

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 737

Short Title: UI/Five-Hour Public Service Requirement. (Public)

Sponsors: Senators Daniel, Soucek, Brock; Blake, Davis, Forrester, Goolsby, Hartsell, Hise, Hunt, Newton, Rabon, and Tucker.

Referred to: Commerce.

April 20, 2011

A BILL TO BE ENTITLED
AN ACT REQUIRING THE PERFORMANCE OF FIVE HOURS OF VOLUNTEER
PUBLIC SERVICE AMONG THE CONDITIONS REQUIRED FOR ELIGIBILITY TO
RECEIVE UNEMPLOYMENT BENEFITS.

Whereas, the Founding Fathers of this nation held the value and virtue of work to be an integral part of the American spirit of freedom and unity; and

Whereas, honest work of a person's choice, whether paid or unpaid, benefits the individual and society as a whole; and

Whereas, the betterment of communities through volunteer public service should be encouraged by the General Assembly; and

Whereas, the modification of the Employment Security Laws to encourage volunteer community service is in the best interest of the citizens of this State; and

Whereas, after the first several weeks of eligibility for unemployment benefits, the performance of volunteer public service will not infringe unduly on an individual's readiness and continuing search for employment; and

Whereas, after a full year of unemployment, persons receiving unemployment benefits are in a position to increase volunteer public service for the remainder of the eligibility period, thereby allowing them to contribute to the good of community in an even greater way; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Effective July 1, 2011, G.S. 96-8(10)c. reads as rewritten:

"§ 96-8. Definitions.

As used in this Chapter, unless the context clearly requires otherwise:

...
(10) **(Effective July 1, 2011)** Total and partial unemployment.

...
c. No individual shall be considered unemployed if, with respect to the entire calendar week, he is receiving, has received, or will receive as a result of his separation from employment, remuneration in the form of (i) wages in lieu of notice, (ii) accrued vacation pay, (iii) terminal leave pay, (iv) severance pay, (v) separation pay, or (vi) dismissal payments or wages by whatever name. Provided, however, if such payment is applicable to less than the entire week, the claimant may be considered to be unemployed as defined in subsections a and b of this paragraph. Sums received by any individual for services performed as an elected official who holds an elective office, as



defined in G.S. 128-1.1(d), or as a member of the N. C. National Guard, as defined in G.S. 127A-3, or as a member of any reserve component of the United States Armed Forces shall not be considered in determining that individual's employment status under this subsection. Provided further, however, that an individual shall be considered to be unemployed as to receipt of severance pay for any week the individual is registered at or attending any institution of higher education as defined in G.S. 96-8(5)j., or secondary school as defined in G.S. 96-8(5)q., or Commission approved vocational, educational, or training programs as defined in ~~G.S. 96-13~~G.S. 96-13, or performing volunteer public service under subsection (h) of this section.

...."

SECTION 2. G.S. 96-13 reads as rewritten:

"§ 96-13. Benefit eligibility conditions.

(a) An unemployed individual shall be eligible to receive benefits with respect to any week only if the Commission finds that –

...

(3) The individual is able to work, and is available for work: Provided that, unless temporarily excused by Commission regulations, no individual shall be deemed available for work unless he establishes to the satisfaction of the Commission that he is actively seeking work: Provided further, that an individual customarily employed in seasonal employment shall, during the period of nonseasonal operations, show to the satisfaction of the Commission that such individual is actively seeking employment which such individual is qualified to perform by past experience or training during such nonseasonal period: Provided further, however, that no individual shall be considered available for work for any week not to exceed two in any calendar year in which the Commission finds that his unemployment is due to a vacation. In administering this proviso, benefits shall be paid or denied on a payroll-week basis as established by the employing unit. A week of unemployment due to a vacation as provided herein means any payroll week within which the equivalent of three customary full-time working days consist of a vacation period. For the purpose of this subdivision, any unemployment which is caused by a vacation period and which occurs in the calendar year following that within which the vacation period begins shall be deemed to have occurred in the calendar year within which such vacation period begins. For purposes of this subdivision, no individual shall be deemed available for work during any week that the individual tests positive for a controlled substance if (i) the test is a controlled substance examination administered under Article 20 of Chapter 95 of the General Statutes, (ii) the test is required as a condition of hire for a job, and (iii) the job would be suitable work for the claimant. The employer shall report to the Commission, in accordance with regulations adopted by the Commission, each claimant that tests positive for a controlled substance under this subdivision. An unemployed individual shall not be disqualified for eligibility for unemployment compensation solely on the basis that the individual is in ~~school~~school or performing volunteer public service under subsection (h) of this section.

...

1 (h) No individual shall be eligible for benefits for any week in which the Commission
2 finds that the individual failed to engage in volunteer public service, as follows:

3 (1) Five hours of volunteer public service per week during each week of the
4 period beginning with the ninth week of benefit eligibility continuing
5 through the fifty-second week of eligibility.

6 (2) Ten hours of volunteer public service per week during each week of the
7 period including and after the fifty-third week of benefit eligibility.

8 The Commission shall adopt rules to carry out this section. At a minimum, the rules
9 adopted by the Commission shall provide (i) that only unpaid service to a nonprofit corporation
10 incorporated in this State; to a church, temple, mosque, or other organized religious entity; or to
11 a governmental entity or public organization (such as a public library, public or charter school,
12 or parks and recreational program) may constitute volunteer public service and (ii) that written
13 proof must be submitted weekly to substantiate that the service was performed.

14 An individual shall not be disqualified for benefits if the individual fails to engage in
15 volunteer public service due to personal illness substantiated by a written excuse from a
16 physician licensed in this State, or due to a documented family emergency, and the individual
17 makes up the hours the following week. The falsification of written proof required to
18 substantiate that an individual has engaged in volunteer public service is punishable as a Class
19 3 misdemeanor.

20 Any disqualification resulting from a failure to engage in volunteer public service may be
21 adjudicated pursuant to G.S. 96-15 only on the basis that the individual did, in fact, perform the
22 required volunteer public service."

23 **SECTION 3.** This act is effective when it becomes law and applies to claims made
24 on or after that date.