

SENATE, No. 1253

STATE OF NEW JERSEY
222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Senator PAUL D. MORIARTY
District 4 (Atlantic, Camden and Gloucester)

Co-Sponsored by:
Senators Johnson and Mukherji

SYNOPSIS
Concerns eligibility for unemployment benefits.

CURRENT VERSION OF TEXT
As reported by the Senate Labor Committee with technical review.



1 AN ACT concerning unemployment compensation for individuals
2 who leave work for offers of other employment which are
3 rescinded, and amending R.S.43:21-5.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. R.S.43:21-5 is amended to read as follows:

9 43:21-5. An individual shall be disqualified for benefits:

10 (a) For the week in which the individual has left work voluntarily
11 without good cause attributable to such work, and for each week
12 thereafter until the individual becomes reemployed and works eight
13 weeks in employment, which may include employment for the federal
14 government, and has earned in employment at least 10 times the
15 individual's weekly benefit rate, as determined in each case. This
16 subsection shall apply to any individual seeking unemployment
17 benefits on the basis of employment in the production and harvesting
18 of agricultural crops, including any individual who was employed in
19 the production and harvesting of agricultural crops on a contract basis
20 and who has refused an offer of continuing work with that employer
21 following the completion of the minimum period of work required to
22 fulfill the contract. This subsection shall not apply to an individual
23 who voluntarily leaves work with one employer to accept from another
24 employer employment which commences not more than **【seven】 10**
25 days after the individual leaves employment with the first employer, or
26 an individual who leaves work with the first employer upon receipt of
27 an offer of employment from another employer to commence not more
28 than 10 days after the individual leaves work, but the offer is rescinded
29 through no fault of the individual, if the employment with the second
30 employer has weekly hours or pay not less than the hours or pay of the
31 employment of the first employer, except that if the individual gives
32 notice to the first employer that the individual will leave employment
33 on a specified date and the first employer terminates the individual
34 before that date, the **【seven-day】 10-day** period will commence from
35 the specified date.

36 (b) For the week in which the individual has been suspended or
37 discharged for misconduct connected with the work, and for the five
38 weeks which immediately follow that week, as determined in each
39 case.

40 "Misconduct" means conduct which is improper, intentional,
41 connected with the individual's work, within the individual's control,
42 not a good faith error of judgment or discretion, and is either a
43 deliberate refusal, without good cause, to comply with the employer's
44 lawful and reasonable rules made known to the employee or a
45 deliberate disregard of standards of behavior the employer has a

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 reasonable right to expect, including reasonable safety standards and
2 reasonable standards for a workplace free of drug and substance use.

3 In the event the discharge should be rescinded by the employer
4 voluntarily or as a result of mediation or arbitration, this subsection (b)
5 shall not apply, provided, however, an individual who is restored to
6 employment with back pay shall return any benefits received under
7 this chapter for any week of unemployment for which the individual is
8 subsequently compensated by the employer.

9 If the discharge was for gross misconduct connected with the work
10 because of the commission of an act punishable as a crime of the first,
11 second, third or fourth degree under the "New Jersey Code of Criminal
12 Justice," N.J.S.2C:1-1 et seq., the individual shall be disqualified in
13 accordance with the disqualification prescribed in subsection (a) of
14 this section and no benefit rights shall accrue to any individual based
15 upon wages from that employer for services rendered prior to the day
16 upon which the individual was discharged.

17 The director shall ensure that any appeal of a determination
18 holding the individual disqualified for gross misconduct in connection
19 with the work shall be expeditiously processed by the appeal tribunal.

20 To sustain disqualification from benefits because of misconduct
21 under this subsection (b), the burden of proof is upon the employer,
22 who shall, prior to a determination by the department of misconduct,
23 provide written documentation demonstrating that the employee's
24 actions constitute misconduct or gross misconduct.

25 Nothing within this subsection (b) shall be construed to interfere
26 with the exercise of rights protected under the "National Labor
27 Relations Act," (29 U.S.C. s.151 et seq.) or the "New Jersey
28 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et
29 seq.).

