ASSEMBLY LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2852

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Assembly Labor Committee reports favorably Senate Bill No. 2852.

This bill provides that certain employees of educational institutions may not be denied unemployment insurance (UI) benefits when those employees are denied employment during a summer or holiday break without assurance of reinstatement after the break. The bill clarifies provisions of the UI law making an education institution employee eligible for UI benefits during a summer or holiday break when the employee is not given a reasonable assurance of equivalent work after the break by specifying that in order for there to be reasonable assurances:

(1) an offer of employment for after the break is required to be made;

(2) the offer of employment is required to be made by an individual with authority to offer employment;

(3) the employment is required to be in the same capacity;

(4) the economic conditions of the offer cannot be substantially less than in previous employment;

(5) the offer of employment is required not to be contingent on factors within the institution's control; and

(6) the agency is required to find based on the totality of the circumstances that it is highly probable a claimant will get a job after the break.

This bill requires educational institution employers to inform the Department of Labor of employees who they have determined do not have reasonable assurances or provide an explanation for those that they deem do have reasonable assurances 10 days prior to the end of the academic term. If an employer fails to meet the 10 day deadline, the claimant is entitled to a rebuttable presumption that they qualify for a benefit.