



## State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
PO BOX 110  
TRENTON, NEW JERSEY 08625-0110

JON S. CORZINE  
Governor

DAVID J. SOCOLOW  
Commissioner

MAR 18 2009

Cheryl Atkinson, Administrator  
Office of Workforce Security  
200 Constitution Avenue  
Room S-4231  
Washington, DC 20210

Dear Ms. *Cheryl* Atkinson:

I recently wrote to you, in a letter dated March 5, 2009, to submit New Jersey's application for one-third of the state's Unemployment Modernization Incentive payment in accordance with the Assistance for Unemployed Workers and Struggling Families Act included in Title II of Division B of Public Law No. 111-5, the American Recovery and Reinvestment Act. Today, I am writing to apply on behalf of the State of New Jersey for the distribution of the remaining two-thirds of the Unemployment Modernization Incentive payment, in accordance with Section 2003 of Public Law No. 111-5.

Public Law No. 111-5, Section 2003(a), as explained in UIPL No. 14-09, indicates that to be eligible for the two-thirds incentive payment, a State unemployment compensation law must include provisions to carry out at least two of the following:

- (1) Unemployment compensation is payable to certain individuals seeking only part-time work.
- (2) An individual is not disqualified from unemployment compensation for separations due to certain compelling family reasons.
- (3) An additional 26 weeks of unemployment compensation is paid to exhaustees who are enrolled in and making satisfactory progress in certain training programs.
- (4) Dependents' allowances of at least \$15 per dependent, per week, subject to a minimum aggregation, are paid to eligible beneficiaries.

I hereby certify that both New Jersey State law and the administrative practices of our state Unemployment Insurance program include provisions to carry out requirements number 1 and number 3, listed above, and accordingly, I respectfully request that you determine that New Jersey qualifies for a full distribution of the remaining two-thirds of the Unemployment Modernization Incentive payment.

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AD-18A (R-7-06)

The provisions related to UI benefits eligibility for unemployed part-time workers restricting their work search to part-time work (requirement number 1) and additional benefits during approved job training (requirement number 3), which are discussed in greater detail below, are permanent features of the New Jersey Unemployment Compensation Law and are not subject to discontinuation or any “sunset” date. These permanent provisions of our state’s law were enacted by the New Jersey legislature and approved by the Governor, and are subject to change or repeal only by action of that body with the approval of the Governor.

It is the intention of the New Jersey Department of Labor and Workforce Development to use the funds provided by this incentive payment to strengthen the New Jersey Unemployment Insurance Trust Fund, by increasing the balances available in the fund to pay benefits to eligible unemployed workers. The experience rates paid by New Jersey employers are in part indexed to a calculation of the trust fund balance on March 31<sup>st</sup> of each year. I respectfully request that, if at all possible prior to March 31, 2009, you confirm that New Jersey is indeed eligible to receive the state’s full allocation of Unemployment Modernization Incentive funds, so that the anticipated receipt of these deposits may be included in the calculation of the state’s March 31 UI trust fund balance, to help mitigate the potential rate increases for New Jersey employers this year.

#### Requirement Number 1 – Part-Time Work

Relative to requirement number 1, N.J.S.A. 43:21-20.1, commonly referred to as the part-time worker parity provision in our state statute, states the following:

Notwithstanding any other provision of R.S. 43:21-1 et seq. to the contrary, no individual, who is otherwise eligible, shall be deemed unavailable for work or ineligible for benefits solely for the reason that the individual is available for, seeks, applies for, or accepts only part-time work, instead of full-time work, if the claim is based on part-time employment and the individual is actively seeking and is willing to accept work under essentially the same conditions as existed in connection with the employment from which the individual became eligible for benefits.

