

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 680
HOUSE BILL 1889

AN ACT TO RESTORE UNEMPLOYMENT BENEFITS TO THEIR PRE-1983 LEVEL, TO MAKE PARTICIPATION IN REEMPLOYMENT SERVICES A CONDITION OF RECEIVING CERTAIN BENEFITS, AND TO MAKE TECHNICAL CHANGES TO THE EMPLOYMENT SECURITY LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-12(b) reads as rewritten:

"(b) (1) a. Repealed by Session Laws 1977, c. 727, s. 52.

b. ~~Each eligible~~ An individual whose benefit year begins on or after the first day of October, 1974, who is totally unemployed as defined by G.S. 96-8(10)a, and who files a valid claim, shall be paid benefits with respect to such week or weeks at a rate per week equal to the individual's weekly benefit amount. The weekly benefit amount for an individual is the amount obtained by dividing such individual's of the high-quarter wages paid during his to the individual in the individual's base period by 26, rounded to the nearest dollar, but shall not be less than fifteen dollars (\$15.00).

~~Each eligible individual whose benefit year begins on or after the first day of October 1983, who is totally unemployed as defined by G.S. 96-8(10), and who files a valid claim, shall be paid benefits with respect to such week or weeks at a rate equal to the amount obtained by dividing the sum of the wages paid to such individual during his two highest paid base period quarters by 52 and, if the amount so obtained is not a multiple of one dollar, rounded to the next lower whole dollar; provided that if the amount so obtained, after rounding, period, divided by 26 and, if the quotient is not a whole dollar, rounded to the next lower whole dollar. If this amount is less than fifteen dollars (\$15.00), no benefits shall be paid. the individual is not eligible for benefits.~~

c. Repealed by Session Laws 1981, c. 160, s. 17.

(2) Each August 1, ~~a the Commission shall calculate the maximum weekly benefit amount available to an eligible individual whose benefit year begins on October 1, 1974, or thereafter, shall be determined by multiplying the average weekly insured wage, obtained in accordance~~

~~with G.S. 96-8(22), by two thirds rounded, if not a multiple of one dollar, to the next lower dollar. Effective August 1, 1987, the maximum weekly benefit amount shall be computed as sixty three percent (63%) of the average weekly insured wage. Thereafter, beginning August 1, 1988, the individual. The maximum weekly benefit amount shall be computed as is sixty-six and two-thirds percent (66 2/3%) of the average weekly insured wage. wage rounded, if the amount is not a whole dollar, to the next lower whole dollar. The maximum rate applicable to each claimant shall be that rate in effect during the time the claimant's benefit year is established. weekly benefit amount set on August 1 of a year applies to an individual whose benefit year begins on or after that date and before August 1 of the following year.~~

- (3) Repealed by Session Laws 1981, c. 160, s. 18.
- (4) Qualifying Wages for Second Benefit Year. — ~~Any~~ An individual whose prior benefit year has expired and who files a new benefit claim for benefits on and after January 1, 1972, shall is not be entitled to benefits unless he the individual has been paid qualifying wages required by G.S. 96-12(b)(1), and since the beginning date of his last established previous the prior benefit year and before the date upon which he files his the new benefit claim has been paid wages was filed equal to at least 10 times the individual's weekly benefit amount of under the new benefit year claim. Such wages must have been 'Qualifying wages' are wages earned with an employer subject to the provisions of this Chapter or some other state employment security law or in federal service as defined in Chapter 85, Title 5, United States Code. 5 U.S.C. Chapter 85."

Sec. 2. G.S. 96-12(c) reads as rewritten:

"(c) Partial Weekly Benefit. — ~~Each eligible~~ An individual whose benefit year begins ~~after December 31, 1977,~~ who is 'partially unemployed' or 'part totally unemployed' as defined in G.S. 96-8(10)b and c respectively, and who files a valid claim, partially unemployed or part-totally employed shall be paid benefits with respect to such week or weeks in an amount figured to the nearest multiple of one dollar (\$1.00) which is equal to the difference between his weekly benefit amount and that part of the remuneration payable to him for such week which is in excess of ten percent (10%) of the average weekly wage in the high quarter of his base period. Each eligible individual whose benefit year begins on or after October 1, 1983, who is 'partially unemployed' or 'part totally unemployed' as defined in G.S. 96-8(10), and who files a valid claim, shall be paid benefits with respect to such week or weeks in an amount rounded to the nearest lower full dollar amount (if not a full dollar amount) which is equal to a portion of the individual's weekly benefit amount. The portion payable is the difference between his the individual's weekly benefit amount and that any part of the wages or remuneration that is payable to him for such week which is in excess of the individual for a week for which benefits are claimed and that exceeds ten percent (10%) of the individual's

