

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1995

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HOUSE BILL 340  
Committee Substitute Favorable 4/26/95

Short Title: Drug Test/Unemp. Benefits.

(Public)

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Sponsors:

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Referred to:

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March 2, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT AN INDIVIDUAL WHO IS UNABLE TO PASS A  
2 CONTROLLED SUBSTANCE EXAMINATION IS INELIGIBLE FOR  
3 UNEMPLOYMENT BENEFITS UNDER CERTAIN CIRCUMSTANCES.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 96-13(a)(3) reads as rewritten:

7 "(3) ~~He~~The individual is able to work, and is available for work: Provided  
8 that, unless temporarily excused by Commission regulations, no  
9 individual shall be deemed available for work unless he establishes to  
10 the satisfaction of the Commission that he is actively seeking work:  
11 Provided further, that an individual customarily employed in seasonal  
12 employment shall, during the period of nonseasonal operations, show  
13 to the satisfaction of the Commission that such individual is actively  
14 seeking employment which such individual is qualified to perform by  
15 past experience or training during such nonseasonal period: Provided  
16 further, however, that no individual shall be considered available for  
17 work for any week not to exceed two in any calendar year in which the  
18 Commission finds that his unemployment is due to a vacation. In  
19 administering this proviso, benefits shall be paid or denied on a

1 payroll-week basis as established by the employing unit. A week of  
2 unemployment due to a vacation as provided herein means any payroll  
3 week within which the equivalent of three customary full-time  
4 working days consist of a vacation period. For the purpose of this  
5 subdivision, any unemployment which is caused by a vacation period  
6 and which occurs in the calendar year following that within which the  
7 vacation period begins shall be deemed to have occurred in the  
8 calendar year within which such vacation period begins. For purposes  
9 of this subdivision, no individual shall be deemed available for work  
10 during any week that the individual is unable to pass a controlled  
11 substance examination as defined in G.S. 95-231 that is required as a  
12 condition of hire for a job which would have been suitable work for  
13 that claimant. The employer shall report to the Commission in  
14 accordance with regulations adopted by the Commission, any failure to  
15 pass such an examination by a claimant. For the purposes of this  
16 subdivision, no individual shall be deemed available for work during  
17 any week in which he is registered at and attending an established  
18 school, or is on vacation during or between successive quarters or  
19 semesters of such school attendance, or on vacation between yearly  
20 terms of such school attendance. Except: (i) Any person who was  
21 engaged in full-time employment concurrent with his school  
22 attendance, who is otherwise eligible, shall not be denied benefits  
23 because of school enrollment and attendance. Except: (ii) Any  
24 otherwise qualified unemployed individual who is attending a  
25 vocational school or training program which has been approved by the  
26 Commission for such individual shall be deemed available for work.  
27 However, any unemployment insurance benefits payable with respect  
28 to any week for which a training allowance is payable pursuant to the  
29 provisions of a federal or State law, shall be reduced by the amount of  
30 such allowance which weekly benefit amount shall be rounded to the  
31 nearest lower full dollar amount (if not a full dollar amount). The  
32 Commission may approve such training course for an individual only  
33 if:

- 34 1. a. Reasonable employment opportunities for  
35 which the individual is fitted by training and  
36 experience do not exist in the locality or are severely  
37 curtailed;
- 38 b. The training course relates to an occupation or skill for  
39 which there are expected to be reasonable opportunities  
40 for employment; and
- 41 c. The individual, within the judgment of the Commission,  
42 has the required qualifications and the aptitude to  
43 complete the course successfully; or,

- 1                           2.     Such approval is required for the Commission to receive the  
2   benefits of federal law."  
3           Sec. 2. This act becomes effective October 1, 1995.