

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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HOUSE BILL 278  
Committee Substitute Favorable 4/26/99

Short Title: TANF Separation Noncharged/AB.

(Public)

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Sponsors:

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Referred to:

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March 4, 1999

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO PROVIDE  
2 THAT THE ONE HUNDRED-DAY NONCHARGE PERIOD EXTENDS TO  
3 CERTAIN RECIPIENTS OF TEMPORARY ASSISTANCE FOR NEEDY  
4 FAMILIES SEPARATED FOR A BONA FIDE INABILITY TO WORK.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 96-9(c)(2)b. reads as rewritten:

8 "b. Any benefits paid to any claimant under a claim filed for a period  
9 occurring after the date of such separations as are set forth in this  
10 paragraph and based on wages paid prior to the date of (i) the  
11 leaving of work by the claimant without good cause attributable  
12 to the employer; (ii) the discharge of claimant for misconduct in  
13 connection with his work; (iii) the discharge of the claimant for  
14 substantial fault as that term may be defined in G.S. 96-14; (iv)  
15 the discharge of the claimant solely for a bona fide inability to do  
16 the work for which he was hired but only where the claimant was  
17 hired pursuant to a job order placed with a local office of the  
18 Commission for referrals to probationary employment (with a  
19 probationary period no longer than 100 days), which job order

1 was placed in such circumstances and which satisfies such  
2 conditions as the Commission may by regulation prescribe and  
3 only to the extent of the wages paid during such probationary  
4 employment; (v) separations made disqualifying under G.S. 96-  
5 14(2b) and (6a); ~~or~~ (vi) separation due to leaving for disability or  
6 health ~~condition~~ condition; or (vii) separation of claimant solely  
7 for a bona fide inability to do the work for which the claimant  
8 was hired, but only where the claimant in the last calendar  
9 quarter preceding the quarter in which the claimant was paid  
10 wages by the employer was a recipient of Temporary Assistance  
11 for Needy Families (TANF) assistance by an agency of the State  
12 and the claimant's period of employment was 100 days or less,  
13 shall not be charged to the account of the employer by whom the  
14 claimant was employed at the time of such separation; provided,  
15 however, said employer promptly furnishes the Commission with  
16 such notices regarding any separation of the individual from  
17 work as are or may be required by the regulations of the  
18 Commission.

19 No benefit charges shall be made to the account of any  
20 employer who has furnished work to an individual who, because  
21 of the loss of employment with one or more other employers,  
22 becomes eligible for partial benefits while still being furnished  
23 work by such employer on substantially the same basis and  
24 substantially the same amount as had been made available to  
25 such individual during his base period whether the employments  
26 were simultaneous or successive; provided, that such employer  
27 makes a written request for noncharging of benefits in  
28 accordance with Commission regulations and procedures.

29 No benefit charges shall be made to the account of any  
30 employer for benefit years ending on or before June 30, 1992,  
31 where benefits were paid as a result of a discharge due directly to  
32 the reemployment of a veteran mandated by the Veteran's  
33 Reemployment Rights Law, 38 USCA § 2021, et seq.

34 No benefit charges shall be made to the account of any  
35 employer where benefits are paid as a result of a decision by an  
36 Adjudicator, Appeals Referee or the Commission if such decision  
37 to pay benefits is ultimately reversed; nor shall any such benefits  
38 paid be deemed to constitute an overpayment under G.S. 96-  
39 18(g)(2), the provisions thereof notwithstanding. Provided, an  
40 overpayment of benefits paid shall be established in order to  
41 provide for the waiting period required by G.S. 96-13(c)."

42 Section 2. This act becomes effective July 1, 1999, and applies to  
43 unemployment insurance claims filed on or after that date.