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RULE PROPOSALS

**LABOR AND WORKFORCE DEVELOPMENT
INCOME SECURITY**

42 N.J.R. 2373(a)

Proposed Readoption: N.J.A.C. 12:19

[Click here to view Interested Persons Statement](#)

Definitions Used by Employment Security Agency and Special Employment Relationships

Authorized By: Harold J. Wirths, Commissioner, Department of Labor and Workforce Development.

Authority: *N.J.S.A. 34:1-20, 34:1A-3(e)* and *43:21-1* et seq., specifically 43:21-11.

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

Proposal Number: PRN 2010-245.

A **public hearing** on the proposed readoption will be held on the following date at the following location:

Thursday, November 18, 2010
10:00 A.M. to 12:00 Noon
New Jersey Department of Labor and Workforce Development
John Fitch Plaza
2nd Floor, Large Conference Room
Trenton, New Jersey

Please call the Office of Legal and Regulatory Services at (609) 292-2789 if you wish to be included on the list of speakers.

Submit written comments by December 17, 2010 to:

David Fish, Regulatory Officer
Office of Legal and Regulatory Services
NJ Department of Labor and Workforce Development
P.O. Box 110 - 13th Floor
Trenton, New Jersey 08625-0110

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The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, *N.J.A.C. 12:19*, which contains definitions of terms used throughout *N.J.A.C. 12:16* through 12:19, is scheduled to expire on March 8, 2011. The Department of Labor and Workforce Development has reviewed these rules and has determined them to be necessary, reasonable and proper for the purposes for which they were originally promulgated.

A summary of the sections proposed for readoption follows:

N.J.A.C. 12:19-1.1 sets forth the purpose of the chapter.

N.J.A.C. 12:19-1.2 contains definitions of words and terms used throughout *N.J.A.C. 12:16* through 12:19.

N.J.A.C. 12:19-1.3 explains which conditions must be met for a partnership to be assigned a separate registration number and experience rating.

N.J.A.C. 12:19-1.4 outlines special employment relationships that exist for tax purposes.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to *N.J.A.C. 1:30-3.3(a)5*.

Social Impact

The rules proposed for readoption are informational. They both assist the Department in its enforcement of the Unemployment Compensation Law and the regulated community in their efforts to comply with the Unemployment Compensation Law.

Economic Impact

The rules proposed for readoption would continue to have a positive economic impact in that the information contained in the rules would assist employers and employees in their efforts to comply with the law, thereby hopefully resulting in fewer unemployment insurance benefit and contribution disputes and less of the expense which necessarily accompanies such disputes.

Federal Standards Statement

The rules proposed for readoption do not exceed standards or requirements imposed by Federal law. Specifically, the rules proposed for readoption are not inconsistent with the Federal Unemployment Tax Act, 26 *U.S.C. §§3301* et seq. Consequently, no Federal standards analysis is required.

Jobs Impact

The Department does not anticipate that the rules proposed for readoption would result in either the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption would have no impact on the agriculture industry.

Regulatory Flexibility Statement

The rules proposed for readoption would impose no reporting, recordkeeping or other compliance requirements on small businesses, as the term is defined in the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16* et seq. Rather, as explained above, the rules proposed for readoption are informational and would assist employers, large and small, in their efforts to comply with the Unemployment Compensation Law.

Smart Growth Impact

The rules proposed for re adoption would not have an impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The rules proposed for re adoption would not evoke a change in the average costs associated with housing. The basis for this finding is that [page=2374] the rules proposed for re adoption pertain to definitions used throughout *N.J.A.C. 12:16* through 12:19, not to housing.

Smart Growth Development Impact

The rules proposed for re adoption 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 rules proposed for re adoption pertain to definitions used throughout *N.J.A.C. 12:16* through 12:19, and have nothing whatsoever to do with housing production, either within Planning Areas 1 or 2, within designated centers, or anywhere in the State of New Jersey.

Full text of the rules proposed for re adoption may be found in the New Jersey Administrative Code at *N.J.A.C. 12:19*.