

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS75217-LR-53 (2/26)

Short Title: Eliminate UI 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 G.S. 96-13(c) is repealed.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 G.S. 96-13(c1) is repealed.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
30 employer where benefits are paid as a result of a decision by an
31 Adjudicator, Appeals Referee or the Commission if such
32 decision to pay benefits is ultimately reversed; nor shall any
33 such benefits paid be deemed to constitute an overpayment
34 under G.S. 96-18(g)(2), the provisions thereof notwithstanding.
35 ~~Provided, an overpayment of benefits paid shall be established~~
36 ~~in order to provide for the waiting period required by~~
37 ~~G.S. 96-13(e).~~

- 38 c. Any benefits paid to any claimant who is attending a vocational
39 school or training program as provided in G.S. 96-13(a)(3) shall
40 not be charged to the account of the base period employer(s).
41 d. Any benefits paid to any claimant under the following
42 conditions shall not be charged to the account of the base period
43 employer(s):

- 1 1. The benefits are paid for unemployment due directly to a
2 major natural disaster, and
3 2. The President has declared the disaster pursuant to the
4 Disaster Relief Act of 1970, 42 USCA 4401, et seq., and
5 3. The benefits are paid to claimants who would have been
6 eligible for disaster unemployment assistance under this
7 Act, if they had not received unemployment insurance
8 benefits with respect to that unemployment.
- 9 e. 1. Any benefits paid to any claimant which are based on
10 previously uncovered employment which are
11 reimbursable by the federal government shall not be
12 charged to the experience rating account of any
13 employer.
- 14 2. For purposes of this paragraph previously uncovered
15 employment for which benefits are reimbursable by the
16 federal government means services performed before
17 July 1, 1978, in the case of a week of unemployment
18 beginning before July 1, 1978, or before January 1, 1978,
19 in the case of a week of unemployment beginning after
20 July 1, 1978, and to the extent that assistance under Title
21 II of the Emergency Jobs and Unemployment Assistance
22 Act of 1974 (SUA) was not paid to such individuals on
23 the basis of such service."

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