

ASSEMBLY, No. 5610

STATE OF NEW JERSEY 222nd LEGISLATURE

INTRODUCED OCTOBER 15, 2026

Sponsored by:

Assemblywoman CARMEN THERESA MORALES

District 34 (Essex)

SYNOPSIS

Concerns reasonable assurance standard for unemployment insurance benefit eligibility of adjunct faculty members; establishes certain reporting requirements for educational institutions.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning unemployment insurance benefits for adjunct
2 faculty and amending R.S.43:21-4.

3

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

6

7 1. R.S.43:21-4 is amended to read as follows:

8 43:21-4. Benefit eligibility conditions. An unemployed
9 individual shall be eligible to receive benefits with respect to any
10 week eligible only if:

11 (a) The individual has filed a claim at an unemployment
12 insurance claims office and thereafter continues to report at an
13 employment service office or unemployment insurance claims
14 office, as directed by the division in accordance with such
15 regulations as the division may prescribe, except that the division
16 may, by regulation, waive or alter either or both of the requirements
17 of this subsection as to individuals attached to regular jobs, and as
18 to such other types of cases or situations with respect to which the
19 division finds that compliance with such requirements would be
20 oppressive, or would be inconsistent with the purpose of this act;
21 provided that no such regulation shall conflict with subsection (a) of
22 R.S.43:21-3.

23 (b) The individual has made a claim for benefits in accordance
24 with the provisions of subsection (a) of R.S.43:21-6.

25 (c) (1) The individual is able to work, and is available for work,
26 and has demonstrated to be actively seeking work, except as
27 hereinafter provided in this subsection or in subsection (f) of this
28 section.

29 (2) The director may modify the requirement of actively seeking
30 work if such modification of this requirement is warranted by
31 economic conditions.

32 (3) No individual, who is otherwise eligible, shall be deemed
33 ineligible, or unavailable for work, because the individual is on
34 vacation, without pay, during said week, if said vacation is not the
35 result of the individual's own action as distinguished from any
36 collective action of a collective bargaining agent or other action
37 beyond the individual's control.

38 (4) (A) Subject to such limitations and conditions as the division
39 may prescribe, an individual, who is otherwise eligible, shall not be
40 deemed unavailable for work or ineligible because the individual is
41 attending a training program approved for the individual by the
42 division to enhance the individual's employment opportunities or
43 because the individual failed or refused to accept work while
44 attending such program.

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 (B) For the purpose of this paragraph (4), any training program
2 shall be regarded as approved by the division for the individual if
3 the program and the individual meet the following requirements:

4 (i) The training is for a labor demand occupation and is likely to
5 enhance the individual's marketable skills and earning power,
6 except that the training may be for an occupation other than a labor
7 demand occupation if the individual is receiving short-time benefits
8 pursuant to the provisions of P.L.2011, c.154 (C.43:21-20.3 et al.)
9 and the training is necessary to prevent a likely loss of jobs;

10 (ii) The training is provided by a competent and reliable private
11 or public entity approved by the Commissioner of Labor and
12 Workforce Development pursuant to the provisions of section 8 of
13 the "1992 New Jersey Employment and Workforce Development
14 Act," P.L.1992, c.43 (C.34:15D-8);

15 (iii) The individual can reasonably be expected to complete the
16 program, either during or after the period of benefits;

17 (iv) The training does not include on the job training or other
18 training under which the individual is paid by an employer for work
19 performed by the individual during the time that the individual
20 receives benefits; and

21 (v) The individual enrolls in vocational training, remedial
22 education or a combination of both on a full-time basis, except that
23 the training or education may be on a part-time basis if the
24 individual is receiving short-time benefits pursuant to the provisions
25 of P.L.2011, c.154 (C.43:21-20.3 et al.).

