

between “the” and “reduction” is the result of a printing error that occurred in the March 19, 1990, Code update, which update included an amendment to the section that did not affect subsection (g). The error has persisted undetected through subsequent Code updates. Through this notice, published pursuant to N.J.A.C. 1:30-2.7, the superfluous number is deleted.

Full text of the corrected rule follows (deletion indicated in brackets [thus]):

10A:71-3.3 Parole eligibility for young adult inmates

(a)-(f) (No change.)

(g) Except as provided herein, any primary eligibility date for a young adult offender established pursuant to this section or N.J.A.C. 10A:71-7.17, 7.17A or 7.17B may be reduced through program participation by the inmate.

1.-2. (No change.)

3. If such inmate's level of program participation is below average, the [150] reduction shall be at the rate of five days for every month of the primary eligibility term less jail credits.

4. (No change.)

(h)-(k) (No change.)

INSURANCE

(a)

DEPARTMENT OF BANKING AND INSURANCE OFFICE OF LIFE AND HEALTH

Legal Insurance

Readoption with Amendments: N.J.A.C. 11:12

Proposed: April 7, 2014, at 46 N.J.R. 581(a).

Adopted: August 5, 2014, by Kenneth E. Kobylowski,
Commissioner, Department of Banking and Insurance.

Filed: August 6, 2014, as R.2014 d.140, **without change**.

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:46C-1 et seq.

Effective Date: August 6, 2014, Readoption;
September 2, 2014, Amendments.

Expiration Date: August 6, 2021.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65 require State agencies that adopt, readopt, or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. A Federal standards analysis is not required in this instance because there are no Federal standards or requirements applicable to the rules readopted with amendments.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 11:12.

Full text of the adopted amendments follows:

11:12-1.2 Authorization of insurers

(a) An insurer defined in N.J.S.A. 17:46C-3.b may transact the business of legal insurance in New Jersey after satisfying the following conditions:

1. Notify the Commissioner of the intent to write legal insurance, submit satisfactory evidence of authorization to transact the business of legal insurance, and, for insurers not already entitled to transact the business of insurance under Subtitle 3 of Title 17 of the Revised Statutes or Subtitle 3 of Title 17B of the Revised Statutes, pay the required fee of \$250.00. Such evidence shall include proof of the necessary corporate power to transact the business of legal insurance.

2.-3. (No change.)

11:12-1.4 Annual reports

An insurer who obtains a certificate of authority under N.J.S.A. 17:46C-4 shall submit an annual report on or before the first day of March on a form to be prescribed by the Commissioner.

(b)

DEPARTMENT OF BANKING AND INSURANCE DIVISION OF INSURANCE

Persons Employed in the Business of Insurance Convicted Persons; Waiver

Readoption with Amendment: N.J.A.C. 11:17E

Proposed: April 21, 2014, at 46 N.J.R. 676(a).

Adopted: August 5, 2014, by Kenneth E. Kobylowski,
Commissioner, Department of Banking and Insurance.

Filed: August 6, 2014, as R.2014 d.139, **without change**.

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, 17:22A-26 et seq., 2A:168A-1 et seq., and 18 U.S.C. §§.1033 and 1034.

Effective Date: August 6, 2014, Readoption;
September 2, 2014, Amendment.

Expiration Date: August 6, 2021.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required in this instance because the readopted rules and the adopted amendment continue the State's compliance with the requirements of 18 U.S.C §§ 1033 as implemented by N.J.A.C. 11:17E. Thus, no Federal standards or requirements are exceeded.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 11:17E.

Full text of the adopted amendment follows:

11:17E-1.3 Prohibited activities; requirement to obtain waiver;
determination of appropriate state

(a)-(b) (No change.)

(c) All prohibited persons seeking to obtain a waiver in accordance with (a) above shall complete and file “Application for Waiver Short Form” or “Application for Waiver Comprehensive Form,” set forth in Exhibits A and B respectively in the Appendix to this chapter and incorporated herein by reference to:

New Jersey Department of Banking and Insurance

1033 Compliance

PO Box 324

Trenton, NJ 08625-0324

(d) (No change.)

LAW AND PUBLIC SAFETY

(c)

DIVISION ON CIVIL RIGHTS

Rules Pertaining to the Family Leave Act

Readoption with Amendments: N.J.A.C. 13:14

Proposed: April 7, 2014, at 46 N.J.R. 583(a).

Adopted: June 25, 2014, by Craig Sashihara, Director, New Jersey
Division on Civil Rights.

Filed: July 30, 2014, as R.2014 d.134, **without change**.

Authority: N.J.S.A. 34:11B-16.

Effective Dates: July 30, 2014, Readoption;
September 2, 2014, Amendments.

Expiration Date: July 30, 2021.

