

NEW JERSEY STATE AFL-CIO

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October 16, 2014

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
PO Box 110, 3rd Floor
Trenton, NJ 08625-0110

Dear Mr. Fish:

Re: Proposed Amendments Concerning Unemployment Insurance Misconduct: NJAC 12:17-2.1, 91., 9.2, 10.1, 10.3 – 10.9 and 21.1; Repeal NJAC 12:17-10.2

We are providing you with public comment regarding the above stated proposed rules. It is the opinion of the New Jersey State AFL-CIO that the proposed regulations do not appropriately reflect the statute as written and also are in conflict with various court interpretations.

Furthermore, the definitions of “misconduct” and “simple Misconduct” have been significantly broadened under this proposal, which invites interpretations that would have a severe negative effect upon workers seeking unemployment insurance compensation because the ability to disqualify them would be enhanced under these new regulations.

As the Department moves forward in trying to establish regulations for the definition of “severe misconduct,” the current proposal would inflict significant hardship upon workers because it fundamentally changes the definition of “misconduct,” which expands the ability to disqualify workers from benefits.

Finally, we are concerned with the language regarding “misconduct” that concerns “wanton and willful disregard of the employers interest” or to “show an intentional and substantial disregard of the employers interest.” We are concerned this language may be used to thwart or intervene with employees efforts to unionize or conduct activities to promote higher wages and better benefits which appears to be in conflict with the “employer’s interest.” This language should be struck from the proposed rule.

In closing, our organization has been concerned about the creation and interpretation of the new misconduct standards since the law was passed in 2010. These proposed rules continue to move in the wrong direction and will have a negative impact on employees seeking unemployment insurance benefits under certain circumstances. This proposal will inflict undue hardship upon these workers and should not be implemented.

Sincerely,

Charles Wowkanech
President

Laurel Brennan
Secretary-Treasurer

CW:LB:jd
OPEIU:153