

# NEW JERSEY STATE AFL-CIO

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April 19, 2013

DELIVERED VIA FAX TO: (609) 292-8246

David Fish, Regulatory Officer  
Office of Legal and Regulatory Services  
P.O. Box 110, 13th Floor  
Trenton, NJ 08625-0110

### Re: Proposed Amendment of N.J.A.C. 12:17-4.1 and 4.3

Dear Mr. Fish:

The New Jersey State AFL-CIO is providing comment on the Department of Labor and Workforce Development's proposed amendments for registering for work and participating in work search related activities on-line. We are concerned that the broad internet activity mandates of this proposed rule will create significant procedural stumbling blocks for low income claimants. Furthermore, these types of mandated internet compliance requirements have been shown to have devastating disqualification implications in other states. For example, the Florida program model has resulted in the lowest participation rates in the country, in part due to internet compliance mandates. During the second quarter of 2012, less than 13 percent of Florida's unemployed workers were eligible for regular state benefits whereas the nationwide reciprocity rate was just under 22%.

It is the opinion of the New Jersey State AFL-CIO that the proposed regulation is extremely vague and creates a system that is already difficult to navigate for claimants. For example, the regulation proposes that claimants must "participate in other work search related activities by Internet application as directed." This rule certainly sounds like some or most claimants may be expected to register for work on-line. There is significant concern at how difficult this transaction will be and how it will effect disadvantage claimants without internet access, claimants that don't know english and claimants who are not literate or not computer-fluent.

In addition, beyond registering for work, the risk of disqualification for "failure to participate in other work search related activities" raises questions. It is entirely unclear what activities may be required. For example, what is the claimant expected to provide as confirmation of such activity? Furthermore, how do you establish how a claimant will be disqualified for failure to use the agency-prescribed automation in one week? These requirements will have a negative impact on low income individuals without a computer and those with literacy issues.

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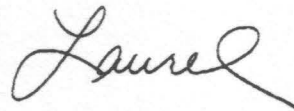
There has been a recent trend in some states, including Florida, to push job service registration and work search requirements off on to claimants. The Florida system has shown that focus on on-line access for unemployment has created barriers which have resulted in unacceptable decreases in access. Access has been difficult enough there that claimant access complaints have been filed regarding the on-line internet barriers.

For these reasons, we respectfully request that the Department withdraw the on-line requirement and we appreciate the opportunity to comment on this proposal.

Sincerely,



Charles Wowkanech  
President



Laurel Brennan  
Secretary-Treasurer

CW:LB;jn  
OPEIU:153