

ASSEMBLY, No. 3406

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

SYNOPSIS

“Voluntary Employment for Taxpayers Act”; permits certain local governments to recruit residents to perform services in return for property tax credits.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning property tax credits for certain volunteer work,
2 supplementing chapter 4 of Title 54 of the Revised Statutes, and
3 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. (New section) Sections 1 through 11 of P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be known and may
10 be cited as the "Voluntary Employment for Taxpayers Act."

11

12 2. (New section) The Legislature finds and declares that:

13 a. Property taxes remain one of the highest single expenses for
14 State residents and are especially burdensome for seniors on fixed
15 incomes, single-income families, and families with children in
16 private schools or colleges.

17 b. It is in the public interest to utilize the part-time talent and
18 skills of State residents to help in the functioning of local
19 government because that would get more people involved with their
20 governments and could lower property taxes by reducing the need
21 for full-time employees.

22 c. Many State residents would be motivated to volunteer their
23 services for their municipality, county, or school district if, in
24 return, their property tax liabilities could be reduced.

25

26 3. (New section) The governing body of a municipality,
27 county, school district, or fire district, may, by ordinance or
28 resolution, as appropriate, establish a program permitting certain
29 residents of the applicable jurisdiction to perform volunteer services
30 deemed necessary by the governing body for the jurisdiction.

31

32 4. (New section) To qualify for participation in a program
33 established pursuant to section 3 of P.L. , c. (C.) (pending
34 before the Legislature as this bill), a person shall be a bona fide
35 resident of the applicable municipality, county, school district, or
36 fire district. In selecting volunteers, the applicable jurisdiction shall
37 consider a qualified applicant's skills, work experience,
38 competency, and physical ability to perform the required duties.

39

40 5. (New section) A volunteer may provide any task deemed
41 necessary by the governing body of the municipality, county, school
42 district, or fire district, provided that the job duties do not require
43 certification from the State, which such volunteer does not possess,
44 and do not conflict with either State or federal law.

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 6. (New section) A volunteer who performs services for a
2 municipality, county, school district, or fire district may receive
3 compensation payable in the form of a voucher which shall be used
4 as a credit to offset the property taxes due on the residence of the
5 volunteer within the applicable jurisdiction. A credit shall not be
6 applied toward property taxes which become payable in a year
7 succeeding the year in which the voucher is earned.

8 For the purposes of this section, "property taxes due" means
9 taxes duly assessed against the property, including any amounts due
10 representing interest or penalties, and any amounts for which
11 redemption payments may be made pursuant to Title 54 of the
12 Revised Statutes.

13
14 7. (New section) Beyond the property tax credit provided for
15 in P.L. , c. (C.) (pending before the Legislature as this
16 bill), a volunteer shall not be entitled to any benefits or
17 compensation as a result of any work performed under a program,
18 and shall not obtain classified status pursuant to Title 11A, Civil
19 Service, of the New Jersey Statutes. A volunteer also shall not be
20 entitled to seek workers' compensation benefits and a volunteer may
21 not commence any action under any New Jersey statute, or the
22 common law, for damages arising out of such volunteer's service.
23 A volunteer shall be irrebuttably presumed to have assumed all
24 risks attendant to the position and to have waived the right to seek
25 damages from the governmental entity for which such volunteer
26 performs services.

27
28 8. (New section) A volunteer shall be awarded a property tax
29 credit in an amount determined by the governing body of the
30 applicable jurisdiction, limited to the amount of property taxes
31 attributable to the share of property taxes assessed against the
32 volunteer's principal residence by that applicable jurisdiction.

33
34 9. (New section) A program established pursuant to section 3
35 of P.L. , c. (C.) (pending before the Legislature as this bill)
36 may be used to help a volunteer whose property taxes are
37 delinquent and against whose property a foreclosure of a tax sale
38 certificate has been initiated.

39
40 10. (New section) The credit attributable to volunteer services
41 shall be available only against the amount owed on the principal
42 residence of the volunteer to the jurisdiction awarding the credit;
43 provided, however, that no such property tax credit shall be
44 available unless the volunteer is a title owner of the premises, or
45 related by blood or marriage to the owner of the residence. If the
46 property in which the volunteer principally resides is other than a
47 single family home, only that portion of the premises in which the
48 volunteer actually resides shall be eligible for a credit.

