

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 425

Manufacturing & Labor Senate Committee Substitute Adopted 6/19/89

Short Title: Employment Sec. Law Conformed.

(Public)

Sponsors:

Referred to:

March 2, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE CONFORMING AMENDMENTS TO THE EMPLOYMENT SECURITY LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-4(t) is amended by adding a subsection to read:

"(7a) Nothing in this subsection (t) shall be construed to prevent the Commission from disclosing, upon request and on a reimbursable basis only, to officers and employees of the Department of Housing and Urban Development and to representatives of a public housing agency as defined in Section 303(i)(4) of the Social Security Act, any information from the records of the Employment Security Commission with respect to individuals applying for or participating in any housing assistance program administered by the Department of Housing and Urban Development who have signed an appropriate consent form approved by the Secretary of Housing and Urban Development. It is the purpose of this paragraph to assure the Employment Security Commission's compliance with Section 303(i)(1) of the Social Security Act and it shall be construed accordingly."

Sec. 2. G.S. 96-4(t) is amended by adding a subsection to read:

"(7b) Nothing in this subsection (t) shall be construed to prevent the Commission from disclosing, upon request and on a reimbursable basis, to the Secretary of Health and Human Services, any information from the records of the Employment Security Commission as may be required by Section 303(h)(1) of the Social Security Act. It is the purpose of this paragraph to assure compliance with Section 303(h)(1) of the Social Security Act and it shall be construed accordingly."

1 Sec. 3. G.S. 96-13(f) reads as rewritten:

2 "(f) (1) Benefits shall not be payable on the basis of services
3 performed by an alien unless such alien is an individual who has
4 been lawfully admitted for permanent residence or otherwise is
5 permanently residing in the United States under color of law or was
6 lawfully present for purposes of performing such services (including
7 an alien who is lawfully present in the United States as a result of the
8 application of the provisions of section 203 (a)(7) or section 212
9 (d)(5) of the Immigration and Nationality Act). Any data or
10 information required of individuals applying for benefits to
11 determine whether benefits are not payable to them because of their
12 alien status shall be uniformly required from all applicants for
13 benefits. In the case of an individual whose application for benefits
14 would otherwise be approved, no determination that compensation to
15 such individual is not payable because of his alien status shall be
16 made except upon a preponderance of the evidence.

17 (2) An individual who is not a citizen or national of the United States shall
18 not be deemed available for work under subsection (a)(3) of this
19 section unless the individual is in satisfactory immigration status under
20 the laws administered by the United States Department of Justice,
21 Immigration and Nationalization Service."

22 Sec. 4. G.S. 96-15 is amended by adding a new subsection to read:

23 "(c2) Whenever a party is notified of an Adjudicator's, Appeals Referee's, or
24 Deputy Commissioner's decision by mail, G.S. 1A-1, Rule 6(e) shall apply, and three
25 days shall be added to the prescribed period to file a written appeal."

26 Sec. 5. G.S. 96-14(2) reads as rewritten:

27 "(2) For the duration of his unemployment beginning with the first day of the first
28 week after the disqualifying act occurs with respect to which week an individual files a
29 claim for benefits if it is determined by the Commission that such individual is, at the
30 time such claim is filed, unemployed because he was discharged for misconduct
31 connected with his work. Misconduct connected with the work is defined as conduct
32 evincing such willful or wanton disregard of an employer's interest as is found in
33 deliberate violations or disregard of standards of behavior which the employer has the
34 right to expect of his employee, or in carelessness or negligence of such degree or
35 recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an
36 intentional and substantial disregard of the employer's interests or of the employee's
37 duties and obligations to his employer.

38 'Discharge for misconduct with the work' as used in this section is defined to include
39 but not be limited to separation initiated by an employer for reporting to work
40 significantly impaired by alcohol or illegal drugs; consuming alcohol or illegal drugs on
41 employer's premises; conviction by a court of competent jurisdiction for manufacturing,
42 selling, or distribution of a controlled substance punishable under G.S. 90-95(a)(1) or
43 G.S. 90-95(a)(2)."

44 Sec. 6. This act is effective upon ratification.