

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 343

Short Title: Remove Employment Security Sunsets-AB.

(Public)

Sponsors: Representative Redwine.

Referred to: Judiciary I.

March 1, 2001

A BILL TO BE ENTITLED

1
2 AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE
3 EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING
4 OTHER AMENDMENTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 3 of S.L. 1997-404 reads as rewritten:

7 "Section 3. This act is effective when it becomes law and applies to new initial
8 claims filed on or after September 1, 1997. The Employment Security Commission
9 shall report to the General Assembly by January 1, 2001, on the effect of this act on
10 unemployment compensation claims. ~~This act expires September 1, 2001.~~"

11 **SECTION 2.** Section 5 of S.L. 1999-196 reads as rewritten:

12 "Section 5. This act becomes effective July 1, 1999, and applies to unemployment
13 insurance claims filed on or after that date. ~~This act expires June 30, 2001.~~"

14 **SECTION 3.** G.S. 96-9(c)(2)b. reads as rewritten:

15 "b. Any benefits paid to any claimant under a claim filed for a
16 period occurring after the date of such separations as are set
17 forth in this paragraph and based on wages paid prior to the date
18 of (i) the leaving of work by the claimant without good cause
19 attributable to the employer; (ii) the discharge of claimant for
20 misconduct in connection with his work; (iii) the discharge of
21 the claimant for substantial fault as that term may be defined in
22 G.S. 96-14; (iv) the discharge of the claimant solely for a bona
23 fide inability to do the work for which he was hired but only
24 where the claimant was hired pursuant to a job order placed
25 with a local office of the Commission for referrals to
26 probationary employment (with a probationary period no longer
27 than 100 days), which job order was placed in such
28 eircumstances and which satisfies such conditions as the

1 ~~Commission may by regulation prescribe and only to the extent~~
2 ~~of the wages paid during such probationary employment; hired;~~
3 (v) separations made disqualifying under G.S. 96-14(2b) and
4 (6a); (vi) separation due to leaving for disability or health
5 condition; or (vii) separation of claimant solely as the result of
6 an undue family hardship; or (viii) separation of claimant solely
7 for a bona fide inability to do the work for which the claimant
8 was hired, but only where the claimant in the last calendar
9 quarter preceding the quarter in which the claimant was paid
10 wages by the employer was a recipient of Work First Program
11 assistance by an agency of the State and the claimant's period of
12 employment was 100 days or less, shall not be charged to the
13 account of the employer by whom the claimant was employed
14 at the time of such separation; provided, however, said
15 employer promptly furnishes the Commission with such notices
16 regarding any separation of the individual from work as are or
17 may be required by the regulations of the Commission.

18 No benefit charges shall be made to the account of any
19 employer who has furnished work to an individual who,
20 because of the loss of employment with one or more other
21 employers, becomes eligible for partial benefits while still being
22 furnished work by such employer on substantially the same
23 basis and substantially the same amount as had been made
24 available to such individual during his base period whether the
25 employments were simultaneous or successive; provided, that
26 such employer makes a written request for noncharging of
27 benefits in accordance with Commission regulations and
28 procedures.

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

34 No benefit charges shall be made to the account of any
35 employer where benefits are paid as a result of a decision by an
36 Adjudicator, Appeals Referee or the Commission if such
37 decision to pay benefits is ultimately reversed; nor shall any
38 such benefits paid be deemed to constitute an overpayment
39 under G.S. 96-18(g)(2), the provisions thereof notwithstanding.
40 Provided, an overpayment of benefits paid shall be established
41 in order to provide for the waiting period required by G.S.
42 96-13(c)."

43 **SECTION 4.** This act is effective when it becomes law.