any other entity;

14 (bb) pays (either on his own behalf or on behalf of such other
15 entity) the individuals so furnished by him for the service in
16 agricultural labor performed by them; and

17 (cc) has not entered into a written agreement with such other
18 entity under which such individual is designated as an employee of
19 such other entity.

20 (J) Domestic service after December 31, 1977 performed in the
21 private home of an employing unit which paid cash remuneration of
22 \$1,000.00 or more to one or more individuals for such domestic
23 service in any calendar quarter in the current or preceding calendar
24 year.

25 (2) The term "employment" shall include an individual's entire
26 service performed within or both within and without this State if:

27 (A) The service is localized in this State; or

28 (B) The service is not localized in any state but some of the
29 service is performed in this State, and (i) the base of operations, or,
30 if there is no base of operations, then the place from which such
31 service is directed or controlled, is in this State; or (ii) the base of
32 operations or place from which such service is directed or
33 controlled is not in any state in which some part of the service is
34 performed, but the individual's residence is in this State.

35 (3) Services performed within this State but not covered under
36 paragraph (2) of this subsection shall be deemed to be employment
37 subject to this chapter (R.S.43:21-1 et seq.) if contributions are not
38 required and paid with respect to such services under an
39 unemployment compensation law of any other state or of the federal
40 government.

41 (4) Services not covered under paragraph (2) of this subsection
42 and performed entirely without this State, with respect to no part of
43 which contributions are required and paid under an unemployment
44 compensation law of any other state or of the federal government,
45 shall be deemed to be employment subject to this chapter
46 (R.S.43:21-1 et seq.) if the individual performing such services is a
47 resident of this State and the employing unit for whom such
48 services are performed files with the division an election that the

1 entire service of such individual shall be deemed to be employment
2 subject to this chapter (R.S.43:21-1 et seq.).

3 (5) Service shall be deemed to be localized within a state if:

4 (A) The service is performed entirely within such state; or

5 (B) The service is performed both within and without such state,
6 but the service performed without such state is incidental to the
7 individual's service within the state; for example, is temporary or
8 transitory in nature or consists of isolated transactions.

9 (6) Services performed by an individual for remuneration shall
10 be deemed to be employment subject to this chapter (R.S.43:21-1 et
11 seq.) unless and until it is shown to the satisfaction of the division
12 that:

13 (A) Such individual has been and will continue to be free from
14 control or direction over the performance of such service, both
15 under his contract of service and in fact; and

16 (B) Such service is either outside the usual course of the
17 business for which such service is performed, or that such service is
18 performed outside of all the places of business of the enterprise for
19 which such service is performed; and

20 (C) Such individual is customarily engaged in an independently
21 established trade, occupation, profession or business.

22 (7) Provided that such services are also exempt under the
23 Federal Unemployment Tax Act, as amended, or that contributions
24 with respect to such services are not required to be paid into a state
25 unemployment fund as a condition for a tax offset credit against the
26 tax imposed by the Federal Unemployment Tax Act, as amended,
27 the term "employment" shall not include:

28 (A) Agricultural labor performed prior to January 1, 1978; and
29 after December 31, 1977, only if performed in a calendar year for
30 an entity which is not an employer as defined in the "unemployment
31 compensation law," (R.S.43:21-1 et seq.) as of January 1 of such
32 calendar year; or unless performed for an employing unit which

33 (i) during a calendar quarter in either the current or the
34 preceding calendar year paid remuneration in cash of \$20,000.00 or
35 more to individuals employed in agricultural labor, or

36 (ii) for some portion of a day in each of 20 different calendar
37 weeks, whether or not such weeks were consecutive, in either the
38 current or the preceding calendar year, employed in agricultural
39 labor 10 or more individuals, regardless of whether they were
40 employed at the same moment in time;

41 (B) Domestic service in a private home performed prior to
42 January 1, 1978; and after December 31, 1977, unless performed in
43 the private home of an employing unit which paid cash
44 remuneration of \$1,000.00 or more to one or more individuals for
45 such domestic service in any calendar quarter in the current or
46 preceding calendar year;

1 (C) Service performed by an individual in the employ of his son,
2 daughter or spouse, and service performed by a child under the age
3 of 18 in the employ of his father or mother;

4 (D) Service performed prior to January 1, 1978, in the employ of
5 this State or of any political subdivision thereof or of any
6 instrumentality of this State or its political subdivisions, except as
7 provided in R.S.43:21-19 (i) (1) (B) above, and service in the
8 employ of the South Jersey Port Corporation or its successors;