26 (C) If the requirements of subparagraph (B) of this paragraph (4)
27 are met, the division shall not withhold approval of the training
28 program for the individual for any of the following reasons:

29 (i) The training includes remedial basic skills education
30 necessary for the individual to successfully complete the vocational
31 component of the training;

32 (ii) The training is provided in connection with a program under
33 which the individual may obtain a college degree, including a post-
34 graduate degree;

35 (iii) The length of the training period under the program; or

36 (iv) The lack of a prior guarantee of employment upon
37 completion of the training.

38 (D) For the purpose of this paragraph (4), "labor demand
39 occupation" means an occupation for which there is or is likely to
40 be an excess of demand over supply for adequately trained workers,
41 including, but not limited to, an occupation designated as a labor
42 demand occupation by the Center for Occupational Employment
43 Information pursuant to the provisions of subsection d. of section
44 27 of P.L.2005, c.354 (C.34:1A-86).

45 (5) An unemployed individual, who is otherwise eligible, shall
46 not be deemed unavailable for work or ineligible solely by reason of
47 the individual's attendance before a court in response to a summons
48 for service on a jury.

1 (6) An unemployed individual, who is otherwise eligible, shall
2 not be deemed unavailable for work or ineligible solely by reason of
3 the individual's attendance at the funeral of an immediate family
4 member, provided that the duration of the attendance does not
5 extend beyond a two-day period.

6 For purposes of this paragraph, "immediate family member"
7 includes any of the following individuals: father, mother, mother-
8 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,
9 child, child placed by the Division of Youth and Family Services in
10 the Department of Children and Families, sister or brother of the
11 unemployed individual and any relatives of the unemployed
12 individual residing in the unemployed individual's household.

13 (7) No individual, who is otherwise eligible, shall be deemed
14 ineligible or unavailable for work with respect to any week because,
15 during that week, the individual fails or refuses to accept work
16 while the individual is participating on a full-time basis in self-
17 employment assistance activities authorized by the division,
18 whether or not the individual is receiving a self-employment
19 allowance during that week.

20 (8) Any individual who is determined to be likely to exhaust
21 regular benefits and need reemployment services based on
22 information obtained by the worker profiling system shall not be
23 eligible to receive benefits if the individual fails to participate in
24 available reemployment services to which the individual is referred
25 by the division or in similar services, unless the division determines
26 that:

27 (A) The individual has completed the reemployment services; or
28 (B) There is justifiable cause for the failure to participate, which
29 shall include participation in employment and training, self-
30 employment assistance activities or other activities authorized by
31 the division to assist reemployment or enhance the marketable skills
32 and earning power of the individual and which shall include any
33 other circumstance indicated pursuant to this section in which an
34 individual is not required to be available for and actively seeking
35 work to receive benefits.

36 (9) An unemployed individual, who is otherwise eligible, shall
37 not be deemed unavailable for work or ineligible solely by reason of
38 the individual's work as a board worker for a county board of
39 elections on an election day.

40 (10) An individual who is employed by a shared work employer
41 and is otherwise eligible for benefits shall not be deemed ineligible
42 for short-time benefits because the individual is unavailable for
43 work with employers other than the shared work employer, so long
44 as:

45 (A) The individual is able to work and is available to work the
46 individual's normal full-time hours for the shared work employer;
47 or

1 (B) The individual is attending a training program which is in
2 compliance with the provisions of paragraph (4) of subsection (c) of
3 this section and the agreements and certifications required pursuant
4 to the provisions of section 2 of P.L.2011, c.154 (C.43:21-20.4).

5 (11) An unemployed individual, who is otherwise eligible, shall
6 not be deemed unavailable for work or ineligible solely because the
7 individual is a student in full-time attendance at, or on vacation
8 from, an educational institution, as defined in subsection (y) of
9 R.S.43:21-19; provided that the unemployed individual's full-time
10 attendance at the educational institution does not, in fact, result in
11 the unemployed individual being unable to work or being
12 unavailable for work, and provided that notwithstanding the
13 unemployed individual's full-time attendance at the educational
14 institution, the unemployed individual is able to demonstrate that
15 the individual is actively seeking work.