1 11. (New section) Gross income, for the purposes of the "New
2 Jersey Gross Income Tax Act," P.L.1976, c.47 (C.54A:1-1 et seq.),
3 shall not include those amounts that were contributed by a
4 municipality, county, school district, or fire district on behalf of a
5 volunteer pursuant to P.L. , c. (C.) (pending before the
6 Legislature as this bill).

7
8 12. 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
11 voluntarily without good cause attributable to such work, and for
12 each week thereafter until the individual becomes reemployed and
13 works eight weeks in employment, which may include employment
14 for the federal government, and has earned in employment at least
15 ten times the individual's weekly benefit rate, as determined in each
16 case. This subsection shall apply to any individual seeking
17 unemployment benefits on the basis of employment in the
18 production and harvesting of agricultural crops, including any
19 individual who was employed in the production and harvesting of
20 agricultural crops on a contract basis and who has refused an offer
21 of continuing work with that employer following the completion of
22 the minimum period of work required to fulfill the contract. This
23 subsection shall not apply to an individual who voluntarily leaves
24 work with one employer to accept from another employer
25 employment which commences not more than seven days after the
26 individual leaves employment with the first employer, if the
27 employment with the second employer has weekly hours or pay not
28 less than the hours or pay of the employment of the first employer,
29 except that if the individual gives notice to the first employer that
30 the individual will leave employment on a specified date and the
31 first employer terminates the individual before that date, the seven-
32 day period will commence from the specified date.

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

37 "Misconduct" means conduct which is improper, intentional,
38 connected with the individual's work, within the individual's
39 control, not a good faith error of judgment or discretion, and is
40 either a deliberate refusal, without good cause, to comply with the
41 employer's lawful and reasonable rules made known to the
42 employee or a deliberate disregard of standards of behavior the
43 employer has a reasonable right to expect, including reasonable
44 safety standards and reasonable standards for a workplace free of
45 drug and substance abuse.

46 In the event the discharge should be rescinded by the employer
47 voluntarily or as a result of mediation or arbitration, this subsection
48 (b) shall not apply, provided, however, an individual who is

1 restored to employment with back pay shall return any benefits
2 received under this chapter for any week of unemployment for
3 which the individual is subsequently compensated by the employer.

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

12 The director shall insure that any appeal of a determination
13 holding the individual disqualified for gross misconduct in
14 connection with the work shall be expeditiously processed by the
15 appeal tribunal.

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

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

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

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

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

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

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

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

21 (b) 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
24 stoppage occurs, any of whom are participating in or financing or
25 directly interested in the dispute; provided that if in any case in
26 which (a) or (b) above applies, separate branches of work which are
27 commonly conducted as separate businesses in separate premises
28 are conducted in separate departments of the same premises, each
29 department shall, for the purpose of this subsection, be deemed to
30 be a separate factory, establishment, or other premises.

31 (2) For any claim for a period of unemployment commencing on
32 or after December 1, 2004, no disqualification under this subsection
33 (d) shall apply if it is shown that the individual has been prevented
34 from working by the employer, even though the individual's
35 recognized or certified majority representative has directed the
36 employees in the individual's collective bargaining unit to work
37 under the preexisting terms and conditions of employment, and the
38 employees had not engaged in a strike immediately before being
39 prevented from working.

40 (3) For any claim for a period of unemployment commencing on
41 or after July 1, 2018, no disqualification under this subsection (d)
42 shall apply if the labor dispute is caused by the failure or refusal of
43 the employer to comply with an agreement or contract between the
44 employer and the claimant, including a collective bargaining
45 agreement with a union representing the claimant, or a State or
46 federal law pertaining to hours, wages, or other conditions of work.

