



LEXSTAT 42 N.J.R. 1994(A)

NEW JERSEY REGISTER
Copyright © 2010 by the New Jersey Office of Administrative Law

VOLUME 42, ISSUE 17

ISSUE DATE: SEPTEMBER 7, 2010

RULE PROPOSALS

**LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKERS' COMPENSATION**

42 N.J.R. 1994(a)

Proposed Amendment: N.J.A.C. 12:235-1.6

[Click here to view Interested Persons Statement](#)

2011 Maximum Workers' Compensation Benefit Rates

Authorized By: Harold J. Wirths, Commissioner, Department of Labor and Workforce Development.

Authority: N.J.S.A. 34:1-5, 34:1-20, 34:1A-3(e) and 34:15-12(a).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2010-209.

A **public hearing** on the proposed amendment will be held on the following date at the following location:

Thursday, September 30, 2010
10:00 A.M. to 12:00 Noon
New Jersey Department of Labor and
Workforce Development
John Fitch Plaza
2nd Floor Large Conference Room
Trenton, New Jersey

Please call the Office of Legal and Regulatory Services at (609) 292-2789 if you wish to be included on the list of speakers.

Submit written comments by November 6, 2010 to:

David Fish, Regulatory Officer
Office of Legal and Regulatory Services
New Jersey Department of Labor and
Workforce Development
P.O. Box 110 - 13th Floor

Trenton, New Jersey 08625-0110
Fax to: (609) 292-8246

If you need this document in Braille, large print or audio cassette, contact the Office of Marketing at (609) 292-3221 or NJ Relay (TTY) 1-800-852-7899.

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 12:235-1.6 would establish the 2011 maximum workers' compensation benefit rates for temporary disability, permanent total disability, permanent partial disability and dependency under the Workers' Compensation Law.

Because a 60-day comment period has been provided in this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment will ensure that payments to workers' compensation recipients entitled to maximum benefits will be in line with the prevailing trend of wages in the State's economy, which is downward.

Economic Impact

The proposed amendment will decrease from \$ 794.00 to \$ 792.00, the weekly benefit rate received by individuals eligible for the maximum weekly benefit rate for temporary disability, permanent total disability, permanent partial disability and dependency under the Workers' Compensation Law. The 2011 maximum benefit rate represents a 0.3 decrease in the current maximum benefit rate.

Federal Standards Statement

The proposed amendment does not contain any standards or requirements that exceed standards or requirements imposed by Federal law. The amendment decreases benefit rates to individuals. As a result, an explanation or analysis of the proposed amendment pursuant to Executive Order No. 27 (1994) is not required.

Jobs Impact

The proposed amendment will have no impact on jobs in New Jersey. The Department does not anticipate an increase or decrease in jobs as a result of this amendment.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendment does not impose any reporting, recordkeeping or compliance requirements on small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment decreases benefit rates to individuals. Thus, a regulatory flexibility analysis is not required.

Smart Growth Impact

The proposed amendment will not have any impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The proposed amendment would not evoke a change in the average costs associated with housing. The basis for this finding is that the proposed amendment pertains to the statutorily mandated annual adjustment to the maximum workers' compensation benefit rates and does not pertain to housing.

Smart Growth Development Impact

The proposed amendment would not evoke a change in the housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The basis for this finding is that the proposed amendment pertains to the statutorily mandated annual adjustment to the maximum workers' compensation benefit rates and does not pertain to housing production, either within Planning Areas 1 or 2, within designated centers.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

12:235-1.6 Maximum workers' compensation benefit rates

(a) In accordance with the provisions of N.J.S.A. 34:15-12(a), the maximum workers' compensation benefit rate for temporary disability, permanent total disability, permanent partial disability and dependency is hereby promulgated as being [\$ 794.00] **\$ 792.00** per week.

(b) The maximum compensation shall be effective as to injuries occurring in the calendar year [2010] **2011**.