16 (12) An unemployed individual, who is otherwise eligible, shall
17 not be deemed unavailable for work or ineligible solely because the
18 individual is attending a training program approved by the division
19 to enhance the individual's employment opportunities, in
20 accordance with the provisions of paragraph (4) of subsection (c) of
21 R.S.43:21-4.

22 (d) With respect to any benefit year commencing before January
23 1, 2002, the individual has been totally or partially unemployed for
24 a waiting period of one week in the benefit year which includes that
25 week. When benefits become payable with respect to the third
26 consecutive week next following the waiting period, the individual
27 shall be eligible to receive benefits as appropriate with respect to
28 the waiting period. No week shall be counted as a week of
29 unemployment for the purposes of this subsection:

30 (1) If benefits have been paid, or are payable with respect
31 thereto; provided that the requirements of this paragraph shall be
32 waived with respect to any benefits paid or payable for a waiting
33 period as provided in this subsection;

34 (2) If it has constituted a waiting period week under the
35 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
36 et al.);

37 (3) Unless the individual fulfills the requirements of subsections
38 (a) and (c) of this section;

39 (4) If with respect thereto, claimant was disqualified for benefits
40 in accordance with the provisions of subsection (d) of R.S.43:21-5.

41 The waiting period provided by this subsection shall not apply to
42 benefit years commencing on or after January 1, 2002. An
43 individual whose total benefit amount was reduced by the
44 application of the waiting period to a claim which occurred on or
45 after January 1, 2002 and before the effective date of P.L.2002,
46 c.13, shall be permitted to file a claim for the additional benefits
47 attributable to the waiting period in the form and manner prescribed
48 by the division, but not later than the 180th day following the

1 effective date of P.L.2002, c.13 unless the division determines that
2 there is good cause for a later filing.

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

4 (2) (Deleted by amendment, P.L.2008, c.17).

5 (3) (Deleted by amendment, P.L.2008, c.17).

6 (4) With respect to benefit years commencing on or after
7 January 7, 2001, except as otherwise provided in paragraph (5) of
8 this subsection, the individual has, during his base year as defined
9 in subsection (c) of R.S.43:21-19:

10 (A) Established at least 20 base weeks as defined in paragraphs
11 (2) and (3) of subsection (t) of R.S.43:21-19; or

12 (B) If the individual has not met the requirements of
13 subparagraph (A) of this paragraph (4), earned remuneration not
14 less than an amount 1,000 times the minimum wage in effect
15 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
16 1 of the calendar year preceding the calendar year in which the
17 benefit year commences, which amount shall be adjusted to the next
18 higher multiple of \$100 if not already a multiple thereof.

19 (5) With respect to benefit years commencing on or after
20 January 7, 2001, notwithstanding the provisions of paragraph (4) of
21 this subsection, an unemployed individual claiming benefits on the
22 basis of service performed in the production and harvesting of
23 agricultural crops shall, subject to the limitations of subsection (i)
24 of R.S.43:21-19, be eligible to receive benefits if during his base
25 year, as defined in subsection (c) of R.S.43:21-19, the individual:

26 (A) Has established at least 20 base weeks as defined in
27 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

28 (B) Has earned remuneration not less than an amount 1,000
29 times the minimum wage in effect pursuant to section 5 of
30 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year
31 preceding the calendar year in which the benefit year commences,
32 which amount shall be adjusted to the next higher multiple of \$100
33 if not already a multiple thereof; or

34 (C) Has performed at least 770 hours of service in the
35 production and harvesting of agricultural crops.

36 (6) The individual applying for benefits in any successive
37 benefit year has earned at least six times his previous weekly
38 benefit amount and has had four weeks of employment since the
39 beginning of the immediately preceding benefit year. This
40 provision shall be in addition to the earnings requirements specified
41 in paragraph (4) or (5) of this subsection, as applicable.