47 (4) For any claim for a period of unemployment commencing on
48 or after July 1, 2018, if the unemployment is caused by a labor

1 dispute, including a strike or other concerted activities of employees
2 at the claimant's workplace, whether or not authorized or sanctioned
3 by a union representing the claimant, but not including a dispute
4 subject to the provisions of paragraph (2) or (3) of this subsection
5 (d), the claimant shall not be provided benefits for a period of the
6 first 30 days following the commencement of the unemployment
7 caused by the labor dispute, except that the period without benefits
8 shall not apply if the employer hires a permanent replacement
9 worker for the claimant's position. A replacement worker shall be
10 presumed to be permanent unless the employer certifies in writing
11 that the claimant will be permitted to return to his or her prior
12 position upon conclusion of the dispute. If the employer does not
13 permit the return, the claimant shall be entitled to recover any
14 benefits lost as a result of the 30-day waiting period before
15 receiving benefits, and the department may impose a penalty upon
16 the employer of up to \$750 per employee per week of benefits lost.
17 The penalty collected shall be paid into the unemployment
18 compensation auxiliary fund established pursuant to subsection (g)
19 of R.S.43:21-14.

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

22 (f) For any week with respect to which or a part of which the
23 individual has received or is seeking unemployment benefits under
24 an unemployment compensation law of any other state or of the
25 United States; provided that if the appropriate agency of the other
26 state or of the United States finally determines that the individual is
27 not entitled to unemployment benefits, this disqualification shall not
28 apply.

29 (g) (1) For a period of one year from the date of the discovery
30 by the division of the illegal receipt or attempted receipt of benefits
31 contrary to the provisions of this chapter, as the result of any false
32 or fraudulent representation; provided that any disqualification may
33 be appealed in the same manner as any other disqualification
34 imposed hereunder; and provided further that a conviction in the
35 courts of this State arising out of the illegal receipt or attempted
36 receipt of these benefits in any proceeding instituted against the
37 individual under the provisions of this chapter or any other law of
38 this State shall be conclusive upon the appeals tribunal and the
39 board of review.

40 (2) A disqualification under this subsection shall not preclude
41 the prosecution of any civil, criminal or administrative action or
42 proceeding to enforce other provisions of this chapter for the
43 assessment and collection of penalties or the refund of any amounts
44 collected as benefits under the provisions of R.S.43:21-16, or to
45 enforce any other law, where an individual obtains or attempts to
46 obtain by theft or robbery or false statements or representations any
47 money from any fund created or established under this chapter or
48 any negotiable or nonnegotiable instrument for the payment of

1 money from these funds, or to recover money erroneously or
2 illegally obtained by an individual from any fund created or
3 established under this chapter.

4 (h) (1) Notwithstanding any other provisions of this chapter
5 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be
6 denied benefits for any week because the individual is in training
7 approved under section 236(a)(1) of the "Trade Act of 1974,"
8 Pub.L.93-618 (19 U.S.C. s.2296 (a)(1)) nor shall the individual be
9 denied benefits by reason of leaving work to enter this training,
10 provided the work left is not suitable employment, or because of the
11 application to any week in training of provisions in this chapter
12 (R.S.43:21-1 et seq.), or any applicable federal unemployment
13 compensation law, relating to availability for work, active search
14 for work, or refusal to accept work.

15 (2) For purposes of this subsection (h), the term "suitable"
16 employment means, with respect to an individual, work of a
17 substantially equal or higher skill level than the individual's past
18 adversely affected employment, as defined for purposes of the
19 "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2101 et seq.) and
20 wages for this work at not less than 80% of the individual's average
21 weekly wage, as determined for the purposes of the "Trade Act of
22 1974."

23 (i) For benefit years commencing after June 30, 1984, for any
24 week in which the individual is a student in full attendance at, or on
25 vacation from, an educational institution, as defined in subsection
26 (y) of R.S.43:21-19; except that this subsection shall not apply to
27 any individual attending a training program approved by the
28 division to enhance the individual's employment opportunities, as
29 defined under subsection (c) of R.S.43:21-4; nor shall this
30 subsection apply to any individual who, during the individual's base
31 year, earned sufficient wages, as defined under subsection (e) of
32 R.S.43:21-4, while attending an educational institution during
33 periods other than established and customary vacation periods or
34 holiday recesses at the educational institution, to establish a claim
35 for benefits. For purposes of this subsection, an individual shall be
36 treated as a full-time student for any period:

37 (1) During which the individual is enrolled as a full-time student
38 at an educational institution, or

39 (2) Which is between academic years or terms, if the individual
40 was enrolled as a full-time student at an educational institution for
41 the immediately preceding academic year or term.

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

1 circumstances resulting from the individual being a victim of
2 domestic violence.

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

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

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

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

12 (4) Medical documentation of the domestic violence;

13 (5) Certification from a certified Domestic Violence Specialist
14 or the director of a designated domestic violence agency that the
15 individual is a victim of domestic violence; or

16 (6) Other documentation or certification of the domestic
17 violence provided by a social worker, member of the clergy, shelter
18 worker or other professional who has assisted the individual in
19 dealing with the domestic violence.

20 For the purposes of this subsection (j):

21 "Certified Domestic Violence Specialist" means a person who
22 has fulfilled the requirements of certification as a Domestic
23 Violence Specialist established by the New Jersey Association of
24 Domestic Violence Professionals; and "designated domestic
25 violence agency" means a county-wide organization with a primary
26 purpose to provide services to victims of domestic violence, and
27 which provides services that conform to the core domestic violence
28 services profile as defined by the Division of Youth and Family
29 Services in the Department of Children and Families and is under
30 contract with the division for the express purpose of providing such
31 services.

32 (k) Notwithstanding any other provisions of this chapter
33 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be
34 denied benefits for any week in which the individual left work
35 voluntarily and without good cause attributable to the work, if the
36 individual left work to accompany his or her spouse who is an
37 active member of the United States Armed Forces, as defined in
38 N.J.S.38A:1-1(g), to a new place of residence outside the State, due
39 to the armed forces member's transfer to a new assignment in a
40 different geographical location outside the State, and the individual
41 moves to the new place of residence not more than nine months
42 after the spouse is transferred, and upon arrival at the new place of
43 residence the individual was in all respects available for suitable
44 work. No employer's account shall be charged for the payment of
45 benefits to an individual who left work under the circumstances
46 contained in this subsection (k), except that this shall not be
47 construed as relieving the State of New Jersey and any other
48 governmental entity or instrumentality or nonprofit organization

1 electing or required to make payments in lieu of contributions from
2 its responsibility to make all benefit payments otherwise required
3 by law and from being charged for those benefits as otherwise
4 required by law.

5 (l) For work performed as a volunteer pursuant to sections 1
6 through 11 of P.L. , c. (C.) (pending before the Legislature
7 as this bill).

8 (cf: P.L.2018, c.112, s.1)

9
10 13. This act shall take effect immediately.

11
12
13 STATEMENT

14
15 This bill would permit a municipality, county, school district, or
16 fire district to establish a program allowing residents thereof to
17 perform volunteer services for that unit of local government. In
18 return for the services provided, the volunteer would receive a
19 credit towards their property tax liability owed to that unit of local
20 government. The credit could be used toward current or back taxes
21 owed, but not for prospective taxes.

22 The volunteer would perform any services deemed necessary by
23 the governing body of a participating local government for an
24 amount determined by the governing body, up to the amount owed
25 to the particular taxing jurisdiction granting the property tax credit.
26 No other form of compensation may be provided to the volunteer,
27 including awarding civil service credits to the volunteer. The bill
28 exempts from gross income for gross income tax purposes the
29 amounts contributed by a local government on behalf of a volunteer
30 as credits to offset property taxes.

31 Any resident of the community would be permitted to apply to
32 participate in a program established under the bill. A participating
33 local government may consider such factors as education, job skills,
34 competency, and physical ability to perform the required task when
35 evaluating and selecting applicants. A volunteer may not fill a
36 position requiring certification by the State unless the volunteer
37 possesses the requisite certification.

38 This proposal recognizes that volunteers can perform services for
39 which a participating local government might otherwise be required
40 to hire paid personnel to undertake, at great expense, which would
41 increase already astronomical property tax bills. The bill entrusts
42 the governing bodies of participating local governments with
43 determining which services merit property tax credits, and the
44 amounts thereof. It further exempts these local governments from
45 the liabilities attendant to such services by precluding any volunteer
46 from bringing any civil action whatsoever, for whatever reason,
47 against the participating local government.