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RULE ADOPTIONS

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

46 N.J.R. 2418(a)

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

2015 Maximum Workers' Compensation Benefit Rates

Proposed: September 2, 2014, at *46 N.J.R. 1863(a)*.

Adopted: November 18, 2014, by Harold J. Wirths, Commissioner, Department of Labor and Workforce Development.

Filed: November 18, 2014, as R.2014 d.192, **without change**.

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

Effective Date: December 15, 2014.

Expiration Date: June 26, 2020.

Summary of Hearing Officer's Recommendations and Agency's Response:

A public hearing on the proposed amendment was held on September 23, 2014, at the Department of Labor and Workforce Development, John Fitch Plaza, Trenton, New Jersey. David Fish, Regulatory Officer, was available to preside at the hearing and to receive testimony. No one testified at the public hearing. The Department received a single comment. The hearing officer reviewed the single comment and recommended that the Department proceed with the adoption of the amendment without change.

Summary of Public Comment and Agency Response:

A written comment was submitted by Jean Public, (submitted by e-mail with no mailing address).

COMMENT: The following is the commenter's remarks in its entirety: "The workers compensation disability rate of \$ 855 per week as proposed is much too high and in fact represents a disincentive to work. It should be revised to go downward so that people try to work instead of try to be declared unable to work. This kind of compensation means that many will try to fake disability and doctors will, of course, accommodate them."

RESPONSE: The Department is required by statute, *N.J.S.A. 34:15-12*, to re-compute and promulgate on an annual basis the maximum workers' compensation benefit rate. The formula for calculating these new rates is set forth within *N.J.S.A. 34:15-12*. Specifically, the law states that the maximum workers' compensation benefit rate shall be 75 percent of the Statewide average weekly wages earned by all employees covered by the Unemployment Compensation Law. The Statewide average weekly wage of workers covered under the Unemployment Compensation Law for calendar year 2013 was \$ 1,140.02. Seventy-five percent of \$ 1,140.02 is \$ 855.00. The Department has no discretion under the law to deviate from this calculation.

Federal Standards Statement

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

Full text of the adoption follows:

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 is hereby promulgated as being \$ 855.00 per week.

(b) The maximum compensation shall be effective as to injuries occurring in the calendar year 2015.