42 (f) (1) The individual has suffered any accident or sickness not
43 compensable under the workers' compensation law, R.S.34:15-1 et
44 seq. and resulting in the individual's total disability to perform any
45 work for remuneration, and would be eligible to receive benefits
46 under this chapter (R.S.43:21-1 et seq.) (without regard to the
47 maximum amount of benefits payable during any benefit year)
48 except for the inability to work and has furnished notice and proof

1 of claim to the division, in accordance with its rules and
2 regulations, and payment is not precluded by the provisions of
3 R.S.43:21-3(d); provided, however, that benefits paid under this
4 subsection (f) shall be computed on the basis of only those base
5 year wages earned by the claimant as a "covered individual," as
6 defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-
7 27); provided further that no benefits shall be payable under this
8 subsection to any individual:

9 (A) For any period during which such individual is not under the
10 care of a legally licensed physician, dentist, optometrist, podiatrist,
11 practicing psychologist, advanced practice nurse, or chiropractor,
12 who, when requested by the division, shall certify within the scope
13 of the practitioner's practice, the disability of the individual, the
14 probable duration thereof, and, where applicable, the medical facts
15 within the practitioner's knowledge;

16 (B) (Deleted by amendment, P.L.1980, c.90.)

17 (C) For any period of disability due to willfully or intentionally
18 self-inflicted injury, or to injuries sustained in the perpetration by
19 the individual of a crime of the first, second or third degree;

20 (D) For any week with respect to which or a part of which the
21 individual has received or is seeking benefits under any
22 unemployment compensation or disability benefits law of any other
23 state or of the United States; provided that if the appropriate agency
24 of such other state or the United States finally determines that the
25 individual is not entitled to such benefits, this disqualification shall
26 not apply;

27 (E) For any week with respect to which or part of which the
28 individual has received or is seeking disability benefits under the
29 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
30 et al.);

31 (F) For any period of disability commencing while such
32 individual is a "covered individual," as defined in subsection (b) of
33 section 3 of the "Temporary Disability Benefits Law," P.L.1948,
34 c.110 (C.43:21-27).

35 (2) The individual is taking family temporary disability leave to
36 provide care for a family member with a serious health condition or
37 to be with a child during the first 12 months after the child's birth or
38 placement of the child for adoption or as a foster child with the
39 individual, and the individual would be eligible to receive benefits
40 under R.S.43:21-1 et seq. (without regard to the maximum amount
41 of benefits payable during any benefit year) except for the
42 individual's unavailability for work while taking the family
43 temporary disability leave, and the individual has furnished notice
44 and proof of claim to the division, in accordance with its rules and
45 regulations, and payment is not precluded by the provisions of
46 R.S.43:21-3(d) provided, however, that benefits paid under this
47 subsection (f) shall be computed on the basis of only those base
48 year wages earned by the claimant as a "covered individual," as

1 defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-
2 27); provided further that no benefits shall be payable under this
3 subsection to any individual:

4 (A) For any week with respect to which or a part of which the
5 individual has received or is seeking benefits under any
6 unemployment compensation or disability benefits law of any other
7 state or of the United States; provided that if the appropriate agency
8 of such other state or the United States finally determines that the
9 individual is not entitled to such benefits, this disqualification shall
10 not apply;

11 (B) For any week with respect to which or part of which the
12 individual has received or is seeking disability benefits for a
13 disability of the individual under the "Temporary Disability
14 Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

15 (C) For any period of family temporary disability leave
16 commencing while the individual is a "covered individual," as
17 defined in subsection (b) of section 3 of the "Temporary Disability
18 Benefits Law," P.L.1948, c.110 (C.43:21-27); or

19 (D) For any period of family temporary disability leave for a
20 serious health condition of a family member of the claimant during
21 which the family member is not receiving inpatient care in a
22 hospital, hospice, or residential medical care facility and is not
23 subject to continuing medical treatment or continuing supervision
24 by a health care provider, who, when requested by the division,
25 shall certify within the scope of the provider's practice, the serious
26 health condition of the family member, the probable duration
27 thereof, and, where applicable, the medical facts within the
28 provider's knowledge.