The State regulation, which addresses unemployment compensation claimants seeking only part-time work, is N.J.A.C. 12:17-12.7. It states the following:

(a) No individual, who is otherwise eligible, shall be deemed unavailable for work or ineligible for benefits solely for the reason that the individual is available for, seeks, applies for, or accepts only part-time employment and the individual is actively seeking and is willing to accept work under essentially the same conditions as

existed in connection with the employment from which the individual became eligible for benefits.

(b) An individual who limits his or her availability to part-time work shall be ineligible for benefits unless the following conditions are met:

1. The individual has worked in part time work during a substantial portion of the individual's base year. A "substantial portion" of the individual's base year is defined as earning sufficient wage credits in part-time employment to establish a claim for benefits;

2. There is sufficient part-time work in the claimant's general labor market to justify his or her restriction to part-time work; and

3. The individual is available for enough weekly hours to be able to earn remuneration equal to at least the individual's weekly benefit amount.

N.J.S.A. 43:21-20.1 and N.J.A.C. 12:17-12.7 contain all of the pertinent provisions relating to the issue of unemployment compensation payable to individuals seeking only part-time work. Those provisions are consistent with the requirements at Public Law No. 111-5, Section 2003(a), as explained in UIPL No. 14-09.

### Requirement Number 3 – Additional Benefits During Training

Relative to requirement number 3, N.J.S.A. 43:21-61 states the following:

Except as provided in section 8 of this act (N.J.S.A. 43:21-64), each individual who meets the requirements of section 4 of this act (N.J.S.A. 43:21-60), but has not completed the remedial education and vocational training at the end of the period during which he is entitled to receive unemployment benefits pursuant to the "unemployment compensation law" ([R.S. 43:21-1](#) et seq.), P.L.1970, c. 324 ([C. 43:21-24.11](#) et seq.) and any federally-financed supplemental benefits program shall be entitled to receive a weekly benefit equal to his previous weekly unemployment compensation benefit for each additional week certified by the division as needed to complete the remedial education or vocational training up to a total of 26 additional weeks.

No additional benefits shall be paid pursuant to the provisions of this section for any week during which the individual receives training allowances or stipends pursuant to the provisions of any federal law or any other State law. As used in this section, "training allowances or stipends" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as the costs of tuition, books and supplies.

No employer's account shall be charged for the payment of additional benefits pursuant to the provisions of this section.

N.J.S.A. 43:21-60 states the following:

Except as provided in section 8 of this act (N.J.S.A. 43:21-64), the additional benefits indicated in section 5 of this act (N.J.S.A. 43:21-61) shall be provided to any individual who:

- a. Has received a notice of a permanent termination of employment by the individual's employer or has been laid off and is unlikely to return to his previous employment because work opportunities in the individual's job classification are impaired by a substantial reduction of employment at the worksite;
- b. Is, at the time of the layoff or termination, eligible, pursuant to the "unemployment compensation law," [R.S.43:21-1](#) et seq., for unemployment benefits;
- c. Enters into the counseling made available pursuant to section 3 of this act as soon as possible following notification by the Department of Labor and Workforce Development of its availability;
- d. (1) Notifies the department of the individual's intention to enter into the instruction and training identified in the Employability Development Plan developed pursuant to section 3 of this act, not later than 60 days after the date of the individual's termination or layoff, not later than 30 days after the department provides notice to the individual pursuant to section 6 of this act or not later than 30 days after the Employability Development Plan is developed, whichever occurs last;

(2) Enters into the instruction and training identified in the Employability Development Plan as soon as possible after giving the notice required by paragraph (1) of this subsection d.; and

(3) Maintains satisfactory progress in the instruction and training;

e. Enrolls in occupational training which:

(1) Is training for a labor demand occupation;

(2) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power;

(3) Is provided by an approved service provider; and

(4) Does not include on the job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits pursuant to the provisions of section 5 of this act;

f. Enrolls in occupational training, remedial instruction or a combination of both on a full-time basis; and

g. Reasonably can be expected to successfully complete the occupational training and any needed remedial instruction, either during or after the period of additional benefits.

