

P.L. 2022, CHAPTER 71, *approved July 28, 2022*
Assembly, No. 3823 (*Second Reprint*)

1 AN ACT concerning ²**[**elections processes, boards of elections staff
2 salaries**]** the review of death records prior to an election,
3 instructional sessions for certain election workers², and election
4 worker compensation, amending various parts of the statutory
5 law, and supplementing Title 54A of the New Jersey Statutes.

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

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

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

35 (2) During the two months immediately preceding a primary or
36 general election, the health officer or other officer in charge of
37 records of death in each municipality shall file with the
38 commissioner of registration for the county in which the
39 municipality is located once every two weeks, during the first three

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.

²Assembly AAP committee amendments adopted June 13, 2022.

1 days thereof, the age, date of death, and the names and addresses of
2 all persons 18 years of age or older who died within such
3 municipality during the previous two weeks. Within 10 days after
4 the receipt of such list, the commissioner shall undertake the
5 procedures prescribed pursuant to paragraph (1) of this subsection.

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

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

18
19 ¹[2. Section 2 of P.L.2005, c.145 (C.19:31-32) is amended to
20 read as follows:

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

33 b. Each county commissioner of registration shall be
34 responsible for adding to, deleting from, amending and otherwise
35 conducting on a regular basis maintenance for the files of every
36 legally registered voter in that commissioner's county as contained
37 in the Statewide voter registration system, pursuant to the
38 provisions of section 303 of Pub.L.107-252 (42 U.S.C. s. 15301 et
39 seq.) and Title 19 of the Revised Statutes. Each commissioner shall
40 be responsible for verifying the accuracy of the name, address and
41 other data of registered voters in the commissioner's respective
42 county as contained in the system. The commissioner who receives
43 the voter registration forms of individuals who have registered to
44 vote in the county or who are re-registering for any reason shall be
45 responsible for entering the information on those forms into the
46 system on an expedited basis, and electronically transferring into
47 the system the information from online voter registration forms
48 completed pursuant to section 1 of P.L.2019, c.382 (C.19:31-6.4c),

1 including but not limited to forms and information received
2 pursuant to chapter 31 of Title 19 of the Revised Statutes. The
3 information the commissioner shall use to update and maintain the
4 system shall be that required by subsection c. of section 1 of
5 P.L.2005, c.145 (C.19:31-31).

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

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

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

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

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

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

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

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

18 (2) The Secretary of State shall comply with the requirements of
19 the Electronic Registration Information Center Membership
20 Agreement.

21 (3) The Secretary of State shall deliver the information required
22 pursuant to this subsection as frequently as necessary for the State
23 to comply with the Electronic Registration Information Center
24 Membership Agreement.

25 (4) The Secretary of State, or the designee thereof, shall serve as
26 the member representative to the Electronic Registration
27 Information Center.

28 (cf: P.L.2019, c.382, s.5)]¹

29
30 ¹[3.] 2.¹ R.S.19:50-1 is amended to read as follows:

31 19:50-1. a. Within 30 days before each election, the county
32 board of elections shall cause new members of the district boards
33 who are to serve in election districts to be instructed in the conduct
34 of elections, and in their duties in connection therewith. All district
35 board members shall be required to attend said instructional
36 sessions for each election at least once every two years. The
37 instructional sessions shall be conducted in person¹]. A county
38 board of elections may also offer]¹ except that¹ instructional
39 sessions ¹[to district board members] may be offered¹ remotely, by
40 electronic means, ¹to any district board member who has completed
41 the instructional session within the last four years and¹ provided
42 that the county board of elections shall implement procedures to
43 conduct such remote sessions. Such procedures shall be approved
44 by the Secretary of State and reviewed and approved once every
45 two years. The county board of elections shall cause to be given to
46 each member of each district board who has received such
47 instruction and is fully qualified to properly conduct the election, a

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

24 b. The **[Attorney General]** Secretary of State shall establish
25 guidelines for the design of training manuals for members of district
26 boards of election, and shall design, prepare and distribute training
27 manuals for members of county boards of election, and county
28 clerks. The **[Attorney General]** Secretary of State shall also make
29 training manuals available on the Internet site of the Division of
30 Elections.