29 (3) Benefit payments under this subsection (f) shall be charged
30 to and paid from the State disability benefits fund established by the
31 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
32 et al.), and shall not be charged to any employer account in
33 computing any employer's experience rate for contributions payable
34 under this chapter.

35 (g) Benefits based on service in employment defined in
36 subparagraphs (B) and (C) of R.S.43:21-19 (i)(1) shall be payable
37 in the same amount and on the terms and subject to the same
38 conditions as benefits payable on the basis of other service subject
39 to the "unemployment compensation law"; except that,
40 notwithstanding any other provisions of the "unemployment
41 compensation law":

42 (1) With respect to service performed after December 31, 1977,
43 in an instructional, research, or principal administrative capacity for
44 an educational institution, benefits shall not be paid based on such
45 services for any week of unemployment commencing during the
46 period between two successive academic years, or during a similar
47 period between two regular terms, whether or not successive, or
48 during a period of paid sabbatical leave provided for in the

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1 individual's contract, to any individual if such individual performs
2 such services in the first of such academic years (or terms) and if
3 there is a contract or a reasonable assurance that such individual
4 will perform services in any such capacity for any educational
5 institution in the second of such academic years or terms;

6 (2) With respect to weeks of unemployment beginning after
7 September 3, 1982, on the basis of service performed in any **[other]**
8 capacity other than an instructional, research, or principal
9 administrative capacity for an educational institution, benefits shall
10 not be paid on the basis of such services to any individual for any
11 week which commences during a period between two successive
12 academic years or terms if such individual performs such services
13 in the first of such academic years or terms and there is a reasonable
14 assurance that such individual will perform such services in the
15 second of such academic years or terms, except that if benefits are
16 denied to any individual under this paragraph (2) and the individual
17 was not offered an opportunity to perform these services for the
18 educational institution for the second of any academic years or
19 terms, the individual shall be entitled to a retroactive payment of
20 benefits for each week for which the individual filed a timely claim
21 for benefits and for which benefits were denied solely by reason of
22 this clause;

23 (3) With respect to those services described in paragraphs (1)
24 and (2) above, benefits shall not be paid on the basis of such
25 services to any individual for any week which commences during
26 an established and customary vacation period or holiday recess if
27 such individual performs such services in the period immediately
28 before such vacation period or holiday recess, and there is a
29 reasonable assurance that such individual will perform such
30 services in the period immediately following such period or holiday
31 recess;

32 (4) With respect to any services described in paragraphs (1) and
33 (2) above, benefits shall not be paid as specified in paragraphs (1),
34 (2), and (3) above to any individual who performed those services
35 in an educational institution while in the employ of an educational
36 service agency, and for this purpose the term "educational service
37 agency" means a governmental agency or governmental entity
38 which is established and operated exclusively for the purpose of
39 providing those services to one or more educational institutions;

40 (5) As used in this subsection (g) in order for there to be a
41 "reasonable assurance" all of the following requirements shall be
42 met:

43 (A) The educational institution has made an offer of employment
44 in the following academic year or term that is either written, oral, or
45 implied;

46 (B) The offer of employment in the following academic year or
47 term was made by an individual with actual authority to offer
48 employment;

1 (C) The employment offered in the following academic year or
2 term shall be in the same capacity;

3 (D) The economic conditions of the employment offered may not
4 be considerably less in the following academic year or term than in
5 the then current academic year or term. For the purpose of this
6 paragraph, "considerably less" means that the claimant will earn
7 less than 90 percent of the amount the claimant earned in the then
8 current academic year or term;

9 (E) The offer of employment in the following academic year or
10 term is not contingent upon a factor or factors that are within the
11 educational institution's control, including but not limited to, course
12 programming, decisions on how to allocate available funding, final
13 course offerings, program changes, and facility availability; and

14 (F) Based on a totality of the circumstances, it is highly
15 probable that there is a job available for the claimant in the
16 following academic year or term. If a job offer contains a
17 contingency, primary weight should be given to the contingent
18 nature of the offer of employment. Contingencies that are not
19 necessarily within the educational institution's control, such as
20 funding, enrollment and seniority, may be taken into consideration
21 but the existence of any one contingency should not determine
22 whether it is highly probable that there is a job available for the
23 claimant in the following academic year or term.