If the requirements of this section are met, the division shall not deny an individual unemployment benefits pursuant to the "unemployment compensation law," [R.S.43:21-1](#) et seq., P.L.1970, c.324 ([C.43:21-24.11](#) et seq.) or the additional benefits indicated in section 5 of this act for any of the following reasons: the training includes remedial instruction needed by the individual to succeed in the occupational component of the training; the individual has identifiable occupational skills but the training services are needed to enable the individual to develop skills necessary to attain at least the level of self-sufficiency; the training is part of a program under which the individual may obtain any college degree enhancing the individual's marketable skills and earning power; the individual has previously received a training grant; the length of the

training period under the program; or the lack of a prior guarantee of employment upon completion of the training. If the requirements of this section are met, the division shall regard a training program as approved for the purposes of paragraph (4) of subsection (c) of [R.S.43:21-4](#).

On March 17, 2009, Governor Jon S. Corzine signed into law P.L. 2009, c. 20, thus repealing N.J.S.A. 43:21-64, a provision of New Jersey law which had previously placed a limit or “cap” on the total amount of additional benefits during training paid in any given calendar year. Prior to this recent repeal, N.J.S.A. 43:21-64 had stated the following:

a. Whenever the Commissioner of Labor and Workforce Development determines that the total amount of additional benefits paid pursuant to this act has become greater than 2.0% of the sum of balances in the unemployment trust fund on every December 31 since the effective date of P.L. 1992, c. 47 ([C. 43:21-57](#) et seq.), the commissioner shall, during the period lasting until the end of the calendar year in which the determination is made, prohibit any additional individuals from beginning to receive additional benefits pursuant to this act and shall end the prohibition at the end of that calendar year.

b. The Department of Labor and Workforce Development shall, during any period in which the commissioner prohibits additional individuals from beginning to receive additional benefits pursuant to subsection a. of this section, continue to provide any otherwise eligible individual with:

- (1) The notice required pursuant to section 6 of this act;
- (2) The counseling required pursuant to section 3 of this act; and
- (3) The opportunity for the individual to notify the department of the individual’s intention to enter into remedial education or vocational training pursuant to subsection d. of section 4 of this act. Any individual who, during the period in which the commissioner prohibits additional individuals from beginning to receive additional benefits pursuant to subsection a. of this section, meets the requirements of section 4 of this act shall be permitted to receive additional benefits pursuant to this act after the commissioner has ended the prohibition pursuant to subsection a. of this section.

c. Additional benefits paid pursuant to this act shall continue for any individual who, at the time that the commissioner imposes the prohibition pursuant to subsection a. of this section, is already receiving the additional benefits or has already enrolled in the training or education identified in the Employability Development Plan developed pursuant to section 3 of this act.

However, again, P.L. 2009, c. 20, repealed N.J.S.A. 43:21-64 in its entirety. I have attached a copy of P.L. 2009, c. 20, for your information. I am also attaching, for your information, a copy of New Jersey Department of Labor and Workforce Development Income Security Bulletin No. 0094, which was issued on February 23, 2009, regarding additional benefits during training and the receipt of a training allowance or stipend. The bulletin states that its purpose is to inform staff of the Department's interpretation of N.J.S.A. 43:21-61 relative to the receipt of a training allowance or stipend. The bulletin goes on to indicate that claimants enrolled in the Additional Benefits during Training (ABT) program are prohibited from receiving ABT benefits for any week(s) that the training allowance or stipend is equal to or greater than the weekly benefit rate.

N.J.S.A. 43:21-60 and 61 and Income Security Bulletin No. 0094 contain all of the pertinent provisions relative to the issue of eligibility for additional benefits during training. Those provisions are consistent with the requirements at Public Law No. 111-5, Section 2003(a), as explained in UIPL No. 14-09.