9 (E) Service performed in the employ of any other state or its
10 political subdivisions or of an instrumentality of any other state or
11 states or their political subdivisions to the extent that such
12 instrumentality is with respect to such service exempt under the
13 Constitution of the United States from the tax imposed under the
14 Federal Unemployment Tax Act, as amended, except as provided in
15 R.S.43:21-19 (i) (1) (B) above;

16 (F) Service performed in the employ of the United States
17 Government or of any instrumentality of the United States exempt
18 under the Constitution of the United States from the contributions
19 imposed by the "unemployment compensation law," except that to
20 the extent that the Congress of the United States shall permit states
21 to require any instrumentalities of the United States to make
22 payments into an unemployment fund under a state unemployment
23 compensation law, all of the provisions of this act shall be
24 applicable to such instrumentalities, and to service performed for
25 such instrumentalities, in the same manner, to the same extent and
26 on the same terms as to all other employers, employing units,
27 individuals and services; provided that if this State shall not be
28 certified for any year by the Secretary of Labor of the United States
29 under section 3304 of the federal Internal Revenue Code of 1986
30 (26 U.S.C. s.3304), the payments required of such instrumentalities
31 with respect to such year shall be refunded by the division from the
32 fund in the same manner and within the same period as is provided
33 in R.S.43:21-14 (f) with respect to contributions erroneously paid to
34 or collected by the division;

35 (G) Services performed in the employ of fraternal beneficiary
36 societies, orders, or associations operating under the lodge system
37 or for the exclusive benefit of the members of a fraternity itself
38 operating under the lodge system and providing for the payment of
39 life, sick, accident, or other benefits to the members of such society,
40 order, or association, or their dependents;

41 (H) Services performed as a member of the board of directors, a
42 board of trustees, a board of managers, or a committee of any bank,
43 building and loan, or savings and loan association, incorporated or
44 organized under the laws of this State or of the United States, where
45 such services do not constitute the principal employment of the
46 individual;

1 (I) Service with respect to which unemployment insurance is
2 payable under an unemployment insurance program established by
3 an Act of Congress;

4 (J) Service performed by agents of mutual fund brokers or
5 dealers in the sale of mutual funds or other securities, by agents of
6 insurance companies, exclusive of industrial insurance agents or by
7 agents of investment companies, if the compensation to such agents
8 for such services is wholly on a commission basis;

9 (K) Services performed by real estate salesmen or brokers who
10 are compensated wholly on a commission basis;

11 (L) Services performed in the employ of any veterans'
12 organization chartered by Act of Congress or of any auxiliary
13 thereof, no part of the net earnings of which organization, or
14 auxiliary thereof, inures to the benefit of any private shareholder or
15 individual;

16 (M) Service performed for or in behalf of the owner or operator
17 of any theater, ballroom, amusement hall or other place of
18 entertainment, not in excess of 10 weeks in any calendar year for
19 the same owner or operator, by any leader or musician of a band or
20 orchestra, commonly called a "name band," entertainer, vaudeville
21 artist, actor, actress, singer or other entertainer;

22 (N) Services performed after January 1, 1973 by an individual
23 for a labor union organization, known and recognized as a union
24 local, as a member of a committee or committees reimbursed by the
25 union local for time lost from regular employment, or as a part-time
26 officer of a union local and the remuneration for such services is
27 less than \$1,000.00 in a calendar year;

28 (O) Services performed in the sale or distribution of merchandise
29 by home-to-home salespersons or in-the-home demonstrators whose
30 remuneration consists wholly of commissions or commissions and
31 bonuses;

32 (P) Service performed in the employ of a foreign government,
33 including service as a consular, nondiplomatic representative, or
34 other officer or employee;

35 (Q) Service performed in the employ of an instrumentality
36 wholly owned by a foreign government if (i) the service is of a
37 character similar to that performed in foreign countries by
38 employees of the United States Government or of an instrumentality
39 thereof, and (ii) the division finds that the United States Secretary
40 of State has certified to the United States Secretary of the Treasury
41 that the foreign government, with respect to whose instrumentality
42 exemption is claimed, grants an equivalent exemption with respect
43 to similar services performed in the foreign country by employees
44 of the United States Government and of instrumentalities thereof;

45 (R) Service in the employ of an international organization
46 entitled to enjoy the privileges, exemptions and immunities under
47 the International Organizations Immunities Act (22 U.S.C. s.288 et
48 seq.);

