

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commissioner of the Department has evaluated this rulemaking and has determined that it would 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

12:15-1.2 Maximum weekly benefit rates

(a) For unemployment compensation claims commencing on or after January 1, [2022] **2023**, the maximum weekly benefit rate [under] **pursuant to** the Unemployment Compensation Law shall be [\$804.00] **\$830.00** per week.

(b) For periods of disability or family leave commencing on or after January 1, [2022] **2023**, the maximum weekly benefit rate for State Plan temporary disabilities and family leave insurance benefits [under] **pursuant to** the Temporary Disability Benefits Law shall be [\$993.00] **\$1,025.00** per week.

12:15-1.3 Taxable wage base under the Unemployment Compensation Law

(a) In accordance with the provisions [of] **at** N.J.S.A. 43:21-7(b)(3), the “wages” of any individual with respect to any one employer for the purpose of contributions [under] **pursuant to** the Unemployment Compensation Law shall include the first [\$39,800] **\$41,100** during the calendar year [2022] **2023**.

(b) In accordance with the provisions [of] **at** N.J.S.A. 43:21-7(b)(4), the “wages” of any individual with respect to any one employer for the purpose of contributions to the State Disability Benefits Fund, including the “Family Temporary Disability Leave Account,” shall include the first [\$151,900] **\$156,800** during the calendar year [2022] **2023**.

12:15-1.4 Contribution rate of governmental entities and instrumentalities

(a) (No change.)

(b) This contribution rate shall be effective on taxable wages paid in the calendar year [2022] **2023**.

12:15-1.5 Base week

In accordance with the provisions [of] **at** N.J.S.A. 43:21-19(c)(1) and (t)(3) and 43:21-27(h)(4), the base week amount shall be [\$240.00] **\$260.00** per week for calendar year [2022] **2023**.

12:15-1.6 Alternative earnings test

In accordance with the provisions [of] **at** N.J.S.A. 43:21-4(e)(4)(B) and 43:21-41(d)(2), in those instances in which the individual has not established 20 base weeks, the alternative earnings amount for establishing eligibility shall be [\$12,000] **\$13,000** for unemployment compensation benefit years and periods of disability and family leave commencing on or after January 1, [2022] **2023**.

(a)

DIVISION OF WORKERS' COMPENSATION 2023 Maximum Workers' Compensation Benefit Rates

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

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 2022-117.

Submit written comments by November 5, 2022, 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 at N.J.A.C. 12:235-1.6 would, pursuant to N.J.S.A. 34:15-12, establish the 2023 maximum workers' compensation 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 \$1,065 to \$1,099, 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 2023 maximum benefit rate represents a 3.2 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 does not anticipate an increase or decrease in jobs as a result of the proposed 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, 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 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 [of] 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 [\$1,065] **\$1,099** per week.
 (b) The maximum compensation shall be effective as to injuries occurring in the calendar year [2022] **2023**.

LAW AND PUBLIC SAFETY

(a)

JUVENILE JUSTICE COMMISSION

Juvenile Justice Commission

Proposed Readoption with Amendments: N.J.A.C. 13:90

Proposed New Rule: N.J.A.C. 13:90-3.13

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Matthew J. Platkin, Acting Attorney General and Chair, via Derick D. Dailey, Attorney General Designee.

Authority: N.J.S.A. 2A:4A-76, 52:17B-169, 52:17B-170, 52:17B-171, 52:17B-176, 52:17B-179, and 52:17B-180; and P.L. 2021, c. 196.

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

Proposal Number: PRN 2022-111.

Submit written comments by November 5, 2022, to:

Christina O. Broderick
 Chief, Legal & Regulatory Affairs
 New Jersey Juvenile Justice Commission
 1001 Spruce Street-Suite 202
 Trenton, New Jersey 08638
 or electronically at: regulatory.affairs@jjc.nj.gov

The agency proposal follows:

Summary

The Juvenile Justice Commission (Commission) is the New Jersey agency responsible for providing youth corrections and parole services and for providing funding to encourage and enhance community-based services and sanctions for at-risk, court-involved, and delinquent youth. In carrying out its responsibilities, the Commission seeks to maintain a safe and respectful environment for the youth under its supervision, while at the same time delivering effective educational and rehabilitative services individually tailored to each youth under its care. Additionally, based on the philosophy that communities have a unique understanding of their local youth populations, the Commission administers several funding initiatives that encourage the development and enhancement of a continuum of community-based services and sanctions for at-risk, court-involved, and delinquent youth, from prevention programs to sentencing options and reentry support services.