24 (6) Determinations by the department whether claimants have a
25 "reasonable assurance" shall be done on a case-by-case basis by the
26 total weight of evidence rather than the existence of any one factor.
27 Primary weight shall be given to the contingent nature of an offer of
28 employment based on enrollment, funding, and program changes,
29 provided, however, that in any unemployment insurance proceeding
30 a written letter from an employer to an employee which makes
31 employment conditional shall not be prima facie evidence of
32 reasonable assurance to be used to deny a claim for unemployment.
33 In making determinations, the department may consider the
34 claimant's history of reemployment.

35 (7) Each educational institution shall provide the following to
36 the department, in a form, including electronic form, prescribed by
37 the commissioner, no less than 10 business days prior to the end of
38 the academic year or term:

39 (A) A list of all employees who the educational institution has
40 concluded do not have a reasonable assurance of employment in the
41 following academic year or term, along with information prescribed
42 by the commissioner regarding each such employee, which
43 information shall include, but not be limited to, name and social
44 security number; and

45 (B) For each employee that the educational institution maintains
46 does have a reasonable assurance of employment in the following
47 academic year or term, a statement explaining the manner in which
48 the employee was given a reasonable assurance of employment, that

1 is, whether it was in writing, oral, or implied, the identity and title
2 or position of the individual who provided the reasonable assurance
3 of employment in the following academic year or term, and what
4 information about the offer, including contingencies, was
5 communicated to the individual.

6 (8) The statement required under subparagraph (B) of paragraph
7 (7) of this subsection (g) may be used by the department in its
8 analysis under paragraphs (5) and (6) of this subsection (g), but it
9 does not conclusively demonstrate that the claimant has a
10 reasonable assurance of employment in the following academic year
11 or term.

12 (9) Failure of an educational institution to provide the statement
13 required under subparagraph (B) of paragraph (7) of this subsection
14 (g) to the department or provide a copy of the statement to the
15 employee pursuant to paragraph (11) of this subsection (g) not less
16 than 10 business days prior to the end of the academic year or term
17 shall result in a rebuttable presumption that the claimant does not
18 have a reasonable assurance of employment in the following
19 academic year or term. This rebuttable presumption shall give rise
20 to an inference that the claimant does not have a reasonable
21 assurance of employment in the following academic year or term,
22 but shall not conclusively demonstrate that the claimant does not
23 have a reasonable assurance of employment in the following
24 academic year or term. The burden shall be on the educational
25 institution to provide sufficient documentation to overcome this
26 presumption.

27 (10) If any part of P.L.2020, c.122 is found to be in conflict with
28 federal requirements that are a prescribed condition to the allocation
29 of federal funds to the State or the eligibility of employers in this
30 State for federal unemployment tax credits, the conflicting part of
31 that act is inoperative solely to the extent of the conflict, and the
32 finding or determination does not affect the operation of the
33 remainder of this act. Rules adopted under this act shall meet
34 federal requirements that are a necessary condition to the receipt of
35 federal funds by the State or the granting of federal unemployment
36 tax credits to employers in this State.

37 (11) An educational institution shall provide a copy of any
38 statement submitted pursuant to subparagraph (B) of paragraph (7)
39 of this subsection (g) to the employee no later than 10 business days
40 prior to the end of the academic year or term.

41 (12) Adjunct faculty shall not be presumed to have reasonable
42 assurance under an offer that is conditioned on enrollment, funding,
43 or programmatic changes. It is the burden of the employer to
44 provide sufficient documentation to overcome this presumption.

45 (h) Benefits shall not be paid to any individual on the basis of
46 any services, substantially all of which consist of participating in
47 sports or athletic events or training or preparing to so participate,
48 for any week which commences during the period between two

1 successive sports seasons (or similar periods) if such individual
2 performed such services in the first of such seasons (or similar
3 periods) and there is a reasonable assurance that such individual
4 will perform such services in the later of such seasons (or similar
5 periods).