### Conclusion

Having demonstrated that the unemployment compensation law of the State of New Jersey contains the required provisions relative to the issues of (1) part-time workers, and (2) additional benefits during training, I hereby request, on behalf of the State of New Jersey, the distribution of the remaining two-thirds of the incentive payment, in accordance with Public Law No. 111-5, Section 2003.

Please contact me if you have any need for additional information to process this application for the distribution of the second two-thirds of the Modernization Incentive Payment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul J. Secor".

COMMISSIONER

**ASSEMBLY, No. 3818**

---

**STATE OF NEW JERSEY**

**213th LEGISLATURE**

---

INTRODUCED MARCH 5, 2009

Sponsored by:  
Assemblywoman **NELLIE POU**  
District 35 (Bergen and Passaic)  
Assemblywoman **VALERIE VAINIERI HUTTLE**  
District 37 (Bergen)  
Assemblyman **REED GUSCIORA**  
District 15 (Mercer)

**SYNOPSIS**

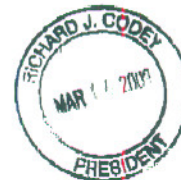
Eliminates off trigger for additional unemployment benefits during job training program.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/10/2009)





1 AN ACT concerning additional unemployment benefits during job  
2 training and repealing section 8 of P.L.1992, c.47.

3  
4 BE IT ENACTED by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 8 of P.L.1992, c.47 (C.43:21-64) is repealed.

8  
9 2. This act shall take effect immediately.

APPROVED  
17<sup>th</sup> DAY OF March 2009

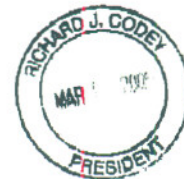
10  
11  
12 STATEMENT

  
JON S. CORZINE  
GOVERNOR


13  
14 This bill repeals the "off trigger" provision of the State's existing  
15 program providing up to 26 weeks of additional unemployment  
16 insurance (UI) benefits during training (ABT) for laid-off, displaced  
17 workers who are making satisfactory progress in State-approved job  
18 training programs. The current law establishing the ABT program  
19 provides an off trigger to reject any new applications for ABT  
20 whenever the total amount of ABT payments exceeds 2% of the  
21 cumulative annual balance of the UI fund.

22 Together with other existing provisions of the State's UI law, the  
23 bill meets the requirements of the federal "American Recovery and  
24 Reinvestment Act of 2009" (ARRA) for the State's UI fund to  
25 receive \$207 million in federal UI funds, which will help prevent  
26 increases in the UI taxes of New Jersey employers. New Jersey's  
27 current ABT law meets all ARRA requirements to receive those  
28 federal funds, except for the ARRA requirement that ABT programs  
29 be permanent and not have any off trigger.

30 Eliminating the ABT off trigger should have no practical effect  
31 on the UI fund, because the amount of ABT payments has never  
32 been high enough to trigger off the benefits and is unlikely, by  
33 estimates of the Department of Labor and Workforce Development,  
34 to trigger off the benefits in the foreseeable future.



Attest

  
William J. Castner, Jr.  
Chief Counsel to the Governor



ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3818

STATE OF NEW JERSEY

DATED: MARCH 9, 2009

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3818.

The bill repeals the "off-trigger" provision of the State's existing program providing up to 26 weeks of additional unemployment insurance (UI) benefits during training (ABT) for laid-off, displaced workers who are making satisfactory progress in State-approved job training programs. The current law establishing the ABT program provides an off-trigger to reject any new applications for ABT whenever the total amount of ABT payments exceeds 2% of the cumulative annual balances of the UI fund.

Together with other existing provisions of the State's UI law, the bill satisfies enough of the requirements of the federal "American Recovery and Reinvestment Act of 2009" (ARRA) to qualify the State's UI fund to receive a total of \$207 million in federal UI funds, which will help prevent increases in the UI taxes of New Jersey employers. New Jersey's current law does not satisfy enough of the ARRA requirements to qualify to receive all of those federal funds, unless it is amended to meet the ARRA requirement that ABT programs be permanent and not have any off trigger, although the ARRA provides other options to qualify besides the option proposed in this bill.

