GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2005**

S 1 **SENATE BILL 924**

Short Title: Eliminate Unemployment Waiting Period. (Public)

Sponsors: Senators Clodfelter; and Berger of Franklin.

Referred to: Commerce.

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March 24, 2005 A BILL TO BE ENTITLED 1 2 AN ACT ELIMINATING THE WAITING PERIOD FOR UNEMPLOYMENT 3 BENEFITS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH 4 CAROLINA. 5 The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 96-13(c) is repealed. 6 **SECTION 2.** G.S. 96-13(c1) is repealed. 7 **SECTION 3.** G.S. 96-9(c)(2) reads as rewritten: 8 9 "(2)Charging of benefit payments. – 10 Benefits paid shall be allocated to the account of each base a. 11 period employer in the proportion that the base period wages paid to an eligible individual in any calendar quarter by each 12 such employer bears to the total wages paid by all base period 13 14 employers during the base period, except as hereinafter provided in paragraphs b, c, and d of this subdivision, 15 G.S. 96-9(d)(2)c, and 96-12.01G. The amount so allocated shall 16 be multiplied by one hundred twenty percent (120%) and 17 charged to that employer's account. Benefits paid shall be 18 charged to employers' accounts upon the basis of benefits paid 19 to claimants whose benefit years have expired. 20 Any benefits paid to any claimant under a claim filed for a 21 b. 22 period occurring after the date of such separations as are set 23 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 24 25 attributable to the employer; (ii) the discharge of claimant for misconduct in connection with his work; (iii) the discharge of 26

the claimant for substantial fault as that term may be defined in

G.S. 96-14; (iv) the discharge of the claimant solely for a bona

fide inability to do the work for which he was hired but only

where the claimant's period of employment was 100 days or less; (v) separations made disqualifying under G.S. 96-14(2b) and (6a); (vi) separation due to leaving for disability or health condition; or (vii) separation of claimant solely as the result of an undue family hardship shall not be charged to the account of an employer by whom the claimant was employed at the time of such separation; provided, however, said employer promptly furnishes the Commission with such notices regarding any separation of the individual from work as are or may be required by the regulations of the Commission.

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

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

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

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