Summary of Public Comment and Agency Response:

The official comment period ended June 6, 2014. **The Division on Civil Rights received no comments.**

Federal Standards Statement

A Federal standards analysis is not required because the rules are intended to clarify and interpret the New Jersey Family Leave Act (NJFLA), and are not intended to implement or comply with any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements. The Federal Family and Medical Leave Act (FMLA) allows eligible employees of a covered employer to take up to 12 weeks of job-protected leave in any 12-month period. Under the FMLA, leave may be taken to care for a newborn or newly adopted child, for placement of a child with the employee for adoption or foster care, to care for a family member with a serious health condition, or because the employee’s own serious health condition makes the employee unable to perform the functions of his or her job. To the extent that the rules readopted with amendments provide rights or obligations that exceed similar provisions in Federal law, the NJFLA mandates such provisions.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:14.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

13:14-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...
“Child,” for the purpose of determining whether an employee is eligible for family leave because of such employee’s parental status, means a child as defined in the Act to whom such employee is a biological parent, adoptive parent, foster parent, resource family parent, step-parent, or legal guardian, or has a “parent-child relationship” with a child as defined in N.J.S.A. 34:11B-3, or has sole or joint legal or physical custody, care, guardianship, or visitation with a child.

...
“Eligible employee” means any individual employed by the same employer for 12 months or more, who has worked 1,000 or more base hours during the preceding 12 month period. An employee is considered to be employed in the State of New Jersey if:

1.-2. (No change.)

“Employer” means an employer as defined in the Act, which employs 50 or more employees, whether employed in New Jersey or not, for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year. “Employer” includes the State, any political subdivision thereof, and all public offices, agencies, boards, or bodies, regardless of whether that government entity employs 50 or more employees.

“Family member” means a child, parent, spouse, or partner in a civil union.

...
“Intermittent leave” means leave due to a single qualifying reason (the serious health condition of a specific family member or the birth or placement for adoption of a child), taken in separate periods of time, where each period of leave is at least one workweek.

“Parent” means a person who is the biological parent, adoptive parent, resource family parent, step-parent, parent-in-law, or legal guardian, having a “parent-child relationship” with a child as defined in N.J.S.A. 34:11B-3, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child.

“Reduced leave schedule” means leave due to a single qualifying reason (the serious health condition of a specific family member or the birth or placement for adoption of a child), that is scheduled for fewer than an employee’s usual number of hours worked per workweek, but not for fewer than an employee’s usual number of hours worked per workday, unless agreed to by the employee and the employer.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition which requires:

1.-2. (No change.)

As used in this definition, “continuing medical treatment or continuing supervision by a health care provider” means:

1.-4. (No change.)

5. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

13:14-1.4 Terms of leave

(a) Family leave may be taken for up to 12 weeks within any 24-month period. The leave may be paid, unpaid, or a combination of paid and unpaid. The employee who requests the leave must provide the employer with notice no later than 30 days prior to the commencement of the leave, except where emergent circumstances warrant shorter notice.

(b)-(d) (No change.)

13:14-1.10 Certification by an employee or health care provider

(a) (No change.)

(b) An employer may require that any period of family leave be supported by certification issued by a health care provider.

1. Where the certification is for the serious health condition of a family member of the employee, the certification shall be sufficient if it states the approximate date on which the serious health condition commenced, the probable duration of the condition and the medical facts within the provider’s knowledge showing that the family member’s health condition meets the criteria of a serious health condition.

2.-3. (No change.)

(c) (No change.)

13:14-1.14 Notice to employees

(a) Employers covered under the Act shall display the official Family Leave Act poster of the Division on Civil Rights in accordance with N.J.A.C. 13:8-2.2. The poster is available for printing from the Division’s website, www.njcivilrights.gov.

(b) If an employer covered under the Act maintains written guidance to employees concerning employee benefits or leave rights, such as in an employee handbook, information concerning leave under the Act and employee obligations under the Act must be included in the handbook or other document. If an employer does not have written policies, manuals, or handbooks describing employee benefits and leave provisions, the employer shall provide written guidance to each of its employees concerning all the employee’s rights and obligations under the Act. Employers may duplicate and provide its employees a copy of the NJFLA Fact Sheet available on the Division’s website, www.njcivilrights.gov, to provide such guidance.

(a)

DIVISION OF STATE POLICE

Motor Vehicle Race Track Rules

Readoption with Amendments: N.J.A.C. 13:62

Adopted Repeals and New Rules: N.J.A.C. 13:62-5.16, 5.17, 5.18, 5.19, 5.23, 5.25, 5.26, 5.27, and 5.28

Adopted Repeals: N.J.A.C. 13:62-5.29, 5.32, 9.7, and 9.8

Adopted New Rules: N.J.A.C. 13:62-3.15, 3A, 3B, and 9A

Proposed: March 3, 2014, at 46 N.J.R. 422(a).