

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 855

Short Title: ESC Benefit Charges.

(Public)

Sponsors: Representative Hasty.

Referred to: Economic Expansion.

April 17, 1991

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE EMPLOYMENT SECURITY LAW REGARDING  
BENEFIT CHARGES TO EMPLOYER ACCOUNTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-9(c)(2)b. reads as rewritten:

"b. Any benefits paid to any claimant under a claim filed for a period occurring after the date of such separations as are set forth in this paragraph and based on wages paid prior to the date of (i) the leaving of work by the claimant without good cause attributable to the employer; (ii) the discharge of claimant for misconduct in connection with his work; (iii) the discharge of the claimant for substantial fault as that term may be defined in G.S. 96-14; (iv) the discharge of the claimant solely for a bona fide inability to do the work for which he was hired but only where the claimant was hired pursuant to a job order placed with a local office of the Commission for referrals to probationary employment (with a probationary period no longer than 100 days), which job order was placed in such circumstances and which satisfies such conditions as the Commission may by regulation prescribe and only to the extent of the wages paid during such probationary employment; (v) separations made disqualifying under G.S. 96-14(2B) and (6A); or (vi) separation due to leaving for disability or health condition shall not be charged to the account of the employer by

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1 whom the claimant was employed at the time of such  
2 separation; provided, however, said employer promptly  
3 furnishes the Commission with such notices regarding any  
4 separation of the individual from work as are or may be  
5 required by the regulations of the Commission.

6 No benefit charges shall be made to the account of any  
7 employer who has furnished work to an individual who,  
8 because of the loss of employment with one or more other  
9 employers, becomes eligible for partial benefits while still being  
10 furnished work by such employer on substantially the same  
11 basis and substantially the same amount as had been made  
12 available to such individual during his base period whether the  
13 employments were simultaneous or successive; provided, that  
14 such employer makes a written request for noncharging of  
15 benefits in accordance with Commission regulations and  
16 procedures.

17 No benefit charges shall be made to the account of any  
18 employer for benefit years ending on or before June 30, 1992,  
19 where benefits were paid as a result of a discharge due directly  
20 to the reemployment of a veteran mandated by the Veteran's  
21 Reemployment Rights Law, 38 USCA § 2021, et seq.

22 No benefit charges shall be made to the account of any employer  
23 where benefits are paid as a result of a decision by an  
24 Adjudicator, Appeals Referee or the Commission if such  
25 decision to pay benefits is ultimately reversed; nor shall any  
26 such benefits paid be deemed to constitute an overpayment  
27 under G.S. 96-18(g)(2), the provisions thereof  
28 notwithstanding."

29 Sec. 2. This act is effective upon ratification.