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

32

33 ¹**[4.]** ²**[3.]**¹ Section 3 of P.L.2015, c.249 (C.40A:4-45.45b) is
34 amended to read as follows:

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

40 b. In the preparation of the portion of its budget request to be
41 raised by property taxation, a county entity budget authority shall
42 limit any increase in that portion of its budget request to 2.0% of
43 the previous year's budget request, subject to the exclusions set
44 forth in subsection b. of section 10 of P.L.2007, c.62 (C.40A:4-
45 45.45), except that election expenses shall be exempt from the
46 requirements of this subsection. For purposes of this subsection,
47 "election expenses" shall mean and include all necessary expenses

1 incurred by the superintendent of elections, county clerk, and board
 2 of elections for each county related to election costs and the
 3 administration, preparation, and implementation of all elections,
 4 including all vendor related contract services; voting machine
 5 maintenance, repairs, parts and equipment, certification, and
 6 technical coding; transportation of voting machines and election
 7 supplies; overtime for all staff related to election duty; food
 8 services during election; poll workers, machine technicians, and
 9 other temporary workers; supplies; office equipment; printing;
 10 postage; and advertisement costs, upon being certified to by the
 11 superintendent of elections, county clerk, and board of elections for
 12 each county; but shall not mean or include staff salaries for the
 13 office of the superintendent of elections, or staff salaries for the
 14 county clerk~~], or staff salaries for the county board of elections]~~.

15 c. Nothing in P.L.2015, c.249 (C.40A:4-45.45b et al.) shall
 16 diminish the obligations of a county under a collective bargaining
 17 agreement with its employees in force on the effective date of
 18 P.L.2015, c.249 (C.40A:4-45.45b et al.).

19 (cf: P.L.2015, c.249, s.3)]²

20

21 ¹[~~5.]~~ ²[~~4.1]~~ ^{3.2} (New section) Gross income, for the purposes
 22 of the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.,
 23 shall not include any compensation received pursuant to R.S.19:6-
 24 9.1 and R.S.19:45-6 for the services performed by a member of a
 25 district board of elections ¹or for such services performed pursuant
 26 to subsection d. of section 1 of P.L.2021, c.40 (C.19:15A-1)¹.

27

28 ²[~~15.]~~ ^{4.2} R.S.43:19-21 is amended to read as follows:

29 43:21-19. Definitions. As used in this chapter (R.S.43:21-1 et
 30 seq.), unless the context clearly requires otherwise:

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

34 (2) "Average annual payroll" means the average of the annual
 35 payrolls of any employer for the last three or five preceding
 36 calendar years, whichever average is higher, except that any year or
 37 years throughout which an employer has had no "annual payroll"
 38 because of military service shall be deleted from the reckoning; the
 39 "average annual payroll" in such case is to be determined on the
 40 basis of the prior three or five calendar years in each of which the
 41 employer had an "annual payroll" in the operation of his business, if
 42 the employer resumes his business within 12 months after
 43 separation, discharge or release from such service, under conditions
 44 other than dishonorable, and makes application to have his "average
 45 annual payroll" determined on the basis of such deletion within 12
 46 months after he resumes his business; provided, however, that
 47 "average annual payroll" solely for the purposes of paragraph (3) of

1 subsection (e) of R.S.43:21-7 means the average of the annual
2 payrolls of any employer on which he paid contributions to the
3 State disability benefits fund for the last three or five preceding
4 calendar years, whichever average is higher; provided further that
5 only those wages be included on which employer contributions have
6 been paid on or before January 31 (or the next succeeding day if
7 such January 31 is a Saturday or Sunday) immediately preceding
8 the beginning of the 12-month period for which the employer's
9 contribution rate is computed.