- 1 (S) Service covered by an election duly approved by an agency
2 charged with the administration of any other state or federal
3 unemployment compensation or employment security law, in
4 accordance with an arrangement pursuant to R.S.43:21-21 during
5 the effective period of such election;
- 6 (T) Service performed in the employ of a school, college, or
7 university if such service is performed (i) by a student enrolled at
8 such school, college, or university on a full-time basis in an
9 educational program or completing such educational program
10 leading to a degree at any of the severally recognized levels, or (ii)
11 by the spouse of such a student, if such spouse is advised at the time
12 such spouse commences to perform such service that (I) the
13 employment of such spouse to perform such service is provided
14 under a program to provide financial assistance to such student by
15 such school, college, or university, and (II) such employment will
16 not be covered by any program of unemployment insurance;
- 17 (U) Service performed by an individual who is enrolled at a
18 nonprofit or public educational institution which normally
19 maintains a regular faculty and curriculum and normally has a
20 regularly organized body of students in attendance at the place
21 where its educational activities are carried on, as a student in a full-
22 time program, taken for credit at such institution, which combines
23 academic instruction with work experience, if such service is an
24 integral part of such program, and such institution has so certified
25 to the employer, except that this subparagraph shall not apply to
26 service performed in a program established for or on behalf of an
27 employer or group of employers;
- 28 (V) Service performed in the employ of a hospital, if such
29 service is performed by a patient of the hospital; service performed
30 as a student nurse in the employ of a hospital or a nurses' training
31 school by an individual who is enrolled and regularly attending
32 classes in a nurses' training school approved under the laws of this
33 State;
- 34 (W) Services performed after the effective date of this
35 amendatory act by agents of mutual benefit associations if the
36 compensation to such agents for such services is wholly on a
37 commission basis;
- 38 (X) Services performed by operators of motor vehicles weighing
39 18,000 pounds or more, licensed for commercial use and used for
40 the highway movement of motor freight, who own their equipment
41 or who lease or finance the purchase of their equipment through an
42 entity which is not owned or controlled directly or indirectly by the
43 entity for which the services were performed and who were
44 compensated by receiving a percentage of the gross revenue
45 generated by the transportation move or by a schedule of payment
46 based on the distance and weight of the transportation move;
- 47 (Y) (Deleted by amendment, P.L.2009, c.211.)

1 (Z) Services performed, using facilities provided by a travel
2 agent, by a person, commonly known as an outside travel agent,
3 who acts as an independent contractor, is paid on a commission
4 basis, sets his own work schedule and receives no benefits, sick
5 leave, vacation or other leave from the travel agent owning the
6 facilities.

7 (AA) Services provided by a commercial fisherman whose
8 compensation is comprised solely of a percentage of fish caught or
9 a percentage of the proceeds from the sale of the catch.

10 (8) If one-half or more of the services in any pay period
11 performed by an individual for an employing unit constitutes
12 employment, all the services of such individual shall be deemed to
13 be employment; but if more than one-half of the service in any pay
14 period performed by an individual for an employing unit does not
15 constitute employment, then none of the service of such individual
16 shall be deemed to be employment. As used in this paragraph, the
17 term "pay period" means a period of not more than 31 consecutive
18 days for which a payment for service is ordinarily made by an
19 employing unit to individuals in its employ.

20 (9) Services performed by the owner of a limousine franchise
21 (franchisee) shall not be deemed to be employment subject to the
22 "unemployment compensation law," R.S.43:21-1 et seq., with
23 regard to the franchisor if:

24 (A) The limousine franchisee is incorporated;

25 (B) The franchisee is subject to regulation by the Interstate
26 Commerce Commission;

27 (C) The limousine franchise exists pursuant to a written
28 franchise arrangement between the franchisee and the franchisor as
29 defined by section 3 of P.L.1971, c.356 (C.56:10-3); and

30 (D) The franchisee registers with the Department of Labor and
31 Workforce Development and receives an employer registration
32 number.

33 (10) Services performed by a legal transcriber, or certified court
34 reporter certified pursuant to P.L.1940, c.175 (C.45:15B-1 et seq.),
35 shall not be deemed to be employment subject to the
36 "unemployment compensation law," R.S.43:21-1 et seq., if those
37 services are provided to a third party by the transcriber or reporter
38 who is referred to the third party pursuant to an agreement with
39 another legal transcriber or legal transcription service, or certified
40 court reporter or court reporting service, on a freelance basis,
41 compensation for which is based upon a fee per transcript page, flat
42 attendance fee, or other flat minimum fee, or combination thereof,
43 set forth in the agreement.