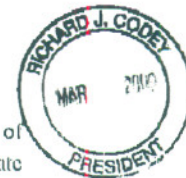
The bill's elimination of the ABT off trigger should have no practical effect on the UI fund, because the amount of ABT payments has never been high enough to trigger off the benefits and is unlikely, by estimates of the Department of Labor and Workforce Development, to trigger off the benefits in the foreseeable future.

This bill is identical to Senate Bill No. 2640.

FISCAL IMPACT:

1. The federal "American Recovery and Reinvestment Act of 2009" (ARRA) provides federal moneys for the UI fund of any state which meets several requirements of the act. Under the formula set out in ARRA, as much as \$207 million in federal funds would be paid into the New Jersey UI fund if New Jersey meets the following requirements.

One third of New Jersey's allocation under ARRA, or \$69 million, will be provided because the State's UI law already meets the ARRA



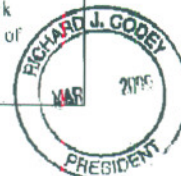
requirement that eligibility for UI benefits be determined on the basis of an "alternative base year." Previously, UI benefit eligibility determinations were based only on worker earnings during the first four out of the last five complete calendar quarters, thus ignoring between three and six months of the most recent earnings. In 1995, the State's UI law was amended to provide that if a worker was not eligible for benefits based on the old base period, eligibility would be based on one of two "alternative base periods": either the last four completed quarters or the last three completed quarters, plus the current incomplete quarter. This change makes UI benefits available to more seasonal workers and new entrants to the workforce, as well as qualifying New Jersey for \$69 million in ARRA funds.

To obtain the other two thirds of the funds available under ARRA, or \$138 million, New Jersey must adopt two out of the four options indicated in the table below.

#### New Jersey UI law compared to ARRA requirements

ARRA requirement	N.J. Law	N.J. law adopted	Comment
1. Provide UI benefits for laid off part-time workers who are available for part time work.	Same as ARRA Requirement.	2003	New Jersey UI law currently meets this ARRA requirement.
2. Provide, after other UI benefits run out, up to 26 weeks of additional benefits for laid off workers making satisfactory progress in State-approved job training programs.	Same as ARRA, except the N.J. closes program to new claimants if the total program cost exceeds 2% of accumulated sum of annual UI fund balances.	1992	To meet this ARRA requirement, New Jersey UI law must eliminate the 2% off trigger, which is what S-2604 does.
3. Provide \$15 per week in added UI benefits for each dependent of the laid off worker up to a total of \$50 per week.	Increases UI weekly benefit 7% for first dependent, another 4% for each additional dependent up to 15%, but not more than maximum weekly benefit of \$584.	1984	To meet this ARRA requirement, New Jersey UI law must increase dependency benefit to the level in ARRA.
4. Provide UI benefits once worker becomes available for work after any of the three following situations: a. Leaving work to deal with domestic violence situation. b. Moving to new location to follow spouse with new work location. c. Leaving work to care of sick family member.	Provides UI benefits once worker becomes available for work after: a. Leaving work to deal with domestic violence situation. b. Moving to new location to follow reassigned military spouse. c. Leaving work to care for sick family member (due to such leave being defined as disability leave in temporary disability law).	a. 1999 b. 2007 c. 2008	To meet this ARRA requirement, New Jersey UI law must provide UI benefits once worker becomes available for work after moving to new location following a non-military spouse with new work location (part of option "b").

Because New Jersey's UI law already has the required alternative base period and meets the first ARRA requirement listed in the table



(benefits for part-time workers), it can qualify for the full \$208 million in federal funds by meeting one more of the other three requirements. S-2640 qualifies for the full funding by meeting the second requirement in the table: modifying the State's additional UI benefits during training ("ABT") program to bring it into full compliance with ARRA requirements.

