GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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HOUSE BILL 343 Committee Substitute Favorable 3/20/01

Short Title: Remove Employment Security Sunsets-AB.	(Public)
Sponsors:	
Referred to:	
March 1, 2001	
A BILL TO BE ENTITLED	
AN ACT REMOVING SUNSET PROVISIONS RELATING	TO THE
EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA ANI	_
OTHER AMENDMENTS.	JWARING
The General Assembly of North Carolina enacts:	
SECTION 1. Section 3 of S.L. 1997-404 reads as rewritten:	
"Section 3. This act is effective when it becomes law and applies to	new initial
claims filed on or after September 1, 1997. The Employment Security Com	
report to the General Assembly by January 1, 2001, on the effect of	
unemployment compensation claims. This act expires September 1, 2001."	
SECTION 2. Section 5 of S.L. 1999-196 reads as rewritten:	
"Section 5. This act becomes effective July 1, 1999, and applies to unemployment	
insurance claims filed on or after that date. This act expires June 30, 2001."	
SECTION 3. G.S. 96-8(10a) reads as rewritten:	
"(10a) 'Undue family hardship' arises when an individual is unabl	_
particular shift because the individual is unable to obtain	` '
during that shift for a minor child under 14 years of age v	
legally recognized custody of the individual or individu	
care during that shift for an aged or disabled pa	
individual.individual, or (iii) care for any disabled mer	nber of that
individual's immediate family."	to mood.
SECTION 4. G.S. 96-8 is amended by adding a new subdivision	
"(27) <u>'Immediate family' means an individual's wife, husba</u>	
father, brother, sister, son, daughter, grandmother, grandfather, grandson, granddaughter, whether the relationship is a biological,	
step-, half-, or in-law relationship."	i biologicai,
SECTION 5. G.S. 96-9(c)(2)b. reads as rewritten:	
"b. Any benefits paid to any claimant under a claim	n filed for a
period occurring after the date of such separation	

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

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

No benefit charges shall be made to the account of any employer for benefit years ending on or before June 30, 1992,

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remainder of this act is effective when it becomes law.

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where benefits were paid as a result of a discharge due directly 1 2 to the reemployment of a veteran mandated by the Veteran's 3 Reemployment Rights Law, 38 USCA § 2021, et seq. 4 No benefit charges shall be made to the account of any employer where benefits are paid as a result of a decision by an 5 6 Adjudicator, Appeals Referee or the Commission if such decision to pay benefits is ultimately reversed; nor shall any 7 8 such benefits paid be deemed to constitute an overpayment 9 under G.S. 96-18(g)(2), the provisions thereof notwithstanding. 10 Provided, an overpayment of benefits paid shall be established 11 in order to provide for the waiting period required by G.S. 12 96-13(c)." 13 **SECTION 6.** Sections 3 and 4 of this act become effective September 1, 14 2001, and apply to unemployment insurance claims filed on or after that date. The