

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-251
HOUSE BILL 343**

AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE
EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING
OTHER AMENDMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 1997-404 reads as rewritten:

"Section 3. This act is effective when it becomes law and applies to new initial claims filed on or after September 1, 1997. The Employment Security Commission shall report to the General Assembly by January 1, 2001, on the effect of this act on unemployment compensation claims. ~~This act expires September 1, 2001.~~"

SECTION 2. Section 5 of S.L. 1999-196 reads as rewritten:

"Section 5. This act becomes effective July 1, 1999, and applies to unemployment insurance claims filed on or after that date. ~~This act expires June 30, 2001.~~"

SECTION 3. G.S. 96-8(10a) reads as rewritten:

"(10a) 'Undue family hardship' arises when an individual is unable to accept a particular shift because the individual is unable to obtain (i) child care during that shift for a minor child ~~under 14 years of age~~ who is in the legally recognized custody of the ~~individual or individual~~, (ii) elder care during that shift for an aged or disabled parent of the ~~individual~~, or (iii) care for any disabled member of that individual's immediate family."

SECTION 4. G.S. 96-8 is amended by adding a new subdivision to read:

"(27) 'Immediate family' means an individual's wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, granddaughter, whether the relationship is a biological, step-, half-, or in-law relationship."

SECTION 5. G.S. 96-9(c)(2)b. reads as rewritten:

"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 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 was hired pursuant to a job order placed with a local office of the Commission for referrals to probationary employment (with a probationary period no longer than 100 days), which job order was placed in such circumstances and which satisfies such conditions as the Commission may by regulation prescribe and only to the extent of the wages paid during such probationary employment;~~ 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; ~~or (viii) separation of claimant solely for a bona fide inability to do the work for which the claimant was hired, but only where the claimant in the last calendar quarter preceding the quarter in which the claimant was paid wages by the employer was a recipient of Work First Program assistance by an agency of the State and the claimant's period of employment was 100 days or less, shall not be charged to the account of the 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 6. Sections 3 and 4 of this act become effective September 1, 2001, and apply to unemployment insurance claims filed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of June, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:31 p.m. this 29th day of June, 2001