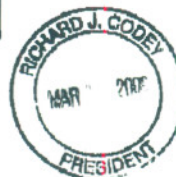
2. P.L.1992, c.47 amended the UI law to provide 26 weeks of UI benefits to permanently laid-off workers who have exhausted all other UI benefits and are making satisfactory progress in State-approved job training programs. As shown in the table below, the amount of ABT payments has fluctuated from as low as \$20 million in 1998 to as high as \$46 million in 2004. More than 5,000 displaced workers per year have received ABT, reaching a peak of 8,642 in 2004. (see PDF page 27 of <http://www.njleg.state.nj.us/legislativepub/budget/labor09.pdf>).

S-2640 repeals the provision of the ABT law that no new applications for ABT will be accepted when the total amount of ABT payments exceeds 2% of the cumulative annual balance of the UI fund. As the table below indicates, the annual amount of ABT payments has exceeded the annual UI fund balance every year since 2004, but since the 2% trigger ratio in the law is based on the total ABT payments compared to the cumulative payments for every year since 1992, the total ratio is still well below 2% and is not likely to exceed that level soon. With the recent low annual balances of the UI fund, the cumulative ratio will continue to rise. If the average year-end UI fund balance remains at the current \$750 million level, and the ABT annual payments averages \$50 million, the 2% trigger will be reached sometime later in the next decade. S-2640 removes that possibility.

Additional Benefits in Training (ABT) as a percent of  
the Unemployment Trust fund cash balance

YEAR	Unemployment Fund Balance		ABT benefits		As percent of the year	As Cumulative percent
	Dec. 31	Cumulative	For year	Cumulative		
1992	\$2,813.0	\$2,813.0	\$0.0	\$0.0		0.02%
1993	\$2,558.1	\$5,171.1	\$24.0	\$25.6	0.95%	0.40%
1994	\$2,137.2	\$7,308.3	\$33.0	\$58.5	1.29%	0.60%
1995	\$2,110.0	\$9,418.2	\$23.0	\$81.5	1.08%	0.67%
1996	\$2,128.8	\$11,546.0	\$23.7	\$105.2	1.12%	0.61%
1997	\$2,191.0	\$13,736.8	\$22.7	\$127.9	1.07%	0.93%
1998	\$2,553.8	\$16,290.6	\$19.8	\$147.7	0.90%	0.81%
1999	\$2,020.1	\$18,110.7	\$24.8	\$172.5	0.97%	0.80%
2000	\$2,908.1	\$22,027.0	\$22.9	\$195.4	0.81%	0.89%
2001	\$3,217.8	\$25,245.4	\$22.8	\$218.2	0.78%	0.88%
2002	\$3,100.8	\$28,412.0	\$28.0	\$244.2	0.81%	0.86%
2003	\$2,421.4	\$30,833.4	\$36.8	\$280.8	1.16%	0.91%
2004	\$1,854.7	\$32,488.1	\$45.7	\$326.5	1.86%	1.00%
2005	\$1,208.9	\$33,894.4	\$40.7	\$367.2	2.46%	1.09%
2006	\$1,010.4	\$34,704.8	\$37.8	\$404.8	3.12%	1.17%
2007	\$819.8	\$35,524.6	\$39.7	\$444.5	3.83%	1.25%
2008	\$748.1	\$36,272.7	\$29.2	\$473.7	3.66%	1.31%

Source: \*Income and Benefit paid under the New Jersey unemployment compensation program - selected data.



GENERAL ASSEMBLY No. A-3818

GENERAL ASSEMBLY,

March 16, 2009.

This bill having been three times read in the

General Assembly,

RESOLVED, That the same do pass.

By order of the General Assembly.

*[Signature]*



Speaker of the General Assembly

SENATE,

3-16, 2009.

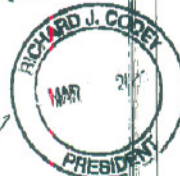
This bill having been three times read and

compared in the Senate,

RESOLVED, That the same do pass.

By order of the Senate.

*[Signature]*



President of the Senate

GENERAL ASSEMBLY,

....., 2009.

This bill having been three times read in the

General Assembly,

RESOLVED, That the same do pass as

amended.

By order of the General Assembly.

.....  
Speaker of the General Assembly

SENATE,

....., 2009.

This bill having been three times read and

compared in the Senate,

RESOLVED, That the same do pass as

amended.

By order of the Senate.

.....  
President of the Senate

**ADDITIONAL BENEFITS DURING TRAINING – RECEIPT OF TRAINING  
ALLOWANCE OR STIPEND**

The purpose of this bulletin is to inform staff of the Department's interpretation of N.J.S.A. 43:21-61. N.J.S.A. 43:21-61 states, "No additional benefits shall be paid pursuant to the provisions of this section for any week during which the individual receives training allowances or stipends pursuant to the provisions of any Federal law or any other State law. As used in this section, 'training allowances or a stipend' means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as the costs of tuition, books and supplies."

Claimants enrolled in the Additional Benefits during Training (ABT) program are prohibited from receiving ABT benefits for any week(s) that training allowance or stipend is equal to or greater than the Weekly Benefit Rate (WBR).

If staff has sufficient information concerning the dates and amount(s) of the training allowance or stipend payments and the amount(s) is less than the WBR, enter an A300 remark with all of the training information. There is no further action needed. If the amount of the training allowance or stipend payments is equal to or exceeds the WBR, schedule the claimant for a nonmonetary appointment to determine eligibility. An issue code "99" is used with a free form phrase.

\* \* \* \*

Manager and supervisors shall ensure that all concerned claims personnel are familiar with and guided by this instruction

\* \* \* \*

Questions or Comments? <http://inform-prod/inform/ui/uimain/feedback.html>

Affecting:  *Unemployment Insurance*

*Workforce Development*

## CLARIFICATION OF LIMITING AVAILABILITY TO LESS THAN FULL-TIME WORK

The purpose of this bulletin is to clarify the impact of nonmonetary determinations in cases where claimants are limiting their availability when their UI claim is based predominately on part-time employment found in 12:17-12.7 (b) 1 and 3.

In section 12:17-12.7 (b) 1, “The individual has worked in part-time work during a substantial portion of the individual’s base year. A “substantial portion” of the individual’s base year is defined as earning sufficient wage credits in part-time employment to establish a claim for benefits.”

The Division of UI is further defining the term “substantial portion of the base period” as working greater than 50% of the reported base weeks during the regular or alternate base year used in the monetary qualification. An example of this is:

Individual works during the base year:

Nine (9) full-time base weeks – 40 hours per week  
Eleven (11) part-time weeks – 20 hours per week

In this example, since the majority of the base year employment is with the part-time employer (eleven out of twenty), 11 weeks is more than 50% of the total weeks, this claimant may restrict their work search to part-time employment.

In section 12:17-12.7 (b) 3, “The individual is available for enough weekly hours to be able to earn remuneration equal to at least the individual’s weekly benefit amount.”

The Division of UI is providing further clarification of this section that an individual be available for the same or greater number of hours worked in established base year “part-time” employment.

Using the above example, since the claimant established part-time weekly employment as 20 hours, then they must be available for at least 20 hours of work. In most cases, the base year part-time hours are not consistently the same amount and may vary from week to week.

Claims examiners must always review each case separately and arrive at a fair weekly average of part-time hours. If the claimant indicates that they are available for less than the average weekly hours, a claims examiner appointment must be scheduled to discuss their availability for employment. Claims examining staff must still review all other factors of availability including, acceptable hourly wage and willingness to accept work under essentially the same conditions.

\* \* \* \*

Managers and supervisors shall ensure that all concerned personnel are familiar with and guided by this instruction.

\* \* \* \*

Questions or Comments? <http://inform-prod/inform/ui/uimain/feedback.html>