GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 340

Short Title: Drug Test/Unemp. Benefits.   (Public)

Sponsors: Representative Robinson.

Referred to: Business and Labor.

March 2, 1995

1   A BILL TO BE ENTITLED
2   AN ACT TO PROVIDE THAT AN INDIVIDUAL WHO IS UNABLE TO PASS A
3   DRUG TEST IS INELIGIBLE FOR UNEMPLOYMENT BENEFITS UNDER
4   CERTAIN CIRCUMSTANCES.
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
20   payroll-week basis as established by the employing unit. A week of
21   unemployment due to a vacation as provided herein means any payroll
22   week within which the equivalent of three customary full-time
23   working days consist of a vacation period. For the purpose of this
24   subdivision, any unemployment which is caused by a vacation period

1 and which occurs in the calendar year following that within which the
2 vacation period begins shall be deemed to have occurred in the
3 calendar year within which such vacation period begins. For purposes
4 of this subdivision, no individual shall be deemed available for work
5 during any week that the individual is unable to pass a drug test
6 required as a condition of hire for a job which would have been
7 suitable work for that claimant. For the purposes of this subdivision,
8 no individual shall be deemed available for work during any week in
9 which he is registered at and attending an established school, or is on
10 vacation during or between successive quarters or semesters of such
11 school attendance, or on vacation between yearly terms of such school
12 attendance. Except: (i) Any person who was engaged in full-time
13 employment concurrent with his school attendance, who is otherwise
14 eligible, shall not be denied benefits because of school enrollment and
15 attendance. Except: (ii) Any otherwise qualified unemployed
16 individual who is attending a vocational school or training program
17 which has been approved by the Commission for such individual shall
18 be deemed available for work. However, any unemployment insurance
19 benefits payable with respect to any week for which a training
20 allowance is payable pursuant to the provisions of a federal or State
21 law, shall be reduced by the amount of such allowance which weekly
22 benefit amount shall be rounded to the nearest lower full dollar amount
23 (if not a full dollar amount). The Commission may approve such
24 training course for an individual only if:
25   1.   a.   Reasonable employment opportunities for
26   which the individual is fitted by training and
27   experience do not exist in the locality or are severely
28   curtailed;
29   b.   The training course relates to an occupation or skill for
30   which there are expected to be reasonable opportunities
31   for employment; and
32   c.   The individual, within the judgment of the Commission,
33   has the required qualifications and the aptitude to
34   complete the course successfully; or,
35   2.   Such approval is required for the Commission to receive the
36   benefits of federal law."
37 Sec. 2. This act becomes effective October 1, 1995.