30 (c) If it is found that the individual has failed, without good cause,
31 either to apply for available, suitable work when so directed by the
32 employment office or the director or to accept suitable work when it is
33 offered, or to return to the individual's customary self-employment (if
34 any) when so directed by the director. The disqualification shall
35 continue for the week in which the failure occurred and for the three
36 weeks which immediately follow that week, as determined:

37 (1) In determining whether or not any work is suitable for an
38 individual, consideration shall be given to the degree of risk involved
39 to health, safety, and morals, the individual's physical fitness and prior
40 training, experience and prior earnings, the individual's length of
41 unemployment and prospects for securing local work in the
42 individual's customary occupation, and the distance of the available
43 work from the individual's residence. In the case of work in the
44 production and harvesting of agricultural crops, the work shall be
45 deemed to be suitable without regard to the distance of the available
46 work from the individual's residence if all costs of transportation are
47 provided to the individual and the terms and conditions of hire are as

1 favorable or more favorable to the individual as the terms and
2 conditions of the individual's base year employment.

3 (2) Notwithstanding any other provisions of this chapter, no work
4 shall be deemed suitable and benefits shall not be denied under this
5 chapter to any otherwise eligible individual for refusing to accept new
6 work under any of the following conditions: the position offered is
7 vacant due directly to a strike, lockout, or other labor dispute; the
8 remuneration, hours, or other conditions of the work offered are
9 substantially less favorable to the individual than those prevailing for
10 similar work in the locality; or, the individual, as a condition of being
11 employed, would be required to join a company union or to resign
12 from or refrain from joining any bona fide labor organization.

13 (d) If it is found that this unemployment is due to a stoppage of
14 work which exists because of a labor dispute at the factory,
15 establishment or other premises at which the individual is or was last
16 employed, except as otherwise provided by this subsection (d).

17 (1) No disqualification under this subsection (d) shall apply if it is
18 shown that:

19 (i) The individual is not participating in or financing or directly
20 interested in the labor dispute which caused the stoppage of work; and

21 (ii) The individual does not belong to a grade or class of workers
22 of which, immediately before the commencement of the stoppage,
23 there were members employed at the premises at which the stoppage
24 occurs, any of whom are participating in or financing or directly
25 interested in the dispute; provided that if in any case in which
26 subparagraphs (i) or (ii) of this paragraph (1) applies, separate
27 branches of work which are commonly conducted as separate
28 businesses in separate premises are conducted in separate departments
29 of the same premises, each department shall, for the purpose of this
30 subsection, be deemed to be a separate factory, establishment, or other
31 premises.

32 (2) For any claim for a period of unemployment commencing on or
33 after December 1, 2004 due to a stoppage of work which exists
34 because of a labor dispute at the factory, establishment or other
35 premises at which the individual is or was last employed, no
36 disqualification under this subsection (d) shall apply if it is shown that
37 the individual has been prevented from working by the employer, even
38 though the individual's recognized or certified majority representative
39 has directed the employees in the individual's collective bargaining
40 unit to work under the preexisting terms and conditions of
41 employment, and, if the period of unemployment commenced before
42 January 1, 2022, the employees had not engaged in a strike
43 immediately before being prevented from working, or if the a period of
44 unemployment commenced on or after January 1, 2022, whether or not
45 the employees had engaged in a strike immediately before being
46 prevented from working.

47 (3) For any claim for a period of unemployment commencing on or
48 after July 1, 2018 due to a stoppage of work which exists because of a

1 labor dispute at the factory, establishment or other premises at which
2 the individual is or was last employed, no disqualification under this
3 subsection (d) shall apply if an issue in the labor dispute is a failure or
4 refusal of the employer to comply with an agreement or contract
5 between the employer and the claimant, including a collective
6 bargaining agreement with a union representing the claimant, or a
7 failure or refusal to comply with a State or federal law pertaining to
8 hours, wages, or other conditions of work.

9 (4) For any claim for a period of unemployment commencing on or
10 after July 1, 2018 and before January 1, 2022, if the unemployment is
11 caused by a labor dispute, including a strike or other concerted
12 activities of employees at the claimant's workplace, whether or not
13 authorized or sanctioned by a union representing the claimant, but not
14 including a dispute subject to the provisions of paragraph (2) or (3) of
15 this subsection (d), the claimant shall not be provided benefits for a
16 period of the first 30 days following the commencement of the
17 unemployment caused by the labor dispute, except that the period
18 without benefits shall not apply if the employer hires a permanent
19 replacement worker for the claimant's position. A replacement worker
20 shall be presumed to be permanent unless the employer certifies in
21 writing that the claimant will be permitted to return to his or her prior
22 position upon conclusion of the dispute. If the employer does not
23 permit the return, the claimant shall be entitled to recover any benefits
24 lost as a result of the 30-day waiting period before receiving benefits,
25 and the department may impose a penalty upon the employer of up to
26 \$750 per employee per week of benefits lost. The penalty collected
27 shall be paid into the unemployment compensation auxiliary fund
28 established pursuant to subsection (g) of R.S.43:21-14. For any claim
29 for a period of unemployment commencing on or after January 1, 2022
30 due to a stoppage of work which exists because of a labor dispute at
31 the factory, establishment or other premises at which the individual is
32 or was last employed, including a strike or other concerted activities of
33 employees at the claimant's workplace, whether or not authorized or
34 sanctioned by a union representing the claimant, but not including a
35 dispute subject to the provisions of paragraph (2) or (3) of this
36 subsection (d), the claimant shall not be provided benefits for a period
37 of the first 14 days following the commencement of the unemployment
38 caused by the labor dispute, except that the claimant shall be provided
39 benefits during any part of that the 14-day period in which the
40 employer engages the services of a replacement worker for the
41 claimant's position, whether that replacement worker is engaged on a
42 permanent or temporary basis, or is an existing worker reassigned
43 permanently or temporarily from other duties to perform the duties of
44 the claimant's position. For any claim for a period of unemployment
45 commencing on or after January 1, 2022 which exists because of a
46 labor dispute at the factory, establishment or other premises at which
47 the individual is or was last employed, if the labor dispute has not
48 resulted in a stoppage of work, no disqualification under this

1 subsection (d) shall apply, and the 14-day waiting period in this
2 paragraph (4) shall not apply.

3 (e) For any week with respect to which the individual is receiving
4 or has received remuneration in lieu of notice.

5 (f) For any week with respect to which or a part of which the
6 individual has received or is seeking unemployment benefits under an
7 unemployment compensation law of any other state or of the United
8 States; provided that if the appropriate agency of the other state or of
9 the United States finally determines that the individual is not entitled
10 to unemployment benefits, this disqualification shall not apply.

11 (g) (1) For a period of one year from the date of the discovery by
12 the division of the illegal receipt or attempted receipt of benefits
13 contrary to the provisions of this chapter, as the result of any false or
14 fraudulent representation; provided that any disqualification may be
15 appealed in the same manner as any other disqualification imposed
16 hereunder; and provided further that a conviction in the courts of this
17 State arising out of the illegal receipt or attempted receipt of these
18 benefits in any proceeding instituted against the individual under the
19 provisions of this chapter or any other law of this State shall be
20 conclusive upon the appeals tribunal and the board of review.

21 (2) A disqualification under this subsection shall not preclude the
22 prosecution of any civil, criminal or administrative action or
23 proceeding to enforce other provisions of this chapter for the
24 assessment and collection of penalties or the refund of any amounts
25 collected as benefits under the provisions of R.S.43:21-16, or to
26 enforce any other law, where an individual obtains or attempts to
27 obtain by theft or robbery or false statements or representations any
28 money from any fund created or established under this chapter or any
29 negotiable or nonnegotiable instrument for the payment of money
30 from these funds, or to recover money erroneously or illegally
31 obtained by an individual from any fund created or established under
32 this chapter.