44 For purposes of this paragraph (10): "legal transcription service"
45 and "legal transcribing" mean making use, by audio, video or voice
46 recording, of a verbatim record of court proceedings, depositions,
47 other judicial proceedings, meetings of boards, agencies,
48 corporations, or other bodies or groups, and causing that record to

1 be printed in readable form or produced on a computer screen in
2 readable form; and "legal transcriber" means a person who engages
3 in "legal transcribing."

4 (j) "Employment office" means a free public employment
5 office, or branch thereof operated by this State or maintained as a
6 part of a State-controlled system of public employment offices.

7 (k) (Deleted by amendment, P.L.1984, c.24.)

8 (l) "State" includes, in addition to the states of the United States
9 of America, the District of Columbia, the Virgin Islands and Puerto
10 Rico.

11 (m) "Unemployment."

12 (1) An individual shall be deemed "unemployed" for any week
13 during which:

14 (A) The individual is not engaged in full-time work and with
15 respect to which his remuneration is less than his weekly benefit
16 rate, including any week during which he is on vacation without
17 pay; provided such vacation is not the result of the individual's
18 voluntary action, except that for benefit years commencing on or
19 after July 1, 1984, an officer of a corporation, or a person who has
20 more than a 5% equitable or debt interest in the corporation, whose
21 claim for benefits is based on wages with that corporation shall not
22 be deemed to be unemployed in any week during the individual's
23 term of office or ownership in the corporation; or

24 (B) The individual is eligible for and receiving a self-
25 employment assistance allowance pursuant to the requirements of
26 P.L.1995, c.394 (C.43:21-67 et al.).

27 (2) The term "remuneration" with respect to any individual for
28 benefit years commencing on or after July 1, 1961, and as used in
29 this subsection, shall include only that part of the same which in
30 any week exceeds 20% of his weekly benefit rate (fractional parts
31 of a dollar omitted) or \$5.00, whichever is the larger, and shall not
32 include any moneys paid to an individual by a county board of
33 elections for work as a board worker on an election day or for work
34 pursuant to subsection d. of section 1 of P.L.2021, c.40 (C.19:15A-
35 1) during the early voting period.

36 (3) An individual's week of unemployment shall be deemed to
37 commence only after the individual has filed a claim at an
38 unemployment insurance claims office, except as the division may
39 by regulation otherwise prescribe.

40 (n) "Unemployment compensation administration fund" means
41 the unemployment compensation administration fund established by
42 this chapter (R.S.43:21-1 et seq.), from which administrative
43 expenses under this chapter (R.S.43:21-1 et seq.) shall be paid.

44 (o) "Wages" means remuneration paid by employers for
45 employment. If a worker receives gratuities regularly in the course
46 of his employment from other than his employer, his "wages" shall
47 also include the gratuities so received, if reported in writing to his
48 employer in accordance with regulations of the division, and if not

1 so reported, his "wages" shall be determined in accordance with the
2 minimum wage rates prescribed under any labor law or regulation
3 of this State or of the United States, or the amount of remuneration
4 actually received by the employee from his employer, whichever is
5 the higher.

6 (p) "Remuneration" means all compensation for personal
7 services, including commission and bonuses and the cash value of
8 all compensation in any medium other than cash.

9 (q) "Week" means for benefit years commencing on or after
10 October 1, 1984, the calendar week ending at midnight Saturday, or
11 as the division may by regulation prescribe.

12 (r) "Calendar quarter" means the period of three consecutive
13 calendar months ending March 31, June 30, September 30, or
14 December 31.

15 (s) "Investment company" means any company as defined in
16 subsection a. of section 1 of P.L.1938, c.322 (C.17:16A-1).

17 (t) (1) (Deleted by amendment, P.L.2001, c.17).

18 (2) "Base week," commencing on or after January 1, 1996 and
19 before January 1, 2001, means:

20 (A) Any calendar week during which the individual earned in
21 employment from an employer remuneration not less than an
22 amount which is 20% of the Statewide average weekly
23 remuneration defined in subsection (c) of R.S.43:21-3 which
24 amount shall be adjusted to the next higher multiple of \$1.00 if not
25 already a multiple thereof, except that if in any calendar week an
26 individual subject to this subparagraph (A) is in employment with
27 more than one employer, the individual may in that calendar week
28 establish a base week with respect to each of the employers from
29 whom the individual earns remuneration equal to not less than the
30 amount defined in this subparagraph (A) during that week; or

31 (B) If the individual does not establish in his base year 20 or
32 more base weeks as defined in subparagraph (A) of this paragraph
33 (2), any calendar week of an individual's base year during which the
34 individual earned in employment from an employer remuneration
35 not less than an amount 20 times the minimum wage in effect
36 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
37 1 of the calendar year preceding the calendar year in which the
38 benefit year commences, which amount shall be adjusted to the next
39 higher multiple of \$1.00 if not already a multiple thereof, except
40 that if in any calendar week an individual subject to this
41 subparagraph (B) is in employment with more than one employer,
42 the individual may in that calendar week establish a base week with
43 respect to each of the employers from whom the individual earns
44 remuneration not less than the amount defined in this subparagraph
45 (B) during that week.