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

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

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

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

46 (2) With respect to a benefit year commencing on or after June
47 1, 1990 for an individual who immediately preceding the benefit
48 year was subject to a disability compensable under the provisions of

1 the "Temporary Disability Benefits Law," P.L.1948, c.110
2 (C.43:21-25 et seq.), "base year" shall mean the first four of the last
3 five completed calendar quarters immediately preceding the
4 individual's period of disability, if the employment held by the
5 individual immediately preceding the period of disability is no
6 longer available at the conclusion of that period and the individual
7 files a valid claim for unemployment benefits after the conclusion
8 of that period. For the purposes of this paragraph, "period of
9 disability" means the period defined as a period of disability by
10 section 3 of the "Temporary Disability Benefits Law," P.L.1948,
11 c.110 (C.43:21-27). An individual who files a claim under the
12 provisions of this paragraph (2) shall not be regarded as having left
13 work voluntarily for the purposes of subsection (a) of R.S.43:21-5.

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

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

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

1 (2) "Controller" means the Office of the Assistant
2 Commissioner for Finance and Controller of the Department of
3 Labor and Workforce Development, established by the 1982
4 Reorganization Plan of the Department of Labor.

5 (f) "Contributions" means the money payments to the State
6 Unemployment Compensation Fund, required by R.S.43:21-7.
7 "Payments in lieu of contributions" means the money payments to
8 the State Unemployment Compensation Fund by employers electing
9 or required to make payments in lieu of contributions, as provided
10 in section 3 or section 4 of P.L.1971, c.346 (C.43:21-7.2 or 43:21-
11 7.3).

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

34 (h) "Employer" means:

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

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

43 (3) Any employing unit which acquired the organization, trade
44 or business, or substantially all the assets thereof, of another
45 employing unit and which, if treated as a single unit with such other
46 employing unit, would be an employer under paragraph (1) of this
47 subsection;

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

8 (5) Any employing unit for which service in employment as
9 defined in R.S.43:21-19 (i) (1) (B) (i) is performed after December
10 31, 1971; and as defined in R.S.43:21-19 (i) (1) (B) (ii) is
11 performed after December 31, 1977;

12 (6) Any employing unit for which service in employment as
13 defined in R.S.43:21-19 (i) (1) (c) is performed after December 31,
14 1971 and which in either the current or the preceding calendar year
15 paid remuneration for employment in the amount of \$1,000.00 or
16 more;

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

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

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

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

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

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

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

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

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

47 (A) Any service performed prior to January 1, 1972, which was
48 employment as defined in the "unemployment compensation law"

1 (R.S.43:21-1 et seq.) prior to such date, and, subject to the other
2 provisions of this subsection, service performed on or after January
3 1, 1972, including service in interstate commerce, performed for
4 remuneration or under any contract of hire, written or oral, express
5 or implied.

6 (B) (i) Service performed after December 31, 1971 by an
7 individual in the employ of this State or any of its instrumentalities
8 or in the employ of this State and one or more other states or their
9 instrumentalities for a hospital or institution of higher education
10 located in this State, if such service is not excluded from
11 "employment" under paragraph (D) below.

12 (ii) Service performed after December 31, 1977, in the employ
13 of this State or any of its instrumentalities or any political
14 subdivision thereof or any of its instrumentalities or any
15 instrumentality of more than one of the foregoing or any
16 instrumentality of the foregoing and one or more other states or
17 political subdivisions, if such service is not excluded from
18 "employment" under paragraph (D) below.

19 (C) Service performed after December 31, 1971 by an individual
20 in the employ of a religious, charitable, educational, or other
21 organization, which is excluded from "employment" as defined in
22 the Federal Unemployment Tax Act, solely by reason of section
23 3306 (c)(8) of that act, if such service is not excluded from
24 "employment" under paragraph (D) below.

