

# 55 N.J.R. 1870(a)

VOLUME 55, ISSUE 17, SEPTEMBER 5, 2023

## RULE PROPOSALS

### Reporter

55 N.J.R. 1870(a)

***NJ - New Jersey Register > 2023 > SEPTEMBER > SEPTEMBER 5, 2023 > RULE PROPOSALS  
> LABOR AND WORKFORCE DEVELOPMENT -- DIVISION OF WORKERS' COMPENSATION***

## Interested Persons Statement

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### 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

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LABOR AND WORKFORCE DEVELOPMENT > DIVISION OF WORKERS' COMPENSATION

## Administrative Code Citation

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

## Text

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### 2024 Maximum Workers' Compensation Benefit Rates

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 2023-088.

Submit written comments by November 4, 2023, 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](mailto:David.fish@dol.nj.gov)

The agency proposal follows:

### **Summary**

The proposed amendments at N.J.A.C. 12:235-1.6 would, pursuant to N.J.S.A. 34:15-12, establish the 2024 maximum workers' compensation [page=1871] benefit rates for temporary disability, permanent total disability, permanent partial disability, and dependency under the Workers' Compensation Law. The maximum benefit rate is set by statute at 75 percent of the average weekly wages earned by all employees covered by the unemployment compensation law (N.J.S.A. 34:15-12(a)).

As 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 would 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 would increase from \$ 1,099 to \$ 1,131, 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 pursuant to the Workers' Compensation Law. The 2024 maximum benefit rate represents a 2.9 percent increase in the current maximum benefit rate.

### **Federal Standards Statement**

The proposed amendments do not include 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 N.J.S.A. 52:14B-23 or N.J.A.C. 1:30-5.1 is not required.

### **Jobs Impact**

The proposed amendments would have no impact on jobs in New Jersey. The Department of Labor and Workforce Development (Department) does not anticipate an increase or decrease in jobs as a result of these amendments.

### **Agriculture Industry Impact**

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

### **Regulatory Flexibility Statement**

The proposed amendments would 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 would 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 would not evoke a change in the housing production within Planning Areas 1 or 2, or within designated centers, pursuant to 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 of the Department 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]):

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 12:235-1.6 Maximum workers' compensation benefit rates

(a) In accordance with the provisions at 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 is hereby promulgated as being [\$ 1,099] **\$ 1,131** per week.

(b) The maximum compensation shall be effective as to injuries occurring in the calendar year [2023] **2024**.