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 13:90, which sets forth the organizational provisions of the Commission, as well as the rules

governing both county youth services commissions and the State/Community Partnership Grant Program (Partnership Program) in Subchapters 1, 2, and 3, was scheduled to expire on November 2, 2022. N.J.A.C. 13:90-4, which pertains to the Restorative and Transformative Justice for Youths Pilot Program, was specially adopted on December 2, 2021, and were scheduled to expire on December 2, 2023. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(2), the expiration dates of N.J.A.C. 13:90-1, 2, and 3 and 13:90-4 are extended 180 days to May 1, 2023, and May 30, 2024, respectively. The Commission has reviewed all of these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, in addition to minor technical amendments that do not affect the substantive meaning of the rules, the Commission proposes to readopt the rules at N.J.A.C. 13:90 in their entirety, with proposed amendments related to the Partnership Program, which are found at N.J.A.C. 13:90-2 and 3. N.J.A.C. 13:90-4, the rules for the Restorative and Transformative Justice for Youths and Community Pilot Program, is being proposed for readoption as a permanent part of N.J.A.C. 13:90. No changes have been made to the rules at Subchapter 4 specially adopted on December 2, 2021. However, because the rules were specially adopted, and there was previously no opportunity for notice and comment at the time of their initial adoption, the substance of those rules is set forth in the rule text in its entirety.

The substantive provisions of the rules proposed to be readopted by the Commission are summarized below. It should be noted that, throughout the chapter, minor clarifying and/or technical amendments are proposed that do not change the meaning of the text.

N.J.A.C. 13:90-1 sets forth general provisions, including the chapter's purpose (N.J.A.C. 13:90-1.1); the organizational structure of the Commission (N.J.A.C. 13:90-1.2); the powers and responsibilities of the Commission's Executive Board (N.J.A.C. 13:90-1.3), Advisory Council (N.J.A.C. 13:90-1.4), Executive Director (N.J.A.C. 13:90-1.5); and definitions (N.J.A.C. 13:90-1.6). A minor technical change is proposed at N.J.A.C. 13:90-1.6.

N.J.A.C. 13:90-1A provides a Request and Remedy Process, under which a juvenile may file and seek resolution of a complaint; grievance; comment; request for redress, assistance, action, change in conditions, or treatment; or other comment related to his or her incarceration. Minor technical changes are proposed at N.J.A.C. 13:90-1A.2, 1A.6, and 1A.8.

N.J.A.C. 13:90-2 and 3 provide for county youth services commissions (CYSCs) and implement the Partnership Program. Pursuant to these provisions, Partnership Program grants are allocated to CYSCs to support county-based facilities, sanctions, and services for juveniles adjudicated or charged as delinquent and programs for prevention of juvenile delinquency. Plans and applications for Partnership Program funds are prepared by each CYSC, which is also responsible for administrative oversight of program activities. Partnership Program activities supported by CYSCs have been instrumental in serving a number of essential purposes. They increase the range of court-imposed sanctions for juveniles adjudicated delinquent; reduce overcrowding in State juvenile institutions and other facilities, thereby ensuring adequate bed space for serious, violent, and repetitive offenders; reduce overcrowding in county detention facilities; provide greater access to community-based sanctions and services for minority and female offenders; and expand programs designed to prevent juvenile delinquency and promote public safety by reducing recidivism.

As authorized at N.J.S.A. 52:17B-180.b, the rules at N.J.A.C. 13:90-2 provide guidelines as to membership in, and responsibilities of, county youth service commissions.

N.J.A.C. 13:90-2.1 states that the purpose of Subchapter 2 is to establish rules that consolidate within a single community planning agency responsibility for planning, implementing, monitoring, and evaluating services and programs that make up the juvenile justice service system.

N.J.A.C. 13:90-2.2 states that the scope of Subchapter 2 is to establish organizational requirements for county youth services commissions.

N.J.A.C. 13:90-2.3 sets forth requirements related to establishment of county youth services commissions and for their receipt of Partnership Program funding from the Commission.

N.J.A.C. 13:90-2.4 establishes requirements related to membership on county youth services commissions. The proposed amendments to this