

New Jersey Unemployment 101: What You Need To Know To Collect Benefits

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Unfortunately, this is a topic that has impacted many New Jersey residents over the past several years. Economists may argue about whether the recession is over, but unemployment in New Jersey remains stagnant at 9.1%, slightly above the national average of 9.1%.

This blog will overview the New Jersey [Unemployment Compensation](#) Law which acts as a safety net by providing income for workers who have, through no fault of their own, lost their job. Below is a list of the many questions that I get regarding unemployment.

Who is Eligible to Collect Unemployment Benefits?

In order to be eligible for unemployment benefits, you must:

- 1) file a claim with the Department of Labor and Workforce Development;
- 2) be able to work;
- 3) be actively seeking work;
- 4) be available for work;
- 5) satisfy a one-week waiting period; and
- 6) satisfy an earnings requirement.

You must be physically, mentally and legally able to work. Simply because you seek, apply for or accept part-time work, does not mean that you are ineligible for benefits. However, the income generated from the part-time employment may offset and reduce the benefits received.

What is the Earnings Requirement for Eligibility?

In order to be eligible, you must either establish 20 base weeks of employment or earn income of at least 1,000 times minimum wage (\$7.25) during his base year. This relates solely to eligibility and not the amount of benefit for which a claimant may be entitled.

How Much Can I Collect?

The weekly benefit is 60% of your average weekly wage, with a maximum of \$598. This benefit is increased if you have children: by 7% for the first dependent of the claimant and 4% for the next two dependents for a maximum of three dependents. As long as you continue to meet the qualifications, you may collect unemployment benefits for the total number of base weeks employed in the base week, but not to exceed 26 weeks. Emergency unemployment benefit extensions may be available for up to 99 weeks.

Are Certain Professions Excluded?

Yes. New Jersey precludes some employees from collecting unemployment. Some examples include service by students at a college or university, commissioned real estate brokers, certain agricultural laborers, certain government employees, commissioned securities and insurance brokers and commissioned home-to-home salespersons and demonstrators. In addition, teachers on vacation between academic terms and athletes between seasons are ineligible for benefits. Several other professionals are limited or precluded from eligibility for unemployment.

Can I be Disqualified from Benefits?

Yes. You may be disqualified if you voluntarily terminate your employment (quit your job), for misconduct, for failure to apply for or accept suitable work, certain types of severance or other benefits, fraud, and failure to report to the Department of Labor when required.

What is Voluntary Termination of Employment?

In New Jersey, if you leave your job “without good cause attributable to the work” (you quit), you are disqualified from unemployment benefits. However, if you were compelled to leave your job, that separation from employment is considered involuntary. For example, if you left your job based upon issues related to safety, unhealthy working conditions, your own physical or mental health conditions, or fraud or criminal conduct being engaged in by the employer, your departure would likely be considered involuntary.

What is Misconduct?

Misconduct is fact sensitive and depends on the circumstances of the conduct. Misconduct is improper, intentional, malicious and either a deliberate violation of the employer’s rules or a disregard of standards of behavior which the employer can expect from an employee. Unexcused absences, refusal to comply with lawful orders given by an employer and willful violations of safety standards may qualify as misconduct. If it is determined that you engaged in misconduct which resulted in your termination, you are disqualified for benefits for the week of discharge or suspension and the five weeks immediately thereafter. If the conduct rises to the level of gross misconduct, an employee is disqualified in the same manner as if he or she voluntarily left without good cause. Examples of gross misconduct may include excessive absenteeism or criminal conduct.

How do I File a Claim for Unemployment Benefits?

If you find yourself eligible for unemployment, you can contact the Department of Labor and Workforce Development at one of the regional offices, by telephone or at their website <http://lwd.state.nj.us/labor/index.html>. The claim is then examined by the Division who contacts your most recent employer. If the employer fails to respond to the Division within 10 days, the Division will

rely on the information provided by you and any other sources available. After that time period, the Division will make an initial determination.

What if I am Denied Benefits?

If you are denied benefits, or if your ex-employer believes that you shouldn't receive unemployment benefits an appeal of the initial determination can be made by filing an appeal within seven (7) calendar days after delivery of the initial determination or ten (10) days after the notification is mailed. If you failure to adhere to this time period will bar your appeal. An appeal tribunal will schedule a hearing to present argument and you may bring an attorney to the hearing. If you feel that the decision of the appeal tribunal is incorrect, you may file an appeal with the Board of Review within ten (10) days after receipt of the decision. The last appeal is to the New Jersey Appellate Division. Notices of appeal with the Appellate Division must be filed within 45 days following the decision of the Board of Review.

Many unemployment matters are fact sensitive and require adherence to strict deadlines. If you have been denied unemployment benefits and want to appeal the denial, you should contact an attorney immediately following your denial. If you are an employer and believe that an employer has wrongfully applied for or been granted unemployment benefits, an attorney can help oppose the application or file an appeal to prevent an increase in your contributions to the unemployment contribution fund. If you have an unemployment issue, do not delay! Seek the assistance of an [experienced attorney](#) immediately.