33 (h) (1) Notwithstanding any other provisions of this chapter
34 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied
35 benefits for any week because the individual is in training approved
36 under section 236(a)(1) of the "Trade Act of 1974," Pub.L.93-618 (19
37 U.S.C. s.2296 (a)(1)) nor shall the individual be denied benefits by
38 reason of leaving work to enter this training, provided the work left is
39 not suitable employment, or because of the application to any week in
40 training of provisions in this chapter (R.S.43:21-1 et seq.), or any
41 applicable federal unemployment compensation law, relating to
42 availability for work, active search for work, or refusal to accept work.

43 (2) For purposes of this subsection (h), the term "suitable"
44 employment means, with respect to an individual, work of a
45 substantially equal or higher skill level than the individual's past
46 adversely affected employment, as defined for purposes of the "Trade
47 Act of 1974," Pub.L.93-618 (19 U.S.C. s.2101 et seq.) and wages for

1 this work at not less than 80 percent of the individual's average weekly
2 wage, as determined for the purposes of the "Trade Act of 1974."

3 (i) (Deleted by amendment P.L.2024, c.102)

4 (j) Notwithstanding any other provisions of this chapter
5 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied
6 benefits because the individual left work or was discharged due to
7 circumstances resulting from the individual being a victim of domestic
8 violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19). No
9 employer's account shall be charged for the payment of benefits to an
10 individual who left work due to circumstances resulting from the
11 individual being a victim of domestic violence.

12 For the purposes of this subsection (j), the individual shall be
13 treated as being a victim of domestic violence if the individual
14 provides one or more of the following:

15 (1) A restraining order or other documentation of equitable relief
16 issued by a court of competent jurisdiction;

17 (2) A police record documenting the domestic violence;

18 (3) Documentation that the perpetrator of the domestic violence
19 has been convicted of one or more of the offenses enumerated in
20 section 3 of P.L.1991, c.261 (C.2C:25-19);

21 (4) Medical documentation of the domestic violence;

22 (5) Certification from a certified Domestic Violence Specialist or
23 the director of a designated domestic violence agency that the
24 individual is a victim of domestic violence; or

25 (6) Other documentation or certification of the domestic violence
26 provided by a social worker, member of the clergy, shelter worker or
27 other professional who has assisted the individual in dealing with the
28 domestic violence.

29 For the purposes of this subsection (j):

30 "Certified Domestic Violence Specialist" means a person who has
31 fulfilled the requirements of certification as a Domestic Violence
32 Specialist established by the New Jersey Association of Domestic
33 Violence Professionals; and "designated domestic violence agency"
34 means a county-wide organization with a primary purpose to provide
35 services to victims of domestic violence, and which provides services
36 that conform to the core domestic violence services profile as defined
37 by the Division of Child Permanency and Protection in the Department
38 of Children and Families and is under contract with the division for the
39 express purpose of providing such services.

40 (k) Notwithstanding any other provisions of this chapter
41 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied
42 benefits for any week in which the individual left work voluntarily and
43 without good cause attributable to the work, if the individual left work
44 to accompany his or her spouse who is an active member of the United
45 States Armed Forces, as defined in N.J.S.38A:1-1(g), to a new place of
46 residence outside the State, due to the armed forces member's transfer
47 to a new assignment in a different geographical location outside the
48 State, and the individual moves to the new place of residence not more

1 than nine months after the spouse is transferred, and upon arrival at the
2 new place of residence the individual was in all respects available for
3 suitable work. No employer's account shall be charged for the
4 payment of benefits to an individual who left work under the
5 circumstances contained in this subsection (k), except that this shall
6 not be construed as relieving the State of New Jersey and any other
7 governmental entity or instrumentality or nonprofit organization
8 electing or required to make payments in lieu of contributions from its
9 responsibility to make all benefit payments otherwise required by law
10 and from being charged for those benefits as otherwise required by
11 law.

12 (cf: P.L.2024, c.102, s.3)

13

14 2. This act shall take effect immediately.