46 (3) "Base week," commencing on or after January 1, 2001,
47 means any calendar week during which the individual earned in
48 employment from an employer remuneration not less than an

1 amount 20 times the minimum wage in effect pursuant to section 5
2 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar
3 year preceding the calendar year in which the benefit year
4 commences, which amount shall be adjusted to the next higher
5 multiple of \$1.00 if not already a multiple thereof, except that if in
6 any calendar week an individual subject to this paragraph (3) is in
7 employment with more than one employer, the individual may in
8 that calendar week establish a base week with respect to each of the
9 employers from whom the individual earns remuneration equal to
10 not less than the amount defined in this paragraph (3) during that
11 week.

12 (u) "Average weekly wage" means the amount derived by
13 dividing an individual's total wages received during his base year
14 base weeks (as defined in subsection (t) of this section) from that
15 most recent base year employer with whom he has established at
16 least 20 base weeks, by the number of base weeks in which such
17 wages were earned. In the event that such claimant had no employer
18 in his base year with whom he had established at least 20 base
19 weeks, then such individual's average weekly wage shall be
20 computed as if all of his base week wages were received from one
21 employer and as if all his base weeks of employment had been
22 performed in the employ of one employer.

23 For the purpose of computing the average weekly wage, the
24 monetary alternative in subparagraph (B) of paragraph (2) of
25 subsection (e) of R.S.43:21-4 shall only apply in those instances
26 where the individual did not have at least 20 base weeks in the base
27 year. For benefit years commencing on or after July 1, 1986,
28 "average weekly wage" means the amount derived by dividing an
29 individual's total base year wages by the number of base weeks
30 worked by the individual during the base year; provided that for the
31 purpose of computing the average weekly wage, the maximum
32 number of base weeks used in the divisor shall be 52.

33 (v) "Initial determination" means, subject to the provisions of
34 R.S.43:21-6(b)(2) and (3), a determination of benefit rights as
35 measured by an eligible individual's base year employment with a
36 single employer covering all periods of employment with that
37 employer during the base year.

38 (w) "Last date of employment" means the last calendar day in
39 the base year of an individual on which he performed services in
40 employment for a given employer.

41 (x) "Most recent base year employer" means that employer with
42 whom the individual most recently, in point of time, performed
43 service in employment in the base year.

44 (y) (1) "Educational institution" means any public or other
45 nonprofit institution (including an institution of higher education):

46 (A) In which participants, trainees, or students are offered an
47 organized course of study or training designed to transfer to them

1 knowledge, skills, information, doctrines, attitudes or abilities from,
2 by or under the guidance of an instructor or teacher;

3 (B) Which is approved, licensed or issued a permit to operate as
4 a school by the State Department of Education or other government
5 agency that is authorized within the State to approve, license or
6 issue a permit for the operation of a school; and

7 (C) Which offers courses of study or training which may be
8 academic, technical, trade, or preparation for gainful employment in
9 a recognized occupation.

10 (2) "Institution of higher education" means an educational
11 institution which:

12 (A) Admits as regular students only individuals having a
13 certificate of graduation from a high school, or the recognized
14 equivalent of such a certificate;

15 (B) Is legally authorized in this State to provide a program of
16 education beyond high school;

17 (C) Provides an educational program for which it awards a
18 bachelor's or higher degree, or provides a program which is
19 acceptable for full credit toward such a degree, a program of post-
20 graduate or post-doctoral studies, or a program of training to
21 prepare students for gainful employment in a recognized
22 occupation; and

23 (D) Is a public or other nonprofit institution.

24 Notwithstanding any of the foregoing provisions of this
25 subsection, all colleges and universities in this State are institutions
26 of higher education for purposes of this section.

27 (z) "Hospital" means an institution which has been licensed,
28 certified or approved under the law of this State as a hospital.¹

29 (cf: P.L.2021, c.346, s.1)

30

31 6. This act shall take effect immediately.