

53 N.J.R. 1500(a)

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RULE ADOPTIONS

Reporter

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

Agency

LABOR AND WORKFORCE DEVELOPMENT > DIVISION OF WORKERS' COMPENSATION

Administrative Code Citation

Readoption: N.J.A.C. 12:235

Text

Notice of Readoption

Rules of the Division of Workers' Compensation

Authority: N.J.S.A. 34:1-20, 34:1A-3.e, and 34:15-64.

Authorized By: Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Effective Date: August 3, 2021.

New Expiration Date: August 3, 2028.

Take notice that pursuant to the provisions of N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 12:235 are readopted and shall continue in effect for a seven-year period. The rules were scheduled to expire on June 26, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

This chapter contains the procedural rules that govern the daily operations of the Division of Workers' Compensation (DWC). DWC hears cases of dispute between injured workers and employers and/or insurance carriers over entitlement to medical benefits, temporary total benefits, permanent partial benefits, and permanent total benefits, arising from job-related injuries or illnesses.

A summary of the subchapters of N.J.A.C. 12:235 follows:

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N.J.A.C. 12:235-1 sets forth the purpose and scope of the chapter. It also addresses the construction of the chapter, certifications in lieu of oath, still and television camera and audio coverage of proceedings, and the maximum workers' compensation benefit rates.

N.J.A.C. 12:235-2 defines the words and terms used throughout the chapter.

N.J.A.C. 12:235-3 concerns formal claims.

N.J.A.C. 12:235-4 addresses the informal hearing process, which is provided by the Division in order to effectuate the amicable adjustment of controversies between injured or disabled workers and their employers.

N.J.A.C. 12:235-5 sets forth the procedures to be followed when filing a claim for benefits payable from the Second Injury Fund, pursuant to N.J.S.A. 34:15-95 et seq.

N.J.A.C. 12:235-6 concerns the commutation of an award and sets forth what must be contained in an application form for commutation and the procedure for approval or disapproval of the application.

N.J.A.C. 12:235-7 sets forth the procedures to be followed when filing a claim for benefits payable from the Uninsured Employers' Fund (UEF), pursuant to N.J.S.A. 34:15-120.1 et seq.

N.J.A.C. 12:235-8 sets forth the procedures to be followed when filing a discrimination complaint.

N.J.A.C. 12:235-9 concerns the assignment and supervision of Judges of Compensation.

N.J.A.C. 12:235-10 addresses the conduct of Judges of Compensation.

N.J.A.C. 12:235-11 addresses accident reports; specifically, the employers' first and second report of accidental injury or occupational disease, the insurers' initial notice of accident, insurers' final report of accident, and report of death.

N.J.A.C. 12:235-12 concerns surcharge collection procedures.

N.J.A.C. 12:235-13 sets forth the procedures for imposition of statutory penalties for failure to provide proof of compensation insurance.

N.J.A.C. 12:235-14 identifies forms used by the Division.

The Department of Labor and Workforce Development has reviewed these rules and has determined that the rules should be readopted without change. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

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