6 (i) (1) Benefits shall not be paid on the basis of services
7 performed by an alien unless such alien is an individual who was
8 lawfully admitted for permanent residence at the time the services
9 were performed and was lawfully present for the purpose of
10 performing the services or otherwise was permanently residing in
11 the United States under color of law at the time the services were
12 performed (including an alien who is lawfully present in the United
13 States as a result of the application of the provisions of section
14 212(d)(5) (8 U.S.C. s.1182 (d)(5)) of the Immigration and
15 Nationality Act (8 U.S.C. s.1101 et seq.)); provided that any
16 modifications of the provisions of section 3304(a)(14) of the
17 Federal Unemployment Tax Act (26 U.S.C. s. 3304 (a) (14)) as
18 provided by Pub.L.94-566, which specify other conditions or other
19 effective dates than stated herein for the denial of benefits based on
20 services performed by aliens and which modifications are required
21 to be implemented under State law as a condition for full tax credit
22 against the tax imposed by the Federal Unemployment Tax Act,
23 shall be deemed applicable under the provisions of this section.

24 (2) Any data or information required of individuals applying for
25 benefits to determine whether benefits are not payable to them
26 because of their alien status shall be uniformly required from all
27 applicants for benefits.

28 (3) In the case of an individual whose application for benefits
29 would otherwise be approved, no determination that benefits to such
30 individual are not payable because of alien status shall be made
31 except upon a preponderance of the evidence.

32 (j) Notwithstanding any other provision of this chapter, the
33 director may, to the extent that it may be deemed efficient and
34 economical, provide for consolidated administration by one or more
35 representatives or deputies of claims made pursuant to subsection
36 (f) of this section with those made pursuant to Article III (State
37 plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110
38 (C.43:21-25 et al.).

39 (cf: P.L.2024, c.102, s.2)

40
41 2. This act shall take effect immediately.

42 43 44 STATEMENT

45
46 This bill clarifies the reasonable assurance standard for
47 unemployment insurance benefit eligibility of adjunct faculty

1 members and establishes certain reporting requirements for
2 educational institutions.

3 This bill clarifies the standards used to determine whether
4 individuals performing services for educational institutions in an
5 instructional, research, or principal administrative capacity have a
6 reasonable assurance of employment for purposes of unemployment
7 insurance benefit eligibility between academic years or terms.

8 Under current law, these individuals are generally ineligible for
9 unemployment insurance benefits between academic years or terms
10 if there is a contract or reasonable assurance that the individual will
11 perform services that are not considerably less than in the then
12 current academic year or term.

13 The bill provides that determinations regarding whether a
14 claimant has a reasonable assurance of employment are to be made
15 on a case-by-case basis by the total weight of evidence rather than
16 the existence of any one factor. Further, the bill provides that
17 primary weight is to be given to the contingent nature of an offer of
18 employment based on enrollment, funding, and program changes.
19 However, in any unemployment insurance proceeding a written
20 letter from an employer to an employee which makes employment
21 conditional is not to be considered prima facie evidence of
22 reasonable assurance to be used to deny a claim for unemployment.
23 In making determinations, the Department of Labor and Workforce
24 Development may consider the claimant's history of reemployment.

25 The bill requires an educational institution to provide a copy of
26 any statement submitted to the department pursuant to current law
27 to the employee no later than 10 business days prior to the end of
28 the academic year or term. Failure to provide the statement to the
29 employee will result in a rebuttable presumption that the claimant
30 does not have a reasonable assurance of employment in the
31 following academic year or term.

32 Finally, the bill establishes a rebuttable presumption that adjunct
33 faculty do not have a reasonable assurance of employment if the
34 offer is conditioned on enrollment, funding, or programmatic
35 changes. It is the burden of the employer to provide sufficient
36 documentation to overcome the presumptions under the bill.