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

27 (i) In the employ of (I) a church or convention or association of
28 churches, or (II) an organization, or school which is operated
29 primarily for religious purposes and which is operated, supervised,
30 controlled or principally supported by a church or convention or
31 association of churches;

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

35 (iii) Prior to January 1, 1978, in the employ of a school which is
36 not an institution of higher education, and after December 31, 1977,
37 in the employ of a governmental entity referred to in R.S.43:21-19

38 (i) (1) (B), if such service is performed by an individual in the
39 exercise of duties

40 (aa) as an elected official;

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

43 (cc) as a member of the State National Guard or Air National
44 Guard;

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

47 (ee) in a position which, under or pursuant to the laws of this
48 State, is designated as a major nontenured policy making or

1 advisory position, or a policy making or advisory position, the
2 performance of the duties of which ordinarily does not require more
3 than eight hours per week; or

4 (iv) By an individual receiving rehabilitation or remunerative
5 work in a facility conducted for the purpose of carrying out a
6 program of rehabilitation of individuals whose earning capacity is
7 impaired by age or physical or mental deficiency or injury or
8 providing remunerative work for individuals who because of their
9 impaired physical or mental capacity cannot be readily absorbed in
10 the competitive labor market;

11 (v) By an individual receiving work-relief or work-training as
12 part of an unemployment work-relief or work-training program
13 assisted in whole or in part by any federal agency or an agency of a
14 state or political subdivision thereof; or

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

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

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

33 (ii) The American employer has no place of business in the
34 United States, but (I) the American employer is an individual who
35 is a resident of this State; or (II) the American employer is a
36 corporation which is organized under the laws of this State; or (III)
37 the American employer is a partnership or trust and the number of
38 partners or trustees who are residents of this State is greater than the
39 number who are residents of another state; or

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

47 (iv) An "American employer," for the purposes of this
48 subparagraph (E), means (I) an individual who is a resident of the

1 United States; or (II) a partnership, if two-thirds or more of the
2 partners are residents of the United States; or (III) a trust, if all the
3 trustees are residents of the United States; or (IV) a corporation
4 organized under the laws of the United States or of any state.

5 (F) Notwithstanding R.S.43:21-19 (i) (2), all service performed
6 after January 1, 1972 by an officer or member of the crew of an
7 American vessel or American aircraft on or in connection with such
8 vessel or aircraft, if the operating office from which the operations
9 of such vessel or aircraft operating within, or within and without,
10 the United States are ordinarily and regularly supervised, managed,
11 directed, and controlled, is within this State.

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

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

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

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

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

45 (aa) if such crew leader holds a certification of registration
46 under the Migrant and Seasonal Agricultural Worker Protection
47 Act, Pub.L.97-470 (29 U.S.C. s.1801 et seq.), or P.L.1971, c.192
48 (C.34:8A-7 et seq.); or substantially all the members of such crew

- 1 operate or maintain tractors, mechanized harvesting or cropdusting
2 equipment, or any other mechanized equipment, which is provided
3 by such crew leader; and
- 4 (bb) if such individual is not an employee of such other person
5 for whom services were performed.
- 6 (iii) For the purposes of subparagraph (I) (i) in the case of any
7 individual who is furnished by a crew leader to perform service in
8 agricultural labor or any other entity and who is not treated as an
9 employee of such crew leader under (I) (ii)
- 10 (aa) such other entity and not the crew leader shall be treated as
11 the employer of such individual; and
- 12 (bb) such other entity shall be treated as having paid cash
13 remuneration to such individual in an amount equal to the amount
14 of cash remuneration paid to such individual by the crew leader
15 (either on his own behalf or on behalf of such other entity) for the
16 service in agricultural labor performed for such other entity.
- 17 (iv) For the purpose of subparagraph (I)(ii), the term "crew
18 leader" means an individual who
- 19 (aa) furnishes individuals to perform service in agricultural
20 labor for any other entity;
- 21 (bb) pays (either on his own behalf or on behalf of such other
22 entity) the individuals so furnished by him for the service in
23 agricultural labor performed by them; and
- 24 (cc) has not entered into a written agreement with such other
25 entity under which such individual is designated as an employee of
26 such other entity.
- 27 (J) Domestic service after December 31, 1977 performed in the
28 private home of an employing unit which paid cash remuneration of
29 \$1,000.00 or more to one or more individuals for such domestic
30 service in any calendar quarter in the current or preceding calendar
31 year.
- 32 (2) The term "employment" shall include an individual's entire
33 service performed within or both within and without this State if:
- 34 (A) The service is localized in this State; or
- 35 (B) The service is not localized in any state but some of the
36 service is performed in this State, and (i) the base of operations, or,
37 if there is no base of operations, then the place from which such
38 service is directed or controlled, is in this State; or (ii) the base of
39 operations or place from which such service is directed or
40 controlled is not in any state in which some part of the service is
41 performed, but the individual's residence is in this State.
- 42 (3) Services performed within this State but not covered under
43 paragraph (2) of this subsection shall be deemed to be employment
44 subject to this chapter (R.S.43:21-1 et seq.) if contributions are not
45 required and paid with respect to such services under an
46 unemployment compensation law of any other state or of the federal
47 government.

