

52 N.J.R. 1666(a)

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RULE PROPOSALS

Reporter

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***NJ - New Jersey Register > 2020 > SEPTEMBER > SEPTEMBER 8, 2020 > RULE PROPOSALS
> LABOR AND WORKFORCE DEVELOPMENT -- DIVISION OF WORKERS' COMPENSATION***

Interested Persons Statement

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

Agency

LABOR AND WORKFORCE DEVELOPMENT > DIVISION OF WORKERS' COMPENSATION

Administrative Code Citation

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

Text

2021 Maximum Workers' Compensation Benefit Rates

52 N.J.R. 1666(a)

Authorized By: Robert Asaro-Angelo, 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 2020-086.

Submit written comments by November 7, 2020, 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
Email: David.fish@dol.nj.gov

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 12:235-1.6 would, pursuant to N.J.S.A. 34:15-12, establish the 2021 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 \$ 945.00 to \$ 969.00, 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 2021 maximum benefit rate represents a 2.5 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 adjust the maximum weekly workers' compensation benefit rate and is governed entirely by State law; specifically, the New Jersey Workers' Compensation Act, N.J.S.A. 34:15-1 et seq. 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 the proposed 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 on the affordability of housing in the State. 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 the 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 proposed 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.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commissioner has evaluated this rulemaking and has determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

[page=1667] 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, permanent total disability, permanent partial disability, and dependency shall be [\$ 945.00] **\$ 969.00** per week.

(b) The maximum compensation shall be effective as to injuries occurring in the calendar year [2020] **2021**.