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RULE PROPOSALS

**LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKERS' COMPENSATION**

49 N.J.R. 2886(a)

Proposed Amendment: *N.J.A.C. 12:235-1.6*

[Click here to view Interested Persons Statement](#)

2018 Maximum Workers' Compensation Benefit Rates

Authorized By: Aaron R. Fichtner, Ph.D., Commissioner, Department of Labor and Workforce Development.

Authority: *N.J.S.A. 34:1-5, 34:1-20, 34:1A-3(e), and 34:15-12(a)*.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-224.

A **public hearing** on the proposed amendment will be held on the following date at the following location:

Tuesday, September 26, 2017
10:00 A.M. to 12:00 Noon
New Jersey Department of Labor and Workforce Development
John Fitch Plaza
10th Floor, Large Conference Room
Trenton, New Jersey

Please call the Office of Legal and Regulatory Services at (609) 292-2789 if you wish to be included on the list of speakers.

Submit written comments by November 4, 2017, to:

David Fish, Executive Director
Office of Legal and Regulatory Services
New Jersey Department of Labor and Workforce Development
PO Box 110
13th Floor

Trenton, New Jersey 08625-0110
Fax to: (609) 292-8246
E-mail: David.fish@dol.nj.gov

The agency proposal follows:

Summary

The proposed amendments to *N.J.A.C. 12:235-1.6* would establish the 2018 maximum workers' compensation benefit rates for temporary disability, permanent total disability, permanent partial disability, and dependency under the Workers' Compensation Law.

Because a 60-day comment period has been provided in this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

Social Impact

The proposed amendments will ensure that payments to workers' compensation recipients entitled to maximum benefits will increase in line with the upward trend of wages in the State's economy, thus, preserving the real purchasing power of their benefits.

Economic Impact

The proposed amendments will increase from \$ 896.00 to \$ 903.00, the weekly benefit rate received by individuals eligible for the maximum weekly benefit rate for temporary disability, permanent total disability, permanent partial disability, and dependency under the Workers' Compensation Law. The 2018 maximum benefit rate represents a 0.8 percent increase in the current maximum benefit rate.

Federal Standards Statement

The proposed amendments do not contain any standards or requirements that exceed standards or requirements imposed by Federal law. The amendments increase benefit rates to individuals. As a result, an explanation or analysis of the proposed amendments pursuant to Executive Order No. 27 (1994) is not required.

Jobs Impact

The proposed amendments will have no impact on jobs in New Jersey. The Department does not anticipate an increase or decrease in jobs as a result of these amendments.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments do not impose any reporting, recordkeeping, or compliance requirements on small businesses as that term is defined in the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16* et seq. The proposed amendments increase benefit rates to individuals. Thus, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The proposed amendments will not evoke a change in the average costs associated with housing, nor will they have any effect on the affordability of housing. The basis for this finding is that the proposed amendments pertain to the statutorily mandated annual adjustment to the maximum workers' compensation benefit rates and do not pertain to housing.

Smart Growth Development Impact Analysis

The proposed amendments will not evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The basis for this finding is that the pro-

posed amendments pertain to the statutorily mandated annual adjustment to the maximum workers' compensation benefit rates and do not pertain to housing production, either within Planning Areas 1 or 2, or within designated centers.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

12:235-1.6 Maximum workers' compensation benefit rates

(a) In accordance with the provisions of N.J.S.A. 34:15-12.a, the maximum workers' compensation benefit rate for temporary disability, [page=2887] permanent total disability, permanent partial disability, and dependency is hereby promulgated as being [\$ 896.00] **\$ 903.00** per week.

(b) The maximum compensation shall be effective as to injuries occurring in the calendar year [2017] **2018**.