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

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

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

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

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

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

24 (B) Such service is either outside the usual course of the
25 business for which such service is performed, or that such service is
26 performed outside of all the places of business of the enterprise for
27 which such service is performed; and

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

30 (7) Provided that such services are also exempt under the
31 Federal Unemployment Tax Act, as amended, or that contributions
32 with respect to such services are not required to be paid into a state
33 unemployment fund as a condition for a tax offset credit against the
34 tax imposed by the Federal Unemployment Tax Act, as amended,
35 the term "employment" shall not include:

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

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

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

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

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

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

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

22 (F) Service performed in the employ of the United States
23 Government or of any instrumentality of the United States exempt
24 under the Constitution of the United States from the contributions
25 imposed by the "unemployment compensation law," except that to
26 the extent that the Congress of the United States shall permit states
27 to require any instrumentalities of the United States to make
28 payments into an unemployment fund under a state unemployment
29 compensation law, all of the provisions of this act shall be
30 applicable to such instrumentalities, and to service performed for
31 such instrumentalities, in the same manner, to the same extent and
32 on the same terms as to all other employers, employing units,
33 individuals and services; provided that if this State shall not be
34 certified for any year by the Secretary of Labor of the United States
35 under section 3304 of the federal Internal Revenue Code of 1986
36 (26 U.S.C. s.3304), the payments required of such instrumentalities
37 with respect to such year shall be refunded by the division from the
38 fund in the same manner and within the same period as is provided
39 in R.S.43:21-14 (f) with respect to contributions erroneously paid to
40 or collected by the division;

41 (G) Services performed in the employ of fraternal beneficiary
42 societies, orders, or associations operating under the lodge system
43 or for the exclusive benefit of the members of a fraternity itself
44 operating under the lodge system and providing for the payment of
45 life, sick, accident, or other benefits to the members of such society,
46 order, or association, or their dependents;

47 (H) Services performed as a member of the board of directors, a
48 board of trustees, a board of managers, or a committee of any bank,

1 building and loan, or savings and loan association, incorporated or
2 organized under the laws of this State or of the United States, where
3 such services do not constitute the principal employment of the
4 individual;

5 (I) Service with respect to which unemployment insurance is
6 payable under an unemployment insurance program established by
7 an Act of Congress;

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

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

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

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

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

32 (O) Services performed in the sale or distribution of merchandise
33 by home-to-home salespersons or in-the-home demonstrators whose
34 remuneration consists wholly of commissions or commissions and
35 bonuses;

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

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

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

5 (S) Service covered by an election duly approved by an agency
6 charged with the administration of any other state or federal
7 unemployment compensation or employment security law, in
8 accordance with an arrangement pursuant to R.S.43:21-21 during
9 the effective period of such election;

10 (T) Service performed in the employ of a school, college, or
11 university if such service is performed (i) by a student enrolled at
12 such school, college, or university on a full-time basis in an
13 educational program or completing such educational program
14 leading to a degree at any of the severally recognized levels, or (ii)
15 by the spouse of such a student, if such spouse is advised at the time
16 such spouse commences to perform such service that (I) the
17 employment of such spouse to perform such service is provided
18 under a program to provide financial assistance to such student by
19 such school, college, or university, and (II) such employment will
20 not be covered by any program of unemployment insurance;