average weekly wage in the ~~two highest quarters~~ highest quarter of his ~~the individual's~~ base period. ~~The computation of the partial weekly benefit shall be made without regard to any benefits received by the claimant period rounded, if the amount is not a whole dollar, to the next lower whole dollar. Payments received by an individual under a supplemental benefit plan referred to in G.S. 96-8(13)(d).~~ 96-8(13)d. do not affect the computation of the individual's partial weekly benefit."

Sec. 3. G.S. 96-12(d) reads as rewritten:

~~"(d) Duration of Benefits. —On and after October 1, 1974, the maximum~~ The total benefits paid to an individual shall not be less than the minimum total benefit and shall not exceed the lesser of the maximum total benefit or the individual's total benefit amount. The total benefit amount available to eligible individuals shall be for an individual is determined by dividing the individual's base-period wages by his ~~the individual's high-quarter wages and wages, multiplying that quotient by eight and two thirds, rounding the result to the nearest whole number, and then multiplying the figure so derived~~ resulting amount by the individual's weekly benefit amount available to that individual; provided the amount. The minimum total amount of benefits available to eligible individuals shall not be less than benefit for an individual is 13 times his ~~the individual's weekly benefit amount, nor shall any eligible individual be entitled to more than amount. The maximum total benefit for an individual is 26 times his~~ the individual's weekly benefit amount during any benefit year, except that such amount, unless the benefits may be ~~are extended further in accordance with the provisions of G.S. 96-12(e). On and after October 1, 1983, the maximum benefit amount available to eligible individuals shall be determined by dividing the individual's base period wages by his high quarter wages and multiplying that quotient by eight, rounding the result to the nearest whole number, and then multiplying the figure so derived by the weekly benefit amount available to that individual; provided the minimum total amount of benefits available to eligible individuals shall not be less than 13 times his weekly benefit amount, nor shall any eligible individual be entitled to more than 26 times his weekly benefit amount during any benefit year, except that such benefits may be extended further in accordance with the provisions of G.S. 96-12(e).~~ subsection (e) of this section. The Commission shall establish and maintain individual wage record accounts for each individual who earns wages in covered employment, until such time as such employment for as long as the wages would not be necessary for benefit purposes. included in a determination of benefits."

Sec. 4. G.S. 96-8 is amended by adding the following new subdivision to read:

"(8a) 'Reemployment services' means job search assistance and job placement services, such as counselling, testing, assessment, and providing occupational and labor market information, job search workshops, job clubs, referrals to employers, and other similar services."

Sec. 5. G.S. 96-13(a) is amended by adding the following new subdivision to read:

"(5) The individual has participated in reemployment services, if the Division referred the individual to these services after determining, through use of a worker profiling system, that the individual would likely exhaust regular benefits and would need reemployment services to make a successful transition to new employment, unless the individual establishes justifiable cause for failing to participate in the services."

Sec. 6. G.S. 96-21 reads as rewritten:

"§ 96-21. ~~Cooperation with State and federal agencies.~~ Duties concerning veterans and worker profiling.

The duties of the Employment Service Division ~~shall include~~ the following:

- (1) To cooperate with all State and federal agencies in attempting to secure suitable employment and fair treatment for military veterans and disabled veterans.
- (2) To establish and use a worker profiling system that complies with 42 U.S.C. § 503(a)(10) to identify claimants for benefits whom the Division must refer to reemployment services in accordance with that law."

Sec. 7. G.S. 96-8(6)k.1., k.2., k.4., and k.5. are repealed.

Sec. 8. G.S. 96-8(18) reads as rewritten:

"(18) ~~For benefit years established on and after July 1, 1953, the term 'base period' shall mean the first four of the last six completed calendar quarters immediately preceding the first day of an individual's benefit year as defined in subdivision (17) of this section. For benefit years established on and after January 1, 1978, the term 'base~~ Base period' shall mean means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year as defined in ~~G.S. 96-8(17) subdivision (17) of this section.~~"

Sec. 9. G.S. 96-8(23) is repealed.

Sec. 10. Sections 1 through 3 of this act become effective August 1, 1994, and apply to benefits paid to claimants whose benefit year begins on or after that date. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives