

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1090
Senate Commerce Committee Substitute Adopted 7/7/09

Short Title: UI/Severance Modifications.

(Public)

Sponsors:

Referred to:

April 7, 2009

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE DEFINITION OF TOTAL AND PARTIAL UNEMPLOYMENT
3 RELATING TO THE TREATMENT OF SEVERANCE PAY UNDER THE
4 EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 96-8(10) reads as rewritten:

7 "(10) Total and partial unemployment.

8 a. For the purpose of establishing a benefit year, an individual shall be
9 deemed to be unemployed:

- 10 1. If ~~he~~the individual has payroll attachment but, because of
11 lack of work during the payroll week for which ~~he~~the
12 individual is requesting the establishment of a benefit year, ~~he~~
13 the individual worked less than the equivalent of three
14 customary scheduled full-time days in the establishment,
15 plant, or industry in which ~~he~~the individual has payroll
16 attachment as a regular employee. If a benefit year is
17 established, it shall begin on the Sunday preceding the payroll
18 week ending date.
- 19 2. If ~~he~~the individual has no payroll attachment on the date ~~he~~
20 the individual reports to apply for unemployment insurance.
21 If a benefit year is established, it shall begin on the Sunday of
22 the calendar week with respect to which the claimant met the
23 reporting requirements provided by Commission regulation.

24 b. For benefit weeks within an established benefit year, a claimant shall
25 be deemed to be:

- 26 1. Totally unemployed, irrespective of job attachment, if ~~his~~a
27 claimant's earnings for such week, including payments
28 defined in subparagraph c below, would not reduce ~~his~~the
29 claimant's weekly benefit amount as prescribed by
30 G.S. 96-12(c).
- 31 2. Partially unemployed, if ~~he~~the claimant has payroll
32 attachment but because of lack of work during the payroll
33 week for which ~~he~~the claimant is requesting benefits ~~he~~the
34 claimant worked less than three customary scheduled
35 full-time days in the establishment, plant, or industry in
36 which ~~he~~the claimant is employed and whose earnings from
37 such employment (including payments defined in



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