§2
Note to
C.43:21-7.9

P.L. 2021, CHAPTER 143, ***approved July 1, 2021***
Senate, No. 3714 ***(Second Reprint)***

AN ACT concerning the liability of certain non-profit and governmental employers for unemployment benefits paid during coronavirus disease 2019 pandemic state of emergency, [2]and[2] amending P.L.2020, c.150[2]**[**, and making an appropriation**]**[2].

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

1. Section 1 of P.L.2020, c.150 (C.43:21-7.9) is amended to read as follows:

1. a. The costs of any unemployment compensation benefits paid to employees of an employer during the public health emergency and state of emergency declared by the Governor on March 9, 2020, and any subsequent extensions of that public health emergency and state of emergency, shall not be considered when calculating that employer's reserve ratio for the purposes of determining the rate of the employer's contributions to the State unemployment compensation fund pursuant to R.S.43:21-7.

b. Any employer that is a nonprofit organization which elects to make payments in lieu of contributions pursuant to section 3 of P.L.1971, c.346 (C.43:21-7.2) **[**and any**]** or is a governmental entity or instrumentality which elects to make payments in lieu of contributions pursuant to section 4 of P.L.1971, c.346 (C.43:21-7.3), shall not be liable for payments in lieu of contributions with respect to **[**only 50% of**]** the payments of unemployment compensation benefits made pursuant to either of those two sections during the public health emergency and state of emergency declared by the Governor on March 9, 2020, and any subsequent extensions of that public health emergency and state of emergency, except that the employer shall be required to make payments in lieu of contributions from any available funds held in trust for that purpose from contributions made by its employees. Any portion of the payments of unemployment benefits which are not paid from the employee contributions held in trust or from funds provided by the federal government pursuant to the federal CARES Act, public law 116-136, pursuant to section 9012 of the American Rescue Plan Act of 2021, or pursuant to any other applicable federal law, shall not result in a liability for the employer but shall be regarded as State liability relief to the employer and shall be paid from the

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.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate floor amendments adopted June 3, 2021.
[2]Assembly AAP committee amendments adopted June 16, 2021.

unemployment compensation fund. Any reimbursing employer who, prior to the effective date of this act, made payments in lieu of contributions during the public health emergency shall be entitled to a reimbursement from the unemployment compensation fund of all of those payments in lieu of contributions made during this period, except that the employer shall not be reimbursed for payments made in lieu of contributions from funds held in trust for that purpose from contributions made by its employees.

(cf: P.L.2020, c.150, s.1)

2. [1]There is appropriated from the General Fund the sum of $50 million to[1] [2]a.[2] From the funds provided by the federal government in connection with the COVID-19 pandemic pursuant to the federal CARES Act, Pub.L.116-136, pursuant to section 9012 of the American Rescue Plan Act of 2021, Pub.L.117-2, or pursuant to any other applicable federal law, any portions of those funds which are available and permitted by those laws [2][shall[1]] may[2] be used [1]as needed[1] to reimburse the unemployment compensation fund for any costs of providing State liability relief to employers pursuant to subsection b. of section 1 of P.L.2020, c.150 (C.43:21-7.9).

[2][[1]b. There is appropriated from the General Fund any sum not exceeding $50 million which, after available amounts are used pursuant to subsection a. of this section, is still required to reimburse the unemployment compensation fund to pay any remaining costs of providing State liability relief to employers pursuant to subsection b. of section 1 of P.L.2020, c.150 (C.43:21-7.9).[1]][2]

3. This act shall take effect immediately.

Concerns liability of certain non-profit and governmental employers for unemployment benefits paid during coronavirus disease 2019 pandemic state of emergency.