21 (U) Service performed by an individual who is enrolled at a
22 nonprofit or public educational institution which normally
23 maintains a regular faculty and curriculum and normally has a
24 regularly organized body of students in attendance at the place
25 where its educational activities are carried on, as a student in a full-
26 time program, taken for credit at such institution, which combines
27 academic instruction with work experience, if such service is an
28 integral part of such program, and such institution has so certified
29 to the employer, except that this subparagraph shall not apply to
30 service performed in a program established for or on behalf of an
31 employer or group of employers;

32 (V) Service performed in the employ of a hospital, if such
33 service is performed by a patient of the hospital; service performed
34 as a student nurse in the employ of a hospital or a nurses' training
35 school by an individual who is enrolled and regularly attending
36 classes in a nurses' training school approved under the laws of this
37 State;

38 (W) Services performed after the effective date of this
39 amendatory act by agents of mutual benefit associations if the
40 compensation to such agents for such services is wholly on a
41 commission basis;

42 (X) Services performed by operators of motor vehicles weighing
43 18,000 pounds or more, licensed for commercial use and used for
44 the highway movement of motor freight, who own their equipment
45 or who lease or finance the purchase of their equipment through an
46 entity which is not owned or controlled directly or indirectly by the
47 entity for which the services were performed and who were
48 compensated by receiving a percentage of the gross revenue

1 generated by the transportation move or by a schedule of payment
2 based on the distance and weight of the transportation move;

3 (Y) (Deleted by amendment, P.L.2009, c.211.)

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

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

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

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

27 (A) The limousine franchisee is incorporated;

28 (B) The franchisee is subject to regulation by the Interstate
29 Commerce Commission;

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

33 (D) The franchisee registers with the Department of Labor and
34 Workforce Development and receives an employer registration
35 number.

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

47 For purposes of this paragraph (10): "legal transcription service"
48 and "legal transcribing" mean making use, by audio, video or voice

1 recording, of a verbatim record of court proceedings, depositions,
2 other judicial proceedings, meetings of boards, agencies,
3 corporations, or other bodies or groups, and causing that record to
4 be printed in readable form or produced on a computer screen in
5 readable form; and "legal transcriber" means a person who engages
6 in "legal transcribing."

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

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

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

14 (m) "Unemployment."

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

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

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

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

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

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

47 (o) "Wages" means remuneration paid by employers for
48 employment. If a worker receives gratuities regularly in the course

1 of his employment from other than his employer, his "wages" shall
2 also include the gratuities so received, if reported in writing to his
3 employer in accordance with regulations of the division, and if not
4 so reported, his "wages" shall be determined in accordance with the
5 minimum wage rates prescribed under any labor law or regulation
6 of this State or of the United States, or the amount of remuneration
7 actually received by the employee from his employer, whichever is
8 the higher.

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

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

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

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

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

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

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

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

1 (3) "Base week," commencing on or after January 1, 2001,
2 means any calendar week during which the individual earned in
3 employment from an employer remuneration not less than an
4 amount 20 times the minimum wage in effect pursuant to section 5
5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar
6 year preceding the calendar year in which the benefit year
7 commences, which amount shall be adjusted to the next higher
8 multiple of \$1.00 if not already a multiple thereof, except that if in
9 any calendar week an individual subject to this paragraph (3) is in
10 employment with more than one employer, the individual may in
11 that calendar week establish a base week with respect to each of the
12 employers from whom the individual earns remuneration equal to
13 not less than the amount defined in this paragraph (3) during that
14 week.

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

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

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

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

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

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

1 (A) In which participants, trainees, or students are offered an
2 organized course of study or training designed to transfer to them
3 knowledge, skills, information, doctrines, attitudes or abilities from,
4 by or under the guidance of an instructor or teacher;

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

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

12 (2) "Institution of higher education" means an educational
13 institution which:

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

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

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

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

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

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

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

32

33 ²[6.] 5.² This act shall take effect immediately.

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38 Requires enhanced review of death records two months prior to
39 election; permits remote training for certain election workers;
40 exempts election worker compensation from taxation and
41 remuneration.