

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 999
HOUSE BILL 546

AN ACT TO PROVIDE FOR AMENDMENTS TO THE EMPLOYMENT
SECURITY LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-8(6)k is amended by adding a second paragraph to read as follows:

"17. Services performed by an inmate of the North Carolina prison system on work release."

Sec. 2. G.S. 96-9(c)(4)a is amended by adding a second paragraph to read as follows:

"On or after August 1, 1988, whenever any individual, group of individuals, or employing unit, who or which, in any manner succeeds to or acquires all of the organization, trade, or business of another employing unit as provided in G.S. 96-8, subdivision (5), paragraph b, the account of the predecessor shall be transferred as of the date of the acquisition of the business to the successor employer for use in the determination of his rate of contributions. Whenever any individual, group of individuals, or employing unit, who or which, in any manner succeeds to or acquires a distinct and severable portion of the organization, trade, or business of another employing unit as provided in G.S. 96-8, subdivision (5), paragraph b, that part of the account of the predecessor which relates to the acquired portion of the business shall, upon the mutual consent of the parties concerned and approval of the Commission in conformity with the regulations as prescribed therefor, be transferred as of the date of acquisition of the business to the successor employer for use in the determination of his rate of contributions, provided application for transfer is made within 60 days after the Commission notifies the successor of his right to request such transfer, otherwise the effective date of the transfer shall be the first day of the calendar quarter in which such application is filed, and that after the transfer the successor employing unit continues to operate the transferred portion of such organization, trade or business. Provided, however, that the transfer of an account for the purpose of computation of rates shall be deemed to have been made prior to the computation date falling within the calendar year within which the effective date of such transfer occurs and the account shall thereafter be used in the computation of the rate of the successor employer for succeeding years, subject, however, to the provisions of paragraph b of this subdivision. No request for a transfer of the account will be accepted and no transfer of the account will be made if the request for the transfer of the account is not received within two years of the date of acquisition or notification by the Commission of the right to request such transfer,

whichever occurs later. However, in no event will a request for a transfer be allowed if an account has been terminated because an employer ceases to be an employer pursuant to G.S. 96-9(c)(5) and G.S. 96-11(d) regardless of the date of notification."

Sec. 3. G.S. 96-9(c)(4)b is amended adding after "transferred," and before "he" in the second sentence a phrase to read as follows: "or meets the requirements for mandatory transfer,".

Sec. 4. G.S. 96-14(1) is hereby amended by:

(a) Rewriting the third paragraph to read as follows:

"Where an employee is notified by the employer that such employee will be separated from employment on some future date and the employee leaves work prior to this date because of the impending separation, the employee shall be deemed to have left work voluntarily and the leaving shall be without good cause attributable to the employer. However, if the employee shows to the satisfaction of the Commission that it was impracticable or unduly burdensome for the employee to work until the announced separation date, the permanent disqualification imposed for leaving work without good cause attributable to the employer may be reduced to the greater of four weeks or the period running from the beginning of the week during which the claim for benefits was made until the end of the week of the announced separation date."

(b) Adding a new subsection (1A) to read as follows:

"(1A) Except as specifically provided in G.S. 96-14(1), leaving of work shall constitute a voluntary leaving, not an involuntary leaving."

Sec. 5. G.S. 96-14(5) is amended by deleting the comma appearing after the words "place" and "State" as well as deleting "either" and "or without" in the first sentence.

Sec. 6. G.S. 96-15 is amended by adding a new subsection (c1) to read:

"(c1) Unless required for disposition of an **ex parte** matter authorized by law, a Commissioner, appeals referee, or employee assigned to make a decision or to make findings of facts and conclusions of law in a case shall not communicate, directly or indirectly, in connection with any issue of fact, or question of law, with any person or party or his representative, except on notice and opportunity for parties to participate."

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 28th day of June, 1988.