

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE DRS35166-LR-88A (3/10)

Short Title: Eliminate Unemployment Waiting Period. (Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT ELIMINATING THE WAITING PERIOD FOR UNEMPLOYMENT
BENEFITS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH
CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 96-13(c) is repealed.

SECTION 2. G.S. 96-13(c1) is repealed.

SECTION 3. G.S. 96-9(c)(2) reads as rewritten:

"(2) Charging of benefit payments. –

- a. Benefits paid shall be allocated to the account of each base period employer in the proportion that the base period wages paid to an eligible individual in any calendar quarter by each such employer bears to the total wages paid by all base period employers during the base period, except as hereinafter provided in paragraphs b, c, and d of this subdivision, G.S. 96-9(d)(2)c, and 96-12.01G. The amount so allocated shall be multiplied by one hundred twenty percent (120%) and charged to that employer's account. Benefits paid shall be charged to employers' accounts upon the basis of benefits paid to claimants whose benefit years have expired.
- b. Any benefits paid to any claimant under a claim filed for a period occurring after the date of such separations as are set forth in this paragraph and based on wages paid prior to the date of (i) the leaving of work by the claimant without good cause attributable to the employer; (ii) the discharge of claimant for misconduct in connection with his work; (iii) the discharge of the claimant for substantial fault as that term may be defined in

1 G.S. 96-14; (iv) the discharge of the claimant solely for a bona
2 fide inability to do the work for which he was hired but only
3 where the claimant's period of employment was 100 days or
4 less; (v) separations made disqualifying under G.S. 96-14(2b)
5 and (6a); (vi) separation due to leaving for disability or health
6 condition; or (vii) separation of claimant solely as the result of
7 an undue family hardship shall not be charged to the account of
8 an employer by whom the claimant was employed at the time of
9 such separation; provided, however, said employer promptly
10 furnishes the Commission with such notices regarding any
11 separation of the individual from work as are or may be
12 required by the regulations of the Commission.

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

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

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

35 **SECTION 4.